

Application No: 15/0646M

Location: FERMAIN YOUTH CLUB, BESWICK STREET, MACCLESFIELD, MACCLESFIELD, CHESHIRE, SK11 8JF

Proposal: Change of use from existing Fermain Centre (sui generis) to a new Free School (Use Class D1)

Applicant: East Cheshire Youth Achievement Free School

Expiry Date: 16-Apr-2015

REASON FOR REPORT:

This application was called into committee by Cllr Jackson, the local Ward Member due to concerns regarding the impact of the proposal on amenity and highways and parking issues.

SUMMARY

The proposal would not have a detrimental impact in planning terms. It has been demonstrated that the proposal is acceptable in terms of its impact in comparison to the existing use, residential amenity and highway safety.

RECOMMENDATION: Approve subject to conditions.

PROPOSAL:

This is a change of use application to use the existing building on site as a free school for The Fermain Academy, one of the Central Government planned Free Schools to provide alternative education provision for Cheshire East Council as well as for schools primarily across the Cheshire East Local Authority area. The existing Fermain Centre currently provides a range of uses including alternative education provision through the Macclesfield Youth Achievement Foundation (MYAF), youth club and community hire of facilities. The proposed Free School, to be known as The Fermain Academy, would provide alternative education provision of up to 25 hours per week taking referrals from existing schools in the Cheshire East area. The proposed Free School would have a maximum capacity of 40 pupils, ranging from 13 to 16 years old, and 14 members of staff. The opening hours for the school would be from 9am until 3pm, although staff would be contracted from 8am until 5pm, and on site during these hours

SITE DESCRIPTION:

The application site comprises 0.304 ha (0.75 acres) of land located west of Macclesfield Town Centre. The application site includes the Fermain Centre and associated car parking with a playing pitch located to the south of the application site. Vehicular and pedestrian access to the site is provided from Beswick Street with 50 marked car parking spaces on site that are designated between the main entrance (to the east) and to the rear of the building (towards Oxford Road frontage). The site is bounded by Oxford Road to the west, houses to

the north and east, and the playing pitch to the south. Existing protected trees form a boundary around the site.

RELEVANT HISTORY:

None relevant to this application

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development and healthy communities.

Of particular relevance are paragraphs 14, 70 and 72.

Development Plan:

The Development Plan for this area is the Macclesfield Local Plan

The relevant Saved Policies are as follows:-

RT1 Protection of Open Spaces

DC3: Amenity

DC6: Circulation and Access

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

As the examination of this plan has now been suspended, its policies carry limited weight.

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Sustainable Development

SE1 Design

CONSULTATIONS:

Highways: No objections

REPRESENTATIONS:

11 letters have been received objecting on the following grounds:

- Anti- social activity related to existing use and this would increase
- Noise and activity
- Problems of traffic, parking and access and poor road surfacing

The full content of the representations made are available to view on the Councils website.

APPRAISAL:

The key issues are:

Environmental Sustainability – The application raises no specific issues in respect of landscape, flooding and diversity.

Social Sustainability – The application would further utilise an existing facility in an efficient manner and would fulfil NPPF objectives set out in paragraphs 70 and 72.

Economic Sustainability – The application raises no specific issues in respect of economic sustainability

Principle of Use

The NPPF places significant weight on education provision, given the importance of ensuring there is sufficient choice of school places available to meet local needs. It states that Local Planning Authorities should give great weight to the need to create, expand or alter schools. The NPPF also states that LPAs should positively plan for community uses, including the use of shared space to deliver community provision. The proposal meets these objectives of national policy.

Policy RT1 of the Local Plan is pertinent but not compromised as the change of use of the Fermain Centre is for internal refurbishment works only and no external alterations are

proposed. Thus, there would be no impact on the Open Space. The playing pitch field is to be retained and does not form part of this application (i.e. is not included in the site edged red).

Amenity

Local Plan Policy DC3 requires that development proposals should not have a detrimental impact on residential amenity. The change of use to a D1 use is a seamless transition and it is not envisaged the intensity of use in daytime hours on the site would have an overly detrimental impact. There are no proposed external changes to the existing building and there would be no changes to the current car parking layout on site. Existing boundary treatment, including protected trees would be retained.

Whilst the comments made in objection regarding the impact of the existing use are noted, as stated, these relate to the existing use of the site. Should permission be granted for the free school, the site would be used in connection with the free school during the day with other community uses continuing in the evening. It is considered that the type of uses proposed are acceptable within a residential area without giving rise to significant adverse impacts on the amenity of nearby residents. Should any instances of anti social behaviour arise, this would be a matter for the management of the school and ultimately for other legislation should the behaviour continue and be of a serious nature. Concerns about future anti social behaviour is not a valid planning reason to refuse the application. Similarly it is not considered that concerns regarding noise and disturbance warrant refusal of the application for the reasons outlined above.

Highways

There would be a pupil capacity of 40 pupils once the school is fully operational, scheduled for September 2015. It has been demonstrated within the submitted Transport Statement that existing car parking arrangements would be able to accommodate the projected increase in pupils and staff. The increase in the number of trips to the site is anticipated to be negligible and the Strategic Highways Manager has no objections.

Other Material Considerations

Response to Objections: The objections overwhelmingly relate to anti-social activity alleged due to the existing use and concern this would become more intense. This is not an issue that is directly material to the consideration to this proposal. Other concerns in respect of traffic are noted but the SHM has no objections.

Planning Balance

Therefore, in the absence of any other material planning considerations and having due regard to all the matters raised, the proposal is considered to be acceptable and accordingly recommended for approval.

RECOMMENDATION: Approve subject to the following conditions

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning & Enforcement Manager, in consultation with the Chair (or in her absence the Vice Chair) of Northern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. NPPF

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