

APPLICATION REPORT - FUL/347329/21
Planning Committee 13th October 2021

Registration Date: 29 April 2021
Ward: Royton North

Application Reference: FUL/347329/21
Type of Application: Full Application

Proposal: Erection of new single storey nursery classroom and ancillary spaces following demolition of attached outbuilding.
Location: Firbank Primary School, Grasmere Road, Royton, Oldham, OL2 6SJ
Case Officer: Abiola Labisi
Applicant: Mr Andrew Hall
Agent: Mrs Lizzie McHugh

INTRODUCTION

The application is referred to Planning Committee because the Council is both the Applicant and the landowner and third party objections have been received to the proposals.

RECOMMENDATION

It is recommended that the Committee resolves to grant planning permission, subject to the following conditions set out in this report.

THE SITE

The site forms part of the existing Firbank Primary School complex located on the north western side of Grasmere Road, Royton. The site is within a predominantly residential area characterised by single and two storey semi-detached properties of varying designs.

The topography of the area is undulating and whilst the site is within a residential area there is open land to the rear of the school premises.

THE PROPOSAL

The proposal relates to the demolition of an attached building and the erection of a replacement building to be used as a day nursery. The proposed nursery building would cover an area of approximately 17m x 8m and would have an external play area directly adjacent the western elevation.

The external play area would cover an area of approximately 10m x 8m. The building's overall height would be approximately 4.4m and would be constructed using brick (matching those of the existing school building) for the walls, roof membrane for the roof and aluminium frames for the windows and doors.

It is stated that a playgroup existed within the school premises until recently and the school is now considering reinstating this service in a more conducive building/environment.

RELEVANT PLANNING HISTORY:

PA/051473/06 - Erection of 2.4m high paladin fencing and gates – Approved, with conditions, 26 July 2006.

PA/052240/06 - (1) Single storey extension to classroom (2) Provision of covered play area – Approved, with conditions, 14 December 2006.

PA/057973/10 – Single storey side extension – Approved, with conditions, 30 June 2010.

PA/059188/11 - 1) Car park extension and Erection of approximate 2.4m high paladin security fence. – Approved, with conditions, 30 March 2011.

PA/333937/13 - Single storey side/front extension – Approved, with conditions, 16 July 2013.

RELEVANT PLANNING POLICIES:

Policy 1 - Climate Change and Sustainable Development

Policy 2 - Communities

Policy 9 - Local Environment

Policy 20 - Design

CONSULTATIONS

United Utilities	No objection subject to conditions
Education	
Environmental Health	No objection, subject to conditions
Highway Engineer	No objection
LLFA	No objection

REPRESENTATIONS:

The application was publicised by neighbour notification letters. In response, two letters of objection were received during the period of public consultation and the issues raised therein include concerns relating to noise, privacy and drainage.

PLANNING CONSIDERATIONS

The main material considerations are:

1. Principle of the development;
2. Impact on the character of the area;
3. Impact on amenity of the occupiers of neighbouring properties;
4. Highway Issues; and,
5. Drainage.

Principle of the development

The importance of local and educational facilities to the sustainability of communities cannot be overemphasised. Paragraph 93 of the National Planning Policy Framework requires local planning authorities to plan positively for the provision of community facilities and, in relation to schools, paragraph 95 states it is important that a sufficient choice of school places is available to meet the needs of existing and new communities.

Specifically, local planning authorities are required to give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

In the same vein, Policy 2 of the Oldham Local Plan provides that the council will support proposals for new and improved community facilities, as well as proposals that bring improvements to the education and skills of the borough's population by working with a range of education partners, including the University Campus Oldham, the Oldham College and the Oldham Sixth Form College, and through the use of developer contributions, to facilitate the development of new and improved education facilities.

The proposal would contribute positively towards enhancing the range of available community facilities in the area. In addition, this early education facility would contribute towards meeting the educational needs of the community. The proposal would enhance the aims and objectives associated with community cohesion and is considered to comply with the relevant local and national policies referred to above and is therefore considered to be acceptable in principle.

Impact on the character of the area

Paragraph 130 of the National Planning Policy Framework, and Policies 9 and 20 in the Oldham Local Plan, requires that developments are visually attractive as a result of good architecture, layout and are sympathetic to local character and history, including the surrounding built environment.

The proposal would replace an existing building and would not lead to a significant increase in footprint. The design would be in keeping with the character of the existing school building and, with its location away from public view, the proposal would not lead to a significant adverse impact on the area's visual amenity.

In terms of the proposed use, it is considered that this is compatible and of the same nature as the existing use on site. Importantly, it is stated that a playschool existed on site thus establishing that the proposed use is acceptable in the area without causing any adverse impact to the character of the area.

