

**APPLICATION REPORT – FUL/347720/21  
Planning Committee 6<sup>th</sup> April 2022**

Registration Date: 13/10/2021  
Ward: Werneth

Application Reference: FUL/347720/21  
Type of Application: Full Application

Proposal: Change of use of Units 16-19 and 36-41 at the Meridian Centre, Oldham from planning class E(g)(i) Offices to E(f) Creche/Day Nursery and F1(a) Education.

Location: Meridian Centre, King Street, Oldham, OL8 1EZ

Case Officer: Stephen Gill  
Applicant: Taqwa Institute  
Agent: Mr Michael Brown

## **INTRODUCTION**

The application is referred to Planning Committee for determination since the Council is the landowner and the application is a minor scheme that does not accord with the Development Plan.

## **RECOMMENDATION**

It is recommended that the application should be approved subject to the conditions as set out in this report and that the Head of Planning shall be authorised to issue the decision.

## **THE SITE**

The Meridian Business Centre is a large building that currently accommodates several businesses. The units subject of the application were previously office space (Use Class E(g)(i) and are split between the first and second floor. The units on the first floor have already been changed from office space to a creche / day nursery facility (Use Class E(f)) with an element of education (F1(a)).

## **THE PROPOSAL**

The application proposes a retrospective change of use of Units 16-19 at the first floor, which will be retained as a creche / day nursery with an education use, and the applicant now wishes to expand the uses to the second floor in Units 36-41 which are currently vacant.

The business associated with the use is the TAQWA Institute. The Institute provides creche and day nursery facilities for young children, as well as learning facilities for both children and adults in relation to the Islamic Sciences. The TAQWA Institute has been in operation since 2007.

## **RELEVANT PLANNING HISTORY**

No relevant planning history.

## **RELEVANT PLANNING POLICIES**

The 'Development Plan' is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is designated as a Business and Industry Allocation under saved UDP Policy B1.2.

The following policies are relevant to the determination of this application:

Policy 1 - Climate Change and Sustainable Development;  
Policy 2 – Communities;  
Policy 5 - Promoting Accessibility and Sustainable Transport;  
Policy 9 - Local Environment;  
Policy 14 - Supporting Oldham's Economy;  
Policy 20 – Design; and,  
Saved UDP Policy B1.2 – Business and Office Allocations.

## **CONSULTATIONS**

Highways Engineer:	No objection subject to condition
Environmental Health:	No objection
Education:	No response received
Spatial Planning:	Raised concerns about deviation from UDP Policy 14 and advised further supporting information required in accordance with the exceptions criteria.

## **REPRESENTATIONS**

The application has been publicised by way of neighbour notification and site notice. One objection has been received in response, which raised the following (summarised) concerns:

- The application causes disruption when the children are dropped off for the classes in the late afternoon;
- The Meridian Business Centre is a working business centre and is occupied numerous businesses. The car park directly outside the entrance used by the Taqwa Institute is usually full when the children are dropped off, which causes conflicts with existing businesses;
- Prior to the lockdown due to Covid there have been instances where children have run across the carpark into the paths of vehicles driving away; and,

## PLANNING CONSIDERATIONS

### Principle

The site subject of the application is designated as part of a Business and Industry Allocation under saved UDP Policy B1.2. The site is specifically referenced B1.2.5 (Primrose Street / Crossbank Street). The Policy states that any proposal for an office, business or industrial type use (Use Class B1 (now Class Eg) and B2) on these sites will only be acceptable where it achieves a high standard of design that supports the Councils' economic strategy for these areas. The Policy also states that exceptionally, the Council may permit other employment-generating uses which complement adjoining development and are compatible with B1 or B2 uses.

Policy 14 of the Joint DPD is also relevant to the application. Policy 14 seeks to protect employment sites and states that development proposals which result in the loss of employment sites to other uses should include measures to outweigh the loss of the site and support Oldham's economy. Policy 14 sets out that if the use proposed does not meet the alternative uses listed as being acceptable in the policy, within Business Employment Areas and/or elsewhere, then the applicant would need to submit the following:

- A marketing exercise; or
- A viability exercise or
- Demonstrate that the development of the site for alternative uses would benefit the regeneration are as identified by the council as being in need of investment or would benefit the community of an area.

The proposal is for a creche / day nursery and an education facility, and therefore, the application does not comply with saved UDP Policy B1.2, or Policy 14. Therefore, the proposal needs to be considered in the context of being a departure from both Policies and in accordance with Policy 14 it would need to meet one of the exceptions listed above.

First, in considering the proposed creche / day nursery use, the previous use of the units on both floors was office space which previously fell within Use Class B1(a) but which is now Use Class E(g)(i). The creche / day nursery facility is now Use Class E(f) and given that they both now sit in the same Use Class (Class E) planning permission is not required for this element of the change of use. As such, the principle of development for this use is established through permitted development rights.

