

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date: 13th November 2023

Application No:	HPK/2023/0233	
Location	OAKLANDS MANOR, MANCHESTER ROAD, BUXTON, DERBYSHIRE, SK17 6ST	
Proposal	CHANGE OF USE OF RESIDENTIAL OUTDOOR PURSUITS TRAINING CENTRE (CLASS F1) TO ACTIVITY BASED RESIDENTIAL CARE HOME FOR UP TO 8 YOUNG PEOPLE AGED 10 YEARS (CLASS C2)	
Applicant	Keys Active 8 Care Ltd	
Agent	Sarah Sands, Emery Planning	
Parish/ward	Buxton/ Corbar Ward	Date registered 6 th July 2023
If you have a question about this report please contact: Declan Cleary, dcplanningconsultancy@gmail.com		

REFERRAL

This application has been brought before the Development Control Committee owing to the level of interest of members of the general public.

1. SUMMARY OF RECOMMENDATION

Approve, subject to conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site lies outside of the development boundary for Buxton, and is within an area of countryside as defined by the Local Plan policies map. The site relates to a large detached three storey building known as Oaklands Manor, last used as an outdoor leadership training centre operated by the University of Derby. The building is set within a large rectilinear curtilage, with the building sited away from the road, and at a lower land level.

2.2 The site is accessed off the Manchester Road and includes a driveway leading to a large hardstanding area positioned to the rear of the building. The site is well vegetated with existing trees covered by the Manchester Road Tree Preservation Order referenced DCC TPO 120.

2.3 The surrounding area is predominantly open countryside. However, the site shares a boundary with a large detached dwelling which is located to the northwest. There are also other dwellings located along this stretch of Manchester Road.

3. DESCRIPTION OF THE PROPOSAL

3.1 This application proposes the change of use of the site from a residential outdoor pursuits training centre (which falls within Use Class F1) to a residential care home for up to 8 young people (Class C2) aged from 8 years. It is proposed that the care home would be an activity based care home with the site offering interim residential care including planned residential activities.

3.2 The applicants supporting statements state that *“the planned activities would be outdoors therefore the majority of children would stay elsewhere for a couple of days at a time engaging in activities. They would stay in cottages, caravans, bunk barns or camping in rural locations away from home with their support staff and activity staff”*. The applicants suggest that typically only 1 or 2 children will be present at the site at any one time.

3.3 Care would be provided on a 2:1 basis. Therefore the maximum occupancy of the building would be 24 i.e. 8 children and 16 care staff. The application floor plans demonstrate the provision of 15 bedrooms.

3.4 Alterations to the building are limited to internal changes only. There are no changes proposed to the scale or parameters of the existing building or position of its openings. No changes are proposed to the external areas with the existing access driveway and parking areas proposed to be used.

3.5 The application has been supported by an application form, planning statement, existing and proposed floorplans, and site plan. The applicants have also provided a response to the comments raised by third parties and queries of the LPA. Full details of the application and all representations received can be found at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=261692>

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4. RELEVANT PLANNING HISTORY

4.1 The application site has been subject to a number of historic planning applications none of which are directly relevant to this proposal.

5. PLANNING POLICIES RELEVANT TO THE DECISION

High Peak Local Plan (Adopted 2016)

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S7 Buxton Sub-area Strategy
- EQ1 Climate Change
- EQ2 Landscape Character
- EQ3 Rural Development
- EQ5 Biodiversity
- EQ6 Design and Place Making
- EQ9 Trees, woodland and hedgerows
- CF5 Provision and Retention of Local Community Services and Facilities
- CF6 Accessibility and Transport

Supplementary Planning Guidance/Documents

- Residential Design (2005)
- High Peak Design Guide (2018)

National Planning Policy Framework

- Section 9: Promoting Sustainable Transport
- Section 12: Achieving Well-designed Places
- Section 13: Protecting Green Belt land
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the Natural Environment
- Section 16: Conserving and enhancing the Historic Environment

6. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 15/08/2023
Neighbour letters	Expiry date for comments: 31/08/2023
Press notice	Expiry date for comments: N/A

Public Comments:

6.1 70 representations have been received in response to the application, of which:

65 objections on the following grounds:

- Nature of application/use is misleading
- Similar uses which operated nearby closed due to impact on area
- Disturbance/nuisance
- Concerns over safety
- Too many negatives and no positives
- Not a suitable location

