

Name of Applicant	Proposal	Expiry Date	Plan Ref.
A Chalmers	Change of use from dwelling (C3) to new Independent School (D1)  Lokrum, Copyholt Lane, Redditch, Bromsgrove, Worcestershire B60 3AY	30.05.2019	19/00459/FUL

**This application was requested by Councillor Glass to be considered by Planning Committee rather than being determined under delegated powers.**

**RECOMMENDATION:** that permission be **REFUSED**

### Consultations

**Education Authority** Consulted 10.05.2019

The proposal is independent of Worcestershire County Council therefore, it would not be appropriate to comment on whether or not there is a need. However would comment as follows:

Special Educational Needs (SEN) provision is a complex one. The LA will consult parents on appropriate settings for their child however, where a parent chooses to name a school on their child's Education Health Care Plan (EHCP), the local authority must comply with the parents request unless there is good reason as to why the child should not be admitted. Therefore, there is no guarantee that the number of pupils attending the school will be restricted to 18. Additionally, consideration needs to be given to those pupils who may attend on a part time basis for either a morning or afternoon session which would incur additional vehicular traffic.

It is highly unlikely that the LA would provide shared taxi or any transport for these pupils. It is far more likely that there would be separate vehicles for each child equating to 12 - 18 pupil vehicles twice a day at full complement, in addition to any extra curricula activities that may occur off site. Staff, visiting professionals and service vehicles would also need to be considered.

It is Worcestershire County Council's (WCC) intention to develop its own specialist Autistic Spectrum Disorder (ASD) provision through a Free School Bid to the Department for Education (DFE) and WCC has discussed its concept plan with the DFE. WCC is also considering the enhancement of its current mainstream sited specialist ASD provision, following a recent annual review of this provision, and of which there is existing funded provision in the Bromsgrove area. The Council has no financial plan that would include extending its use of independent special school provision. WCC already has a higher dependency on independent special schools than most LAs, and in order to reduce its large overspend on its High Needs revenue budget known as the High Needs Block, has commissioned a Plan that will invest in local state-funded provision rather than in the private sector.

If asked by the DfE, WCC are more likely to advise that this is not a provision whose development it supports or needs.

**Highways - Bromsgrove** Consulted 10.05.2019

Worcestershire County Council acting in its role as the Highway Authority has undertaken a full assessment of this planning application and advises that there would be an unacceptable impact on Highway Safety and reliance on car access, and would be unsustainable development and as such recommends that this application is refused.

**North Worcestershire Water Management** Consulted 10.05.2019

The site falls within flood zone 1 (low risk of fluvial flooding) and is not shown to be susceptible to surface water flooding. There is no reason to withhold permission on flood risk grounds and require no additional information or conditions.

**Stoke Parish Council** Consulted 13.05.2019

The Parish Council support this application. The change of use of these premises to a new independent school will bring huge benefits to the local area as well as providing good educational provision to young people who need this special support.

**Publicity**

Site notice displayed 10.05.2019 (expired 10.06.2019)

4 neighbour notification letters sent 10.05.2019 (expired 03.06.2019)

**Representations**

2 letters of objection

- Unsustainable location and vehicular movements are a concern to us especially with the amount of HGV and farm vehicles (tractors) that use the lane all year round.
- As there are no footpaths around stoke pound and the roads are very narrow we are concerned for the students safety.
- If the change of use goes ahead what other planning applications will be put forward in future to accommodate more students
- Pressure to extend building when it has had numerous extensions already.
- Transport support document says that school will attract pupils from around the County, so the site will be too small to start with. Pressure to extend further given the letters of support for the scheme.
- All movements will be via private transport.
- Pressure to increase the pupil size after the first year given the level of interest in the facility.
- How can a semi-rural location help pupils socialise and prepare them for life after 16 years of age? Need different location/building.
- Pressure on road when social events are on such as Summer/ Christmas Fayres etc.

135 letters of support

- Parents are in great need of alternative provision for children for whom mainstream school is not an option.
- Currently unable to find a school to meet our children's needs in the area and this school would meet the needs of many children who have so much to contribute to society if they have the right environment to thrive in.
- There is currently a huge gap in education in Worcestershire for children who have Autistic Spectrum Disorder (ASD) and high anxiety, who struggle greatly in

mainstream education amongst a class of 29 other children, yet academically are only just below their peers. If the children are left in mainstream, their academic ability will lower due to them not being supported socially and emotionally, if not supported correctly, this will lead to issues into adulthood.