Impact on the amenity of occupiers of neighbouring properties

National Planning Policy Framework paragraph 130 requires that new development should ensure a high standard of amenity for existing and future users, whilst Oldham Local Plan Policy 9 provides that development should not cause significant harm to the amenity of the occupants and future occupants of the development or to existing and future neighbouring occupants or users through impacts on privacy, safety, security, noise, visual appearance of an area and access to daylight amongst others.

Having regard to its scale, design and separation from neighbouring properties, it is considered that there would be no significant overbearing, overshadowing or overlooking effect as a result of the development.

In relation to potential noise disturbance from the external play area, which is adjacent some domestic gardens, a noise assessment has been submitted with the application. The Council's Environmental Health Officer (EHO) has been specifically requested to review the document and advise on whether the scheme would lead to any significant noise disturbance. The EHO has advised that the noise assessment/report has been carried out in accordance with BS4142 and that there is no reason to dispute the assessment and its recommendations.

The proposed external play area would be located adjacent the very bottom of the neighbouring domestic gardens and would thus be well separated from the main dwellinghouses. Having regard to the scale of the development, the opening hours and separation distance from neighbouring dwellinghouses, it is considered that whilst there could be some noise impact, but not to such an extent that would reasonably justify refusing the application. Furthermore, there is no restriction on the use of this area by the existing school and, as such, the school could convert the area to an ancillary use that could generate a comparable level of noise disturbance. The EHO raises no objection to the application on noise grounds subject to the imposition of a Construction and Environment Management Plan (CEMP) prior to commencement of development. It is envisaged that the CEMP would provide details relating to issues such as construction noise, dust and traffic would be managed in order to ensure that the proposal does not lead to an unacceptable adverse impact on amenity of neighbours.

Ground Conditions

Notwithstanding the submitted Phase 1 investigation report the Council's Environmental Health Officer has recommended a condition requiring the submission of a site investigation report relating to land contamination. In accordance with the recommendation, a condition requiring a site investigation for land contamination, and submission of a report of the findings of the investigation is recommended.

Highway Issues

The proposal would benefit from an existing access and parking facilities which have been confirmed to be adequate by the Highway Engineer. As such, it is considered that the proposal would not lead to a significant increase in potential for on-street parking as to jeopardise the safety of users of the highway. The scale of the development is also not considered to be such that would lead to any severe impact on highway capacity.

Drainage

A Drainage Statement has been submitted with the application. The statement provides that surface water would discharge into a surface water public sewer close to the site, subject to agreement with United Utilities.

The drainage strategy has been reviewed by United Utilities who has advised it does not contain robust evidence to demonstrate that all other more sustainable surface water drainage options have been considered. However, they raise no objection to the proposed development on the basis of the imposition of a condition requiring the submission of a surface water drainage scheme based on the hierarchy of options set out in the National Planning Policy Framework.

Response to issues raised in letters of objection

The issues raised in the objections include noise disturbance, impact on privacy and drainage.

As discussed in the assessment above, the potential noise disturbance is not considered to be likely to be such that would warrant a refusal. In relation to impact on privacy, it is considered that whilst there would be an increase in movements close to the neighbouring gardens, this itself does not automatically mean that neighbours' privacy would be compromised. Existing boundary treatment would help minimise any potential impact on privacy.

The proposed building would replace an existing building. As such, it is considered that the amount of run off that would be generated by the building would not be significantly greater than the existing situation. Moreso, a surface water drainage proposal shall be requested by way of condition, and it is envisaged that such details would include measures to minimise risks of flooding of the site and neighbouring properties.

CONCLUSION

Having regard to its location, scale and design, it is considered that the proposal would not lead to any significant adverse impact on the character of the area, nor would it detract from the amenity of the occupiers of the neighbouring property to any significant degree. The proposal would boost the number of community/educational facilities available locally and would therefore be in accordance with relevant provisions of Oldham Local Plan Policies 1, 2, 9 and 20 as well as relevant provisions of Sections 8 and 12 of the National Planning Policy Framework.

RECOMMENDED CONDITIONS

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission.

REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice.

REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. The Development shall be carried out in accordance with the external finish materials detailed in the planning application form. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details.

REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policy 20 of the Oldham Local Plan.

4. Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced, which shall be maintained for the duration of the construction works.

REASON - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to safeguard the amenities of the adjoining premises and the area having regard to Policy 9 of the Oldham Local Plan.

5. The nursery hereby approved shall only be open to members of the public between the hours of 0800 and 1600 Monday to Friday.

REASON - To safeguard the amenity of the adjoining premises and the area generally having regard to Policy 9 of the Oldham Local Plan.

6. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

7. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

8. No development shall commence unless and until a site investigation and assessment to identify the extent of land contamination has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local

Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

Reason - In order to protect public safety and the environment.