- Out of centre away from services
- Pressure on emergency services
- Crime and anti-social behaviour
- Should be located in open spaces
- Too close to residential houses
- Town doesn't have the infrastructure to support the development
- Negative impact on tourism
- Application not complete
- Unrealistic staff levels
- Lack of details on amenity space and parking space
- Similar scheme closed down locally
- Contrary to policy – regarding impact on tourism
- Impact on business
- Proposal will be larger
- Doesn't preserve landscape
- Housing in countryside not supported by policy
- 24hr disturbances
- Invasion of privacy
- Damage to property
- Not safe site for children
- Impact on golfcourse/shooting range
- Effect on existing services offered in town/ limited resources to deliver i.e. staffing
- Site next to busy road with speeding traffic
- Development results in 300/4000 extra journeys
- 50 cars on site
- Out of walking distance from facilities
- Accidents likely
- Not on a safe road
- Traffic problems
- On street parking

4 letters of support on following grounds:

- Great use
- Increase in recruitment
- Good transport links
- Access to outdoor activities
- Benefit to vulnerable children
- Support employment and economy

1 neutral letter from barn Owl Trust:

- Been informed that barn owl nesting in building

Consultee	Comment	Officer response
Cllr Madeline Hall	Objection	See Section 7

	<p>This application for change of use to C2 designation - a broad category covering residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres - is precise about the proposed use. The application is focused on residential provision exclusively for 10 year olds with a maximum number of 8 children supported by staff on a 2:1 ratio. The precision of the restricted age cohort appears unpracticable. I question its accuracy. I understand the suspicion of constituents that approval of the narrowly defined usage proposed would open possibilities for other uses within the C2 category. Without confirmation of the proposed residents age range and a commitment to restrict C2 use to that range I believe that this application should be refused. I also note the curious omission of any collection point on site for waste and recyclable waste. A centre with 17 FTE staff and 8 full-time residents would require an identified location for waste bins. Should the application be revised and resubmitted this point also needs to be properly addressed.</p>	
DCC Highways	<p>The proposed change of use may lead to an increase in vehicle trips generated by the site at differing times to those generated by the existing/former use, mainly associated with staff rotation. However, the access is considered suitable to serve the vehicle trips associated with the proposed use classification and with this in mind and having regard to the former use of the site, there are no highway safety objections to the application.</p> <p>There is no mention of any cycle storage or cycle parking facilities either existing or to be provided; it is recommended that details of the provision of cycle parking/storage is</p>	See Section 7

	<p>conditioned as follows:</p> <p>The development hereby approved shall not be brought into use until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.</p>	
Severn Trent Water	<p>Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.</p>	See Section 7
Derbyshire Police	<p>Having assessed the proposal in context, and in consultation with our central intelligence and local Safer Neighbourhood Policing Teams, there are no material reasons connected to crime, disorder, or safeguarding which would amount to a sustainable objection to the change of use as proposed. The substantial level of community opposition is noted, and it's also noted that whilst the proposal is for up to 8 children in residence, the supporting planning statement sets out that typically there would be no more than 2 residents on site at any given time. If you are minded to approve the application, potentially, a suitably worded condition restricting occupancy to these typical levels may provide some reassurance to the concerns of objectors</p>	See Section 7
Environmental	Environmental Health have no	N/A

Health	observations to make concerning this application	
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7. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE

Planning Policies

7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

7.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan currently consists of the High Peak Local Plan 2016.

7.3 Paragraph 11 of the National Planning Policy Framework (NPPF) explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay; or where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

7.4 The NPPF seeks to proactively drive and support sustainable economic development through the delivery the homes, business and industrial units, infrastructure and thriving local places that the country needs. High quality design should be sought and a good standard of amenity provided for all existing and future occupants of land and buildings.

7.5 Local Plan policy S1a establishes a presumption in favour of sustainable development as contained within the NPPF.

Principle of Development and background

7.6 The application proposes the change of use of a building and land which is located within the countryside as defined by the Local Plan policies map. The proposal seeks to change the use of the site to a C2 Use Class of the Use Classes Order, which relates to "Residential Institutions". Such uses within the C2 Use Class includes use for the

provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)); use as a hospital or nursing home; and use as a residential school, college or training centre. In this instance it is proposed to use the building for residential accommodation and care for up to 8 young persons.

7.7 Policy S2 identifies that in rural areas, development will be strictly limited to that which has an essential need to be located in the countryside or comprises affordable housing in accordance with policies EQ3 and H5. Policy H5 relates to rural exception sites and, as such, is not relevant to the proposals.

7.8 Policy H1 promotes the effective reuse of land by encouraging housing development including redevelopment, infill, conversion of existing dwellings and the change of use of existing buildings to housing, on all sites suitable for that purpose. Policy H3 seeks to address housing needs by providing a range of market and affordable housing types and sizes that can reasonably meet the requirements and future needs of a wide range of household types including for the elderly and people with specialist housing needs.

