

Item No. 8**SCHEDULE B**

APPLICATION NUMBER	CB/11/02500/FULL
LOCATION	The Mary Bassett Lower School, Bassett Road, Leighton Buzzard, LU7 1AR
PROPOSAL	Change use of Caretaker's Bungalow to host existing before and after school care, parent support groups, 1:1 therapy sessions and local child/adult social care meetings.
PARISH	Leighton-Linslade
WARD	Leighton Buzzard North
WARD COUNCILLORS	Cllrs Johnstone, Shadbolt & Spurr
CASE OFFICER	Vicki Davies
DATE REGISTERED	14 July 2011
EXPIRY DATE	08 September 2011
APPLICANT	Mary Bassett Lower School
AGENT	BHD Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Ward Councillor Shadbolt having regard to public interest
RECOMMENDED DECISION	Full Application - Granted

Site Location:

Mary Bassett Lower School is located to the north of Leighton Buzzard town centre and has frontages to Leston Road, Bassett Road and Doggett Street. Vehicular access to the school site is gained via Doggett Street only. The school buildings are concentrated centrally on the site with a site agents bungalow and car parking to the north of the buildings. The school playing fields are located to the east of the buildings. There are residential properties on all sides of the school site at varying distances from the boundary.

The school site is within an area of archaeological interest but is outside of the Conservation Area and town centre boundary.

The Application:

The application seeks consent for change of use of the caretaker's bungalow to host existing before and after school care, parent support groups, 1:1 therapy sessions and local child/adult social care meetings.

A document provided by the headteacher of the school sets out how the bungalow would be used.

The revised usage is to provide a pastoral space for children and adults generally associated with the school. This will present as:

- Site for before and after school care (8.00am – 5.30pm.) This facility has been offered by the school for over ten years and is being relocated from another part of the site. There are no plans to alter the Ofsted agreed number of 15 children.
- Office for Parent Support Advisor (PSA) currently based at Linslade Lower School. The PSA role is a job share and one PSA currently spends a minimum of one morning in the school. Most of their work is off-site, in schools and people's homes.
- Staff Study room. This is currently located elsewhere in the school, but is better suited to the bungalow as it will be quieter.
- Family / child/ adult therapy room. This room is shared with the PSA. This area will be a quiet room for individual or small group therapy. This currently offered in school, but the existing space is not quiet or private. Occasionally the school hosts therapy meetings for other schools; it is our intention to continue to do this.
- Social Care Child-in-Need and Child Protection Meetings and Family Support Meetings. These are already hosted by the school in the Headteacher's office. There can be up to 10 professionals at these meetings, so they need to be hosted in a larger room. It is planned that the main area in the bungalow will suit these meetings.
- Hosting 'Human Givens' Therapist. Primarily for children and parents/carers at school. This may be offered to the broader local community. There is a safeguarding issue here so sessions will be very limited and access controlled.
- Parent training sessions, both academic and pastoral. These are currently hosted by the school, but the area used is becoming a classroom in September. They are usually during school time, although about five times a year they are delivered in the evening. They always finish before 9pm.
- With the change of use the school would like to explore offering the following:
 - Small group healthy eating training.
 - Small group intense parent support.
 - Coffee mornings for existing parents (currently hosted in school.)
 - Small group children's cookery lessons, before 5.00 pm.

The idea is that the bungalow becomes a resource for the school. The traffic should not be increased and most of the proposed usage is currently being delivered in other parts of the school. The bungalow will rarely be used after 5.30, and never after 9pm. The earliest access will be at 7.50am, to get the rooms ready. Almost all activities will be limited to term-time only.

