

**Item No. 8****SCHEDULE A**

<b>APPLICATION NUMBER</b>	<b>MB/08/00850/FULL</b>
<b>LOCATION</b>	<b>East Lodge School, Ampthill Road, Shefford, SG17 5BH</b>
<b>PROPOSAL</b>	<b>Full: Change of use from school to residential use.</b>
<b>PARISH</b>	<b>Campton/Chicksands</b>
<b>WARD</b>	<b>Shefford</b>
<b>WARD COUNCILLORS</b>	<b>Councillors L Birt &amp; T Brown</b>
<b>CASE OFFICER</b>	<b>Mary Collins</b>
<b>DATE REGISTERED</b>	<b>15 May 2008</b>
<b>EXPIRY DATE</b>	<b>10 July 2008</b>
<b>APPLICANT</b>	<b>Mr A and Mrs V Green</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Councillor Birt request; considers there has now been an intensive programme of advertisement for the property.</b>
<b>RECOMMENDED DECISION</b>	<b>Refuse</b>

**This application was deferred from the meeting of the Development Control Committee of Mid Bedfordshire District Council on 11 March 2006 in order that the prejudicial links between the applicant and a number of members of the Committee as a result of the then forthcoming elections would no longer apply.**

**Site Location:**

The site comprises a detached single storey building last used as a private school but now vacant, within a woodland setting within the curtilage of East Lodge, a Grade II Listed dwelling and wall. A number of trees on the site are covered by a TPO. The site is located on the north-west side of the 4 limb roundabout where the A507 turns through 90° heading west and joins the A600 to the north and Ampthill Road leading into Shefford to the east.

The site is located outside of the Settlement Envelope for Shefford and within the open countryside. Access to the school building is obtained from the A600. Access to East Lodge is gained from either the A600 or the A507. The surrounding area comprises open countryside to the south, and dense woodland to the north and west.

**The Application:**

The application proposes the change of use of the premises from a school to a single family dwelling, involving segregating the plot from East Lodge, which is currently within the same ownership. Access for the proposed dwelling would utilise the existing from the A600. Access for East Lodge would be retained from the A507 utilising the existing.

This application is a resubmission of an earlier similar proposal which was refused permission on 16 November 2007 because it did not comply with Policy CS18 of the Local Plan.

## **RELEVANT POLICIES:**

### **National Policies (PPG & PPS)**

PPS 1 – Delivering Sustainable Development  
PPS3 – Housing  
PPS7 – Sustainable Development in Rural Areas  
PPG15 – Planning & the Historic Environment

### **Regional Spatial Strategy**

East of England Plan (May 2008)  
Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

### **Mid Bedfordshire Local Plan First Review 2005 Policies**

CS18 - Reuse of Rural Buildings (Residential)  
CS19 – Development in the Countryside  
DPS5 – Protection of Amenity  
DPS16 – Trees and Hedgerows  
HO6 – Location of New Residential Development

### **Supplementary Planning Guidance**

Design Guide for Residential Areas in Mid-Bedfordshire October 2004  
Planning Obligations Strategy February 2008

### **Planning History**

07/00663/FULL	Full: Change of use from school to residential. Refused: 19/06/07
07/01234/FULL	Full: Change of use from school to residential. Refused: 16/11/07

### **Representations: (Parish & Neighbours)**

Shefford Town Council	Object: Buildings are unsuitable for domestic habitation
Campton & Chicksands PC	Support. Residential is an appropriate use and efforts have been made to dispose as a school or for commercial use.
Adj, Occupiers	No response received

## Consultations/Publicity responses

Highways	Recommend conditions and highway notes attached if consent issued. Concerned that submitted plan details are poor.
Campton Society	No response received
Garden History Society	No response received
IDB	No comments to make
Env. Agency	Advisory comments to applicant
Total Pipelines	No objection
Application advertised 30/05/08	No response
Site Notice posted 05/06/08	No response received

## Determining Issues

The main considerations of the application are;

1. The Principle
2. Impact upon the setting of the Listed Building and character of the area
3. Impact upon amenities of adjoining occupiers
4. Highway and Parking Issues
5. Other Matters
6. Unilateral Undertaking

## Considerations

### 1. The Principle

The site is located outside the Settlement Envelope of Shefford and within the open countryside. Policy CS18 supports the re-use of buildings in the countryside for residential purposes where the following criteria are met.

- I. A commercial/industrial use is inappropriate because of access or amenity considerations;
- II. The form, bulk and general design of the building is in-keeping with its surroundings;
- III. Appropriate re-use can take place without significant extension or rebuilding;
- IV. No aspect of its re-use is intrusive to the buildings rural setting or detrimental to the character and appearance of the surrounding countryside;
- V. A safe, convenient and adequate standard of access is provided.

An education use has previously existed for these premises, i.e. a non-

residential use.

Whilst the use of the building as a residential conversion, is considered to meet criteria II to V above, it does not meet criteria I. The preference for an alternative use would be for commercial purposes within this location outside of the Settlement Envelope.

Previous applications have failed to address this criteria and 07/00663 and 07/01234 were refused for the same reason being that:

*The proposal has failed to demonstrate that there are special circumstances that would outweigh the normal presumption in favour of a commercial use of these premises or that a commercial use of the buildings is inappropriate due to access or amenity considerations; as such the proposal is contrary to Policy CS18 of the Mid Beds Local Plan (2005).*

The property has been on the market since July 2006, initially for sale as a school through the National Schools Transfer, a specialist marketing organisation.

Both the house and the school building are listed on the Hatched website and have been marketed together. The school building has not been marketed for commercial use separately to the house, but is referred to on the website as "Also included in the sale (of East Lodge) is a detached bungalow."