- Much needed provision.
- As a teacher, I understand the need to tailor education around the needs of an individual child. It is archaic to believe that education is a 'one size fits all' service; children are different and deserve to be treated as individuals and not a collective.
- Fully support this application as it is a much needed school in an area that has no such provision. I speak from a personal level whereby my son has had to go to a residential school in Cheshire because there is no school locally that caters to his needs.

**Councillor Glass:** views received 4 July 2019

Would like to call in the above planning application in order that the Planning Committee can debate the merits of this application.

### **Relevant Policies**

#### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP12 Sustainable Communities

BDP15 Rural Renaissance

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP22 Climate Change

#### **Others**

NPPF National Planning Policy Framework (2019)

NPPG National Planning Practice Guidance

### **Relevant Planning History**

B/2004/0513	Erection of timber framed stables & attached hay store on concrete base.	Approved	04.08.2004
B/2000/0073	Living room extension and build over existing garage.	Approved	14.03.2000
B/1996/0219	Alterations and extension to existing dwelling. (as amended by plans received 09/05/96).	Approved	16.05.1996
B/19955/1990	Extend garage, construct pitched roof over with additional bedroom in roof space.	Approved	10.12.1990

## **Assessment of Proposal**

### **Site**

The site is a detached dormer bungalow located off Copyholt Lane. The bungalow has been extended over the years and has an in/out access arrangement onto Copyholt Lane. A detached building is located at the rear of the bungalow and used as a home office. A stable building and paddock area also exists at the rear. Access from the drive serves these two buildings and is currently in the form of a loop around the site.

### **Proposal**

Permission is sought to convert the whole of existing bungalow to a non-residential independent school (Use Class: D1). The school is intended for children with autism. A total of 18 children would be educated at the site. Three main classrooms would be provided, two in the bungalow and a third in the home office. Other rooms within the bungalow would be used for kitchen/dining facilities, reception, multi-purpose rooms/individual study.

The school would operate 07:30- 17:00 Monday to Friday, with 8 full time staff and 2 part time employees. The school would include outdoor activities. The stables building would be used for cycle storage/ outdoor learning/sports.

The grassed garden area at the front and side of the bungalow would be removed and replaced with hardstanding to be used as a car parking area for a mini bus and general car / cycle/ motor bike parking with an electric charging point.

### **Green Belt**

The new school would be in a rural environment within the Green Belt in the Bromsgrove District Plan, which is remote from settlements and towns where the majority of pupil and staff would reside.

Under paragraph 146 of the NPPF; the re-use of a building provided it is of permanent and substantial construction, engineering operations and the change of use of land can be considered as appropriate development provided it preserves openness and does not conflict with the purposes of including land within it.

The building is substantially constructed (occupied as a dwelling at present). However, given the extent of hard surface for the car park and the presence of parked cars in this area would appear as a visual incursion and have a harmful effect on the openness itself and encroach into the countryside contrary to the five purposes of the Green Belt as outlined in paragraph 134 of the NPPF. The development is therefore considered inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and is contrary to the provisions of the National Planning Policy Framework (NPPF) and BDP4 of the Bromsgrove District Plan.

The applicant has put forward the following arguments as their very special circumstances summarised as follows:-

- It has taken several months to identify a site which we consider suitable, viewing numerous properties including a disused school, a property previously used as a B&B and offices on a business park.