RELEVANT POLICIES:

National Policies (PPM & PPS)

PPS1 - Delivering Sustainable Development
PPS5 - Planning for the Historic Environment

Regional Spatial Strategy East of England Plan (May 2008)

ENV7 - Quality in the Built Environment

Bedfordshire Structure Plan 2011

No relevant policies

South Bedfordshire Local Plan Review Policies

BE8 - Design Considerations
H7 - Loss of Residential Accommodation

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development

Planning History

Recent planning applications include:

CB/11/02050/FULL	First floor extension over existing building to form cloakroom/toilets. Under consideration
SB/08/00748/TP	Installation of flat roof mounted solar electric panels on the main roof. Approved 4/9/08
SB/94/0007/TP	Erection of replacement toilet block and new access ramp. Approved 12/8/94

Representations: (Parish & Neighbours)

Leighton Linlade Town Council Neighbours	No objection but request that consideration be given to neighbouring residents regarding noise. One letter of objection has been received from a neighbouring resident, setting out objections to a number of developments and changes at the school over a number of years as well as to this application. The objection is set out below.
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1. REQUEST FOR A FAIR, OPEN AND TRANSPARENT DECISION PROCESS

1.1 Request for a Committee decision In this objection letter I am raising some serious issues that I consider require a fair, open and transparent decision process i.e.

one that is made by the Development Management Committee on the basis of an officer's report that sets out the key facts and assesses these according to planning law and also the relevant corporate policies, strategies and procedures of the Council of which the planning function has to have due regard.

1.2 Key facts In addition to the issues set out in my specific objections below, there are two key issues of fact that need to be established and then addressed in order to ensure that this particular development and the other linked developments in the school site are sustainable development - in the interest of future generations as well as now.

The two key sets of facts relate to the expansion of the school and the adequacy of the vehicle and pedestrian access to the school. As I understand the position, the latter will not be considered relevant unless the former can be considered as part of the planning decision. The way out of this conundrum is actually quite simple.

a) The Statement of Community Involvement states that for applications from schools, the Local Education Authority is a statutory consultee. Therefore the Council's relevant schools services should be consulted. The alternative is to look at the report and minutes of the Council's Schools Admission Forum of 24 March 2010. I have also obtained, by means of a Freedom of Information request, copies of minutes of the Governing Body of the School. These were only provided in hard copy but I have extracted key extracts and I attach a copy of these to this letter. The School should be requested to confirm that these are a correct record.

In sum, the evidence available to the Planning Authority clearly shows that the school was granted an increase in its admissions numbers on the basis of a claim that it had sufficient accommodation. The school minutes and other documents show that this was not true and that the subsequent developments, including this application are all necessary in order to square the circle.

b) Having established the fact of school expansion and the relationship of the development to these, it is then necessary to consult with the Local Highways Authority having obtained a Transport Assessment and Travel Plan because the Council's Transport Policy - My Journey April 2011 states that a Travel Plan will be required to ensure that existing problems are not exacerbated by the increase in school numbers and that measures are in place to encourage safe and sustainable travel; and that the Travel Plan should be delivered with the Transport

Assessment and elements controlled by conditions. Such consultation will be of interest to me because, to date, my requests for information have been repeatedly ignored and then evaded.

However, in the absence of a Transport Assessment and Travel Plan, after considerable effort, I have managed to obtain copies of the 2006 Travel Plan of the school and subsequent monitoring and review reports. The plan confirms that the access to the school is inadequate and that a safer and more pleasant pedestrian access had been identified as an alternative to the current access.

1.3 The opportunity

I wish to suggest that, by proceeding to seek to 'square the circle' by means of incremental developments presented in a way that seeks to avoid the issues of expansion and access, the school, the local education authority and the local highways authority and local planning authority are all missing the opportunity to achieve sustainable development in the interests of the children in the school and in the interests of current and future citizens.

This opportunity has been missed because of lack of consultation by the school on its development plans. I have sought a meeting with the Head of the Governing Body but he declined, even though I had already made a contribution to a resolution of some problems by pointing out the availability of the Baker Street car park.

If we also take into account the fact, again obtained via an FOIA request, that the additional children are coming from outside the catchment area of the school, from the east and south of the area, there is more than good cause to revisit the alternative access identified in the 2006 Travel Plan.

This would be sensible planning - for sustainable development and for a win-win situation for the school, parents/carers, the children, local residents and the community as a whole.