In relation to the proposed change of use for education purposes F1(a), this is not permitted development and planning permission is required. The Meridian Centre is a Council-owned asset and the units on the second floor (units 36-41) have been vacant for over 2 years with no other enquiries received from the marketing undertaken.

In relation to Policy 14 and the Exceptions criteria, whilst it has been confirmed by the Council in its capacity as landowner that no enquiries have been received through marketing of the building except from the current applicant, no evidence has been submitted to evidence this marketing and meet Policy 14 Exception A. In relation to Exception B, no viability assessment has been submitted demonstrating that other employment generating uses are not viable to meet Policy 14 Exception B. However, it is self-evident from the configuration of the units that only Class E(g) uses (formerly B1 uses) would be feasible, if viable, and B2 and B8 uses would not be feasible. Finally, despite the proposal clearly having community benefits it does not meet Policy 14 Exception C because, in accordance with paragraph 6.64 of the Local Plan, it has not been agreed in advance with the Council that the site is within an area in need of

investment and that the proposal will benefit the community in line with initiatives such as Oldham Rochdale Housing Market Renewal, Private Finance Initiative, local masterplans and action plans. As a result, we must conclude that the proposal before us does not meet the exceptions criteria and marks a departure from the adopted Development Plan.

Planning law requires that, to the extent that development plan policies are material to an application for planning permission, the decision must be taken in accordance with the development plan unless there are material planning considerations that indicate otherwise. In this case the following benefits are material considerations of sufficient weight to justify a departure from the policy requirements:

- The proposed development would secure the occupation of units on the second floor of the building which have been vacant for over two years;
- The facility will offer creche / day nursery facilities to families with children who need support due to working commitments; and,
- The scheme will offer courses and educational material for children and adults alike to aid development, and this accords with Policy 2, which states that the Council will support improvements to the education and skills of the borough's population. This is a significant community benefit.

Therefore, whilst the proposal is a departure from the adopted Development Plan, there are material considerations that weigh in favour of the proposal and, on balance, it is recommended to the Committee that the principle of development is therefore justified as being acceptable because of these material considerations.

## **Highways**

The Highway Engineer did raise concerns about how the business would operate and how any conflict between the change of use and the existing uses on the site would be managed, specifically in relation to the safety of children. The representation raised in relation to child safety also needed to be considered carefully.

The applicant has set out how the facilities will be managed day-to-day and what safety precautions will be taken to manage the safety of young children. Specifically, the applicant has confirmed the following:

- The business opens from 9.00am and remains open until the early evening;
- The entrance to the facility is clearly marked out on plan reference 1362/002;
- Children will begin to arrive at the site from 4.30pm onwards and will begin to leave the facility from 6.15pm onwards, when the business centre is at its quietest;
- The majority of children are dropped-off with parents/cars leaving immediately;
- The facility has a defined parking area to the very north of the site, which accommodates approximately 50 cars (see plan ref 1362/002);
- There is a pedestrian area, which is marked out on plan reference 1362/002 to navigate children and parents to the facility safely; and,
- The facility will use a 'warden' to patrol the parking area at 4.30pm onwards to supervise any children and avoid any conflict with traffic.

The Highway Engineer has reviewed these proposals and has subsequently withdrawn their objections, subject to the imposition of a condition for a Travel Plan, which is attached to the recommendation. Therefore, the development is considered to comply with Policies 5 and 9.

## **Residential Amenity**

The development is not located in close proximity to residential properties and will not adversely impact the visual or general amenity of residents. Therefore, the development is considered to comply with Policy 9.

## **Design**

The proposal does not involve any aesthetic changes to the existing building. The internal changes have already taken place to accommodate the uses. The proposed use does not enhance the existing building but neither does it have an adverse impact. Therefore, the proposal is considered to comply with Policy 20 and NPPF Section 12.

## **CONCLUSION**

The proposed development is considered to be acceptable and would secure a sustainable use of the building without detriment to the immediate locality and satisfies the policy requirements of Section 12 of the NPPF and Local Plan policies 1, 5, 9 & 20.

In relation to Policy 14 and saved UDP Policy B1.2 the creche / day nursery use is permitted development, but the F.1 education use is not in conformity with Policy 14 and saved Policy B1.2. Notwithstanding this, it is considered that the material considerations of the benefits of the overall scheme with the education use justify a departure from these Policy requirements in this instance. As such, the principal of development is acceptable, and the proposal is recommended for approval on that basis.

## **RECOMMENDED CONDITIONS**

Grant planning permission, subject to the following conditions:

1. 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.
2. Prior to the first occupation of the development hereby approved, an interim green travel plan for the development shall be submitted to and approved in writing by the Local Planning Authority. Following acceptance of the interim plan, the occupier shall submit their travel plan to the Local Planning Authority for approval and the approved plans shall thereafter be implemented within 3 months of first occupation of the dwellings. REASON - To ensure the development accords with sustainable transport policies having regard to Policy 5 of the Oldham Local Plan.

# SITE LOCATION PLAN (NOT TO SCALE):