The house and school building been similarly marketed on the Right Move website (from 08/10/07 to the present day) and in January 2008 small advertisements were placed in local newspapers advising of a single storey building available for commercial use. The Right Move web site contains similar text to that on the Hatched site, again referring to the inclusion of a detached bungalow.

This marketing exercise has produced a number of enquiries and some viewings. However we understand that no offers have been received.

In February 2008 commercial agents were invited by the applicant to discuss marketing the site. The applicant advises that all the agents approached indicated that the commercial market was depressed and showed little interest in pursuing the sale/lease. However a market appraisal has not been undertaken by any commercial agent to establish the viability of a commercial use, based on the size of the unit and its location. This appraisal would have provided evidence of the viability of a commercial use in this location.

It is evident from the limited information provided with the application that in the main advertising for the site the school building has not be marketed as a separate building for commercial use but has been marketed in connection with the residential dwelling on the site. Advertisements in the local press have contained textual information only, and have not promoted the quality or specific location of the building in question, thus reducing the effectiveness of this method of advertisement.

There may also be a case to consider further reduction in the asking price, given the current state of the property market. The sale of the property

together with East Lodge for £950,000 may specifically be the reason for lack of interest.

Officers therefore remain of the view that the applicants have not provided sufficient evidence to demonstrate that a business use is not achievable as a viable proposition.

In addition, it has not been demonstrated that a commercial use in this location would be inappropriate because of access or amenity considerations. It is clearly capable of being segregated from the curtilage of East Lodge with the benefit of its own access and it is considered in this context an appropriate alternative commercial use could potentially operate from these premises without harm to any amenity considerations or highway safety.

No additional information has been submitted by the applicant in the period since the deferral of the application from the March committee meeting.

## **2. Impact upon the Listed Building and Visual Amenities of the Area.**

The application proposes no new extensions and although it is likely that some external modifications may be required, such alterations would be likely to be minimal and acceptable and would be unlikely to impact upon the visual amenities of the area or the setting of the adjacent Listed Building and wall. The access, car parking and other requirements for residential conversion would be largely screened from the surrounding countryside.

Overall the impact upon the setting of the Listed Building and the character of the area is considered acceptable.

## **3. Impact on Adjoining Occupiers**

Given the former use and the relatively isolated siting of the building with other properties, other than with its relationship with East Lodge, the use for residential purposes would not harm the amenities of adjoining or nearby occupiers by reason of loss of privacy, visual intrusion or general disturbance.

## **4. Highway and Parking Issues**

The existing access arrangement would be retained and utilised for the purpose of the proposed use. The comments of CC (Highways) are noted, however given the former use of the site it is considered that it would provide for an acceptable space for vehicles entering and leaving the site, enabling them to do so in forward gear. Furthermore the level of vehicular activity associated with a single dwelling would be likely to be less than that for the existing school.

There is sufficient space to accommodate off-street parking to serve a single dwelling.

## **5. Other matters**

The proposed plot for the dwelling would be sufficient to provide for a reasonable level of amenity for any future occupiers. The proposed floor plans

demonstrate that the building is of a sufficient size to provide for an acceptable internal living space.

The change of use would be unlikely to have any impact upon any protected trees.

## **6. Unilateral Undertaking**

The Planning Obligations Strategy, wherein the construction or creation of one dwelling or more is required to make a financial contribution towards the costs of local infrastructure and services, was adopted by Mid Bedfordshire District Council on 20th February 2008 and has been operative since 1st May 2008. The Draft Supplementary Planning Document was subject to a six week public consultation period between 6th July and 17th August 2007.

In accordance with national planning policy contained in PPS1, Local Planning Authorities are required to ensure that new development is planned to be sustainable. Where communities continue to grow, many require additional infrastructure, in the form of services and health care, for example.

This involves all new residential proposals having to enter into either a Section 106 Legal Agreement or a Unilateral Undertaking to provide contributions towards the impact of new developments within the Mid Beds area.

As a change of use application from a school to residential use, the proposed development would fall into the category required to make these contributions.

The SPD is a material consideration in the determination of planning applications and refusal of planning permission is likely when development proposals do not comply with its requirements.

Despite a number of requests having been made to the applicants, a Unilateral Undertaking has not been received in respect of this application. The applicant has advised that he would be willing to comply with the requirement but does not wish to sign any agreements with Council staff. Without such a formal undertaking the matter would simply be unenforceable. Officers must continue, therefore, to advise that in the absence of a signed unilateral undertaking, the proposals does not meet the terms of the adopted supplementary guidance.

## **Conclusion**

Whilst the form of the building may lend itself to residential conversion, the preference for an alternative use would be for commercial purposes within this location outside of the Settlement Envelope. The principle of the proposed development is therefore unacceptable as it has not been demonstrated that a commercial re-use of the buildings is not viable or is unacceptable on grounds of amenity or access and is therefore contrary to Policy CS18 of the Adopted Local Plan. Furthermore the applicants have failed to address the Council's Planning Obligations Strategy.

## **RECOMMENDATION**

**REFUSE** Planning Permission for the following reasons:

- 1 The proposal has failed to satisfactorily demonstrate that there are special circumstances that would outweigh the normal presumption in favour of a commercial use of these premises or that a commercial use of the buildings is inappropriate due to access or amenity considerations; as such the proposal is contrary to Policy CS18 of the Mid Bedfordshire Local Plan (2005).
- 2 The applicant has failed to submit a Unilateral Undertaking, as such the application fails principles established in PPS1: Delivering Sustainable Development and Council's adopted Guidance: Planning Obligations Strategy, 2008.

## **DECISION**

.....  
.....