It seems to me that it is not in the interests of existing or future children in the school to proceed with accommodation that is less than adequate to meet current standards. The old school (for which the toilet block is needed to make its inserted floor legal for use as a classroom) has no outside play space and, apparently, no adequate access to the second floor (- see applicant's statement that without the development children would need to go outside to access toilets). This does not

conform with the Council's Accessibility Strategy - 'All of our new buildings and facilities will be designed to be fully accessible;

It seems to me that it was not in the interests of existing or future children to erect a new building on garden land (the log cabin) which is included in the definition of 'school playing field land'. With outside play space at a premium, more has been lost - due to a school expansion programme that was not planned and which was most certainly not transparent.

Furthermore, I point out that the garden attached to the bungalow is highly important for providing an acceptable environment for children, particularly those who come under rules for childcare rather than statutory education provision.

1.4 The decision framework

If the Council and the school are committed to proceeding with the expansion plans which have already been implemented in part already, then the impact of these needs to be mitigated and this can only be achieved if the expansion plans themselves are transparent and part of the planning decision process.

I submit that the issues that I have raised are key issues for the Development Control Committee. Unless they are resolved, there is no way of controlling other similar developments in other schools and the implications for the children, existing and future; for the ever increasing 'school run' traffic congestion problems; and for resolving the parking problems around many of our schools, as per recent letters to the local press; concerns raised with the Town Council and the latest agenda of the Council's Traffic Meeting.

It is not just the Mary Bassett School that is the issue here. It is all schools in areas like Leighton Buzzard facing disproportionate new development, including infill development. In the absence of coherent planning for this and then controlling it, the only option left is to use S106 funds from new developments to seek to address the problems raised by previous developments.

In sum, I consider that have identified a major and serious planning issue that needs to be addressed by elected Members through due democratic process

2. A SUMMARY OF KEY FACTS

2.1 Expansion of the school The school has been expanding for the past year in three ways:

- an increase in lower school admissions from 30 to 60 per year from September 2010 i.e 150 additional children by 2015;
- an increase in pre-school provision from 20 - 78 places during 2010;
- plans to increase in letting of school buildings for evening, weekend and holiday uses as well as additional daytime uses during term time.

2.2 Traffic and access issues arising from expansion

a) Vehicle and pedestrian traffic All this adds up to a massive increase in vehicle and pedestrian traffic to the school. This has doubled in the past year and will treble by 2015. The impact on traffic generation for the surrounding roads will be more than proportionate because the increase is due to demand from parents outside of the catchment area of the school for which there are no viable public transport links.

b) Access to the school site This includes the impact on narrow and otherwise inadequate access to the school site which is via the lane past my property. This access does not meet any of the key criteria in Design Statement 7 and is, quite simply, unsafe i.e. it should not be dual access for pedestrians and vehicle. It is also not adequate for emergency vehicles even when there are no other vehicles obstructing the lane or the limited turning space.

It is not just that dual use of the lane is unsafe but also that parents/carers allow very young, unaccompanied children run across my private courtyard land where cars are reversing and after which there is no footway to the school. Additionally, there is an area of school land outside the school vehicle access gates which is not controlled and which makes a nonsense of the no stopping traffic control markings.

On the issue of pedestrian safety, I arranged for the lane and the surrounding area to be inspected by an independent Highways expert on 10 August and will forward his report as soon as I receive it. In the meantime, his overall view is that current plans to make the lane and Bassett Road safer make no sense and that there are viable options to resolve the safety concerns.

Additionally, after nearly two years of raising queries and concerns, the Council has now admitted that the lane is not an adopted highway. The school has right of access

but the Council does not have the right to make changes in it because neither the footway outside Bassett Court nor the carriageway is adopted highway. Noting that the Council decided to register the name of the lane as Bassett Road in early 2011, this decision is also highly questionable.

3. THE STATUS OF MY COMMENTS

3. 1 My status as a stakeholder

I am a key stakeholder for this application because the location of the Caretaker's Bungalow and garden is directly behind my property and within 6 metres of it; because of a history of complaints concerning the bungalow site; and because of the amenity issues in respect of the vehicle and pedestrian access to the school, both of which are the subject of outstanding complaints to the Ombudsman and also the Council.