7.9 Policy EQ3 seeks to strictly control development in the countryside, and also facilitate sustainable rural community needs, tourism and economic development. EQ3 allows for new forms of residential development where it relates to, inter alia, the *“Re use of redundant and disused buildings and/or the redevelopment of a previously developed site, where it does not have an adverse impact on the character and appearance of the countryside. Where the existing building is in an isolated location the development should lead to an enhancement of the immediate setting”*.

7.10 The application seeks to re-use a disused building for residential use. The building is substantial and appears structurally sound, and can be renovated for the proposed use without any significant or major reconstruction. The proposed works include internal alterations only and do not include any changes externally. The re-use of this building in rural area for residential purposes is acceptable as a matter of principle.

7.11 Many representations have been received raising concern with regard to the suitability of the proposed use in this location. While the concerns are noted, it is considered that the proposals fall within one of the exceptions for development in the rural area. There is no policy within the Development Plan which seeks to resist supported residential developments, as a matter of principle. On the contrary the policies of the Development Plan supports the delivery of inclusive communities, and this is also encouraged by the guidance contained within the National Planning Policy Framework.

7.12 The main considerations in this instance are therefore the effect of the development on the character and appearance of the area; the

effect on residential amenity; highway safety; trees; and, nutrient neutrality.

Design Considerations

7.13 Policy EQ3 allows for the re-use of rural buildings provided that the development “*does not have an adverse impact on the character and appearance of the countryside*”. Policy EQ2 seeks to protect, enhance and restore the landscape and resisting development which would have a harmful or detrimental impact on the landscape. Policy EQ6 requires that all development be well designed and be of high quality.

7.14 The change of use includes the renovation of the existing building. Alterations are principally internal and, as such, would not physically alter the character of the building. The scheme proposes existing hardstanding areas to be utilised for parking which is considered to be appropriate. Due to the lack of any external operational development proposed, the effect on the landscape would be similar to the existing lawful use of the site.

Amenity

7.15 Policy EQ6 requires development achieve a satisfactory relationship to adjacent development and not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

7.16 The site shares a boundary with a residential property. There are other dwellings located in close proximity to the site along Manchester Road. The scheme does not propose any new operational development externally with the parameters of the building remaining as existing. As the physical relationship remains unaltered, no issues regarding visual intrusion, shadowing, loss of light or overbearing would result.

7.17 Windows serving the proposed habitable rooms would be positioned in the front, rear and south eastern side elevation rather than directly towards the adjacent dwelling. Therefore, no detrimental impact would arise from overlooking or loss of privacy.

7.18 The site benefits from a large curtilage, including soft landscaped areas. Therefore, there is space within the curtilage of the site to provide appropriate amenity space for the occupants of the development to enjoy.

7.19 Concern has been raised with regard to the effect of the development on the amenity enjoyed by residents in the area, particularly the effect of disturbance from future occupants at the site.

7.20 The lawful use of the property must be considered. The lawful use as a training centre, has the potential to operate in an intensive manner which would result in noise and activity generated at the site.

7.21 The degree of potential lawful activity is not restricted. Comparatively, the use of the building for up to 8 occupants, and their carers at a ratio of 2:1, would result in up to 24 persons occupying the premises. Even talking into consideration staff turnover/shift changes the degree of activity given the size of the building, comparatively to its lawful use is not considered to be significant.

7.22 It is understood that any such residential home requires a registration process through Ofsted. This process includes staff assessments to ensure that staff are appropriately experienced and trained. Ofsted would be required to carry out inspections of the home. This regulatory process, outside of the planning system, is in place to ensure that such sites operate effectively.

7.23 The proposals have also been considered by the Designing out Crime Officer at Derbyshire Police who have carried out their own internal consultations. The advice is that there are no material reasons connected to crime, disorder, or safeguarding which would amount to a sustainable objection to the change of use as proposed.

7.24 Therefore, while it is noted that there is considerable concern locally with regard to the proposed development it is not considered that the development would result in any material harm to the living conditions and safety of the community, or any robust evidence that demonstrate that the proposals would result in crime or disorder in the area.

Highway Safety

7.25 Policy CF6 states that development should be safely accessed in a sustainable manner. Policy EQ6 states requires that developments are easy to move through and around, incorporating well integrated car parking.

7.26 The scheme proposes no alterations to the site access or internal vehicular circulation areas. The site benefits from a large area of hardstanding which is sufficient to accommodate the level of parking associated with the proposed development. Vehicles can enter and exit the site in a forward gear.

7.27 Access to the site is from Manchester Road, which in this location is restricted to 40mph. The road is relatively straight which ensures that satisfactory visibility is provided and DCC Highways have raised no concern with regard to the suitability of the site access.