- The typical needs of prospective pupils have also been discussed with educational professionals/therapists/parents.
- It is widely accepted that spending time outdoors and interacting with nature can be beneficial for people who suffer with anxiety. Our search for a suitable location has been influenced by the need to ensure sufficient outdoor space for pupils, ideally with rural views and scope for accommodating a small and appropriate selection of animals. Lokrum benefits from a paddock, stabling, safe access to a quiet waterway and views across the surrounding countryside.
- Consider that the rural approach at the start of the school day will help to reduce pupils' anxiety and contribute towards them being able to access education.
- By the time a young person reaches the point of needing a specialist school, their experiences of education have often been very difficult. As a result, it is not unusual for young people to experience anxiety in connection with sites and situations which remind them of their previous schooling. Anxiety of this nature was very evident during our visit to a disused school and this was influential in our decision not to pursue that option.
- Young people with autism typically benefit from being in an environment which is as predictable as possible. We have found that the local business parks typically accommodate diverse commercial activity. There is insufficient scope on these sites for the extent of screening (for example, planting trees) which would be needed to prevent pupils being affected by unpredictable and intrusive vehicular or manufacturing noise. In addition, we have been unable to identify any commercial premises which could provide sufficient outdoor space or on-site opportunities for interacting with nature.
- A home-from-home environment is preferred option for this cohort of young people, and as such we have focussed on the residential market for sites with a rural outlook and outdoor space, good road access, space for parking and turning and sufficient interior accommodation for pupils to feel uncrowded.
- The site at Lokrum borders farmland on both sides and opposite, with a higher than average distance between Lokrum and its only neighbouring residential property. There is ample parking and an extensive in and out driveway. The outside space lends itself to small group activities including animal care, gardening and interacting with nature. The interior can accommodate the proposed low number of pupils without any overcrowding.
- The site is not served by public transport. We are very conscious of environmental issues and have sought to mitigate this lack by proposing a minibus service and staff car sharing.
- In the absence of a local specialist school, prospective pupils are currently being placed out of county, which inevitably involves significant travel and associated costs for the Local Authority. We are confident that our proposals would lead to an overall reduction in travel.

The applicant has also responded to the three dimensions of sustainable development referred to in Paragraph 7 of the NPPF summarised as follows:-

- We believe that the plans for Lokrum directly meet all three of these objectives and therefore should qualify under the NPPF for a presumption of planning approval. In respect of the environmental criterion, for example, we intend to keep traffic to a minimum by providing a school minibus service and supporting the use of shared LA taxis, which pupils with additional needs are offered as standard practice.

- Pupils will be dropped off at the rear of the property, where there is an extensive driveway, which will avoid any accumulation of traffic on Copyholt Lane. We intend to operate the site on a carbon neutral basis and to manage it in a way which both enhances local wildlife and provides new opportunities for local families to interact with nature.
- There are clear environmental gains compared to the LA's current practice of transporting pupils to out of County schools. While we appreciate that Lokrum is not on a bus route, the nature of our pupils is such that it is very unlikely they would be able to access public transport even if it were available.
- Local policy is to presume that schools will need one parking space per member of staff. Although our plans show that we will meet this requirement, we have reason to believe our staff will improve on the status quo by being willing to car share.
- The specialist nature of the proposed school is such that pupils and staff are unlikely to live within walking or cycling distance, regardless of the location. We have taken several months to identify an appropriate site, in consultation with affected families and educational and clinical professionals. We have not found any other suitable properties which both combine a rural outlook and provide greater choice of transport.

In response to the applicant's very special circumstances, and the applicant's sustainable development arguments, appropriate weight has been applied to the following factors referred to in Paragraph 7 of the NPPF:-

#### Economic

In terms of the economic benefits of the scheme it is acknowledged that the proposal will provide 10 jobs. In terms of the demand, there has been substantial support for the proposal. Officers do not dispute the demand for such a facility. However, the economic role within the NPPF requires the right type of development is located in the right places. Given the up to date District Plan has allocated land for the requirement of businesses; and in this instance it is considered that the business has no requirement to be wholly within this location, such a facility would in fact be better located within a more urban area or even a semi-rural area that has access to public transport links. Limited weight should be given to this matter.

#### Social

In terms of the social role; it is acknowledged that the business would create access to a required need for children. However, the purpose of the social role is to create accessible local services. The service is certainly welcomed in Bromsgrove, and is supported by way of public comments, some of which are local, although it is noted that a number of these comments have been received from residents who live a fair distance from the site such as Birmingham, Worcester, Evesham, Badsey, Stourbridge, Sutton Coldfield, Pershore, Solihull, and Malvern etc.

Furthermore the proposed use would only benefit a limited number of children and therefore is not a need for the community as a whole. The site is not accessible to the local community given its location and lack of transport options. Limited weight should be given to this matter.

### Environmental

The concern in regards to the environmental impacts of this proposal relate to the rural location of the site which is to be afforded significant weight against the scheme. The lack of adequate footway provision and street lighting will deter journeys on foot particularly in times of darkness and adverse weather conditions. BDP2 of the District Plan outlines that proposals should be located in accordance with the Council's Settlement Hierarchy to ensure that development contributes to the regeneration properties of the area; preserves the attractiveness of the environment, reduces the need to travel and implications for the local and strategic road network and promotes sustainable communities based on services and facilities that are available in each settlement.