7.28 The existing building is vacant and therefore current vehicular trips to and from the site will be limited. The lawful use of the building is as a training centre. The building has conference rooms, meeting rooms, teaching rooms, dormitory accommodation, numerous shower rooms and other associated accommodation. The building is large and could operate in an intensive manner. The large car parking area is indicative of how intensive the site could operate.

7.29 Vehicular movements associated with the proposed use would primarily relate to staff movements. Care staffing would be at a 2:1 basis and therefore up to 16 carers at the site. Assuming that the staff operated on an 8hr shift pattern there could be 96 vehicular movements arising from the staff. This is provided that each member of staff travelled alone and in a car. It is acknowledged that other associated movements would occur. It must also be noted, as confirmed by the applicants, that many of the occupants would not present on site all of the time and spend many nights away from the site with their care staff.

7.30 The application site lies on the edge of Buxton. There is a pavement on Manchester Road which leads from the site access into the town. This pavement is also lit. Both walking and cycling are therefore viable options.

7.31 While the proposed change of use would result in an increase in vehicular movements from its current dormant state, when compared with how the site could lawfully operate the vehicular movements arising from the site would not result in highway safety concerns. Furthermore, DCC Highways have raised no objection to the proposed development.

7.32 Again, the concerns of residents with regard to the safety of Manchester Road and the speed that vehicles travel are noted. However, in the absence of any highway safety objection from DCC Highways it is not considered that an objection on highway grounds could be sustained.

Trees

7.33 The application site is whitewashed by an area TPO. The application proposals relate to internal renovation works only and do not include any operational development, including the increase of footprint of the building or alterations to the external hardstanding areas. Therefore, it is not considered that the works would result in any harmful effect on the existing trees.

Nutrient Neutrality

7.34 The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As such, the Council cannot

grant consent for development unless it can rule out “likely significant effects” on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail.

Screening Assessment

7.35 The proposal is not directly connected with or necessary for the conservation management of a European site. The lawful use of the property is as an outdoor education training centre. The building includes dormitories and numerous shower rooms and bathrooms.

7.36 The applicants have commented that *“The current owners of the property (the University of Derby) have advised that the premises was used for 80 to 90 students in 2015, this reduced to 66 students in 2019/20, and supported by 6 staff. The building was used for teaching during term time and over the holiday periods it was used for outdoor activities including summer camps. The shower facilities were used regularly by students who would engage in outdoor pursuits such as caving, climbing and bushcraft activities during the day before attending lectures”*.

7.37 The proposed use would have an occupancy of 24 (at maximum occupancy levels and only when all occupants are on site at any one time), comprising 8 young people and 16 adults. It is considered that the proposal will not increase overnight stays, or increased bathroom use, compared to the potential lawful use of the site. The scheme does not include any additional hardstanding or additional roof and in turn will not risk having a significant negative effect on the SAC either on its own or in combination with other proposals and therefore it is not necessary to carry out an Appropriate Assessment.

Other Matters

7.38 Comments have been raised that a barn owl may be nesting in the building. The proposed works do not result in any physical alterations to the roof with only renovation works and some minor internal works proposed. An informative could be attached on any approval advising the applicants of the potential for a nesting barn owl being present at the site and reminding them of their responsibilities under the Wildlife And Countryside Act. .

7.39 The applicants have provided further information to how the site would operate and there is sufficient clarity to understand the nature of the change of use.

7.40 With regard to the proximity to services and facilities, as detailed above there is no requirement for such a use to be located within a town location. There is also no evidence to suggest that such a use would be a burden on services and facilities.

7.41 While a similar facility which operated close to the site may have closed down, this is not consideration which indicates that the proposed use is unacceptable which should be considered on its merits.

8. PLANNING BALANCE AND CONCLUSIONS

8.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision making this means that amongst other things, that local planning authorities should positively seek opportunities to meet the development needs of their area unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits and to secure a development that improves the economic, social and environmental conditions of the area.

8.2 The proposed development includes the change of use of a vacant rural building for residential purposes. This is compliant with the policies of the Development Plan and is acceptable as a matter of principle, and the delivery of housing weighs in favour of the development. The scheme would not result in any harm to the character and appearance of the landscape. While the concern of residents are noted, there is no robust evidence to determine that the proposals would result in adverse amenity, highway safety, or nutrient neutrality issues, particularly given the lawful use of the site.

8.3 Accordingly, the proposal is considered to comprise sustainable development under the terms of the Framework, and it is recommended that the application be approved.

9. RECOMMENDATIONS

A. That planning permission is GRANTED subject to the following conditions:

- 1. Standard Time Limit**
- 2. Development to be carried out accordance with approved plans**
- 3. Restriction of use for occupancy for up to 8 young persons only**

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/ informatives/planning obligations or reasons for

approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Development Control Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

Site Plan