This site is located outside of any existing settlement and does not have good transport links to the surrounding settlements. County Highways has raised objections to the proposal. It is essential that all new developments are located where a choice of transport modes are available and opportunities to promote sustainable travel are exploited. In this location the school cannot be accessed on foot or by public transport, and the local road network does not lend itself to be a cycle route for students or teachers given the surrounding infrastructure and times of the year when schools operate.

County Highways considers that the location of this application makes it reliant on car access and consequently unsustainable. The proposal is therefore in conflict with the NPPF. In addition, the vehicular access has restricted visibility in both directions. The application does not provide any details of traffic generation, existing traffic flow or approach speeds, it is however self-evident that the visibility splay is very limited and would be contrary to the interests of Highway Safety.

The application is in principle unacceptable due to its rural location and consequently reliance on car based travel. It is not possible to mitigate for the limitations of this application and as such the application conflicts with paragraphs 91, 102, 103, 108, 109, 110, 111 of the NPPF. County Highway concludes that there would be an unacceptable impact on Highway Safety and its reliance on car access makes the scheme an unsustainable development, and recommends that this application is refused.

Members will be aware that there is a lot of interest in the application generating 135 letters of support. However, as you can appreciate the letters of support are not necessarily from residents in the locality. Some do come from residents who live in Bromsgrove, however, there are also support letters from residents who live in Birmingham, Worcester, Evesham, Badsey, Stourbridge, Sutton Coldfield, Pershore, Solihull, and Malvern etc. Due to the amount of letters submitted to support the application, it is appreciated that there may well be a need for such a facility (and officers do not dispute that matter). However, given the location of the writers who support the scheme, it is clear that the letters support the need for a facility but may not be personally familiar with the site and its environs.

It is important to consider the comments from the County Education Service who are aware of the need for such facilities and are looking into providing such facilities themselves. In addition, County Education as the LA has also clarified that they are unlikely to provide shared taxis or any transport for these pupils (see comments above). Therefore, there will be a reliance on personal transport.

### **Residential Amenity**

The property is currently used as a dwelling with a home office and stable building at the rear. The number of car movements would be low for the current use. However, the proposed facility would lead to a general disturbance of vehicles coming and going to the site having a detrimental impact on the amenities of the neighbouring occupiers who have objected to the proposal. Members need to weigh up the impact of the scheme in terms of residential amenity above that generated by a domestic dwelling.

### **Conclusion**

Whilst officers fully appreciate that there is a need for this facility for children in the Bromsgrove area, the application is considered to be inappropriate development within the Green Belt. Inappropriate development should not be approved except in very special circumstances. No very special circumstances exist or have been put forward to overcome the harm by reason of inappropriateness, the harm to openness and the other harm identified by reason of its unsustainable location that would be heavily reliant on private transport and as such the proposal would be contrary to policies in the Bromsgrove District Plan and the NPPF.

**RECOMMENDATION:** that permission be **REFUSED**

### **Reasons for Refusal**

- 1) The extent of hard surface for the car park and the presence of parked cars to serve the development would appear as a visual incursion and have a harmful effect on the openness itself and encroach into the countryside contrary to the five purposes of the Green Belt as outlined in paragraph 134 of the NPPF. The development is therefore considered inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. No very special circumstances exist or have been put forward that would outweigh the harm by reason of its inappropriateness and by reason of the harm to openness. As a result the proposal is contrary to Paragraph 146 of the National Planning Policy Framework (2019) and policy BDP4 of the Bromsgrove District Plan.
- 2) The development is situated outside any defined settlement boundary and isolated from key facilities. The proposal has poor access to public transport with no pedestrian footway. Pupils and staff would be likely to rely heavily on the private car for travel to and from the site. The development therefore does not constitute a sustainable form of development having regard to the three dimensions as outlined in paragraph 7 of the NPPF. It is therefore contrary to policies BDP1, BDP12, BDP15, BDP16, BDP22 of the Bromsgrove District Plan and paragraph 7 and 108-110 of the NPPF.

Case Officer: Sharron Williams Tel: 01527 534061 Ext 3372  
Email: sharron.williams@bromsgroveandredditch.gov.uk