I am also a 65 year old pensioner and, as such, have a right to expect that my particular needs be taken into consideration as per PPS1 and also the Council's Equality and Diversity Scheme (June 2010) that includes the Planning function and cites Age Concern's findings that people over 65 are estimated to spend 80 per cent of their time in the home.

3.1 My key concerns as a stakeholder

My property is my retirement home and I have a right to enjoy it peacefully without regular and intrusive disturbance. N.B With the increase in part time pre-school and non-statutory nursery facilities, the number of drop off and collection times also increased during 2010.

During 2010 the level of nuisance and other problems significantly increased. The front windows of my cottage are approximately 8.5 metres from the junction of the private courtyard access to my property and the lane. This private access is used by parents/carers and other visitors to turn around, usually by reversing into it. Even if they do so at the entrance, this brings them about 6 metres from my home and this causes significant disturbance even with all doors and windows closed. Other problems, which have also significantly increased already are:

- noise nuisance and pollution due to illegal parking and turning by parents and carers; and from delivery and servicing vehicles which need to reverse down the lane;
- obstruction by parents/carers and by coaches which regularly park in the lane for 10-15 minutes with engine

running;

- worry about access by emergency services at the frequent times of obstruction;
- pollution from the vehicle traffic in a context of high walls surrounding the lane;
- trespass by vehicles and pedestrians.

I will show that the proposal to change use of the caretaker's bungalow will introduce nuisance at the back of my property as well so that there will be nowhere I can go in my property to be free of noise nuisance or the risk of noise disturbance.

Additionally, I am a keen amateur historian and place great value on the preservation of heritage assets. I have, to date, contributed original research findings to an understanding of the importance of these assets. This is relevant to all the recent and current developments in the school site as a letter from English Heritage, following a recent visit, confirms.

3.2 My status as an objector

As well as a resident affected by the proposals, I am a responsible citizen with a strong concern about the environment and a record of public service both in employment and as a community volunteer. I am also a parent and a grandmother and I have been horrified by the various dangers to very young children (2.5 to 8/9 years) attending the school. By vigilance and quick thinking, I have prevented one nasty, probably fatal accident and I have also nearly collided with a child when driving my car even though I was driving slowly.

It has been hard, if not impossible for me to get a hearing as a concerned citizen on issues for which I am also a stakeholder. Maybe it is unusual for someone to seek to find a solution to their own problems that is also not detrimental to others. I don't know the answer. All I do know is that, due to my background, I cannot approach a problem without considering it in the wider context and seeking to find a win-win situation for all concerned. This means joining up understandings and so seeking to find out about linked issues in order to understand the context.

The application for change of use of the bungalow arises because the Government has increased the autonomy of schools - in this case the right to opt out of property agency agreements with the Council for the management of the Council owned school sites. This has enabled schools to dispense with expensive property agency services and their caretakers, replacing these with part-

time Site Agents backed up by CCTV and security lights. The Mary Bassett School is not the only school to choose this option.

But, oh dear ... I now have a highly intrusive security light shining all night into my bedroom windows! Residents in Bassett Road have also been affected. How do I know? Because I asked them. In sum, like many of the other issues that I raise, it is not an issue that only affects me because I know that other schools are doing the same

3.3 Joining up the thinking

It is only possible to join up thinking and reconcile personal and community issues if all the understandings are available for this. Unfortunately, so much now is discussed and decided behind closed doors because these are not doors to the Council but internal Council doors to quasi-autonomous schools and private Highways contractors. What information can the Council provide and what is the province of the secondary organisations? There is no information available on this so it is a matter of trial and error.

3.4 Status of my specific objections Given this problem and given that there is so much information missing from the planning application to enable me to respond to it as I would wish, I will now proceed to respond to it as it is presented. In sum, in the absence of the necessary information to provide a full response, I can only take it at face value, filling in the gaps in information with assumptions where necessary.

One of the gaps is the absence of a location plan so I have obtained an up to date plan from Ordnance Survey and annotated it where it is not entirely up to date or otherwise correct.

4. SUMMARY OF THE APPLICATION

4.1 Proposed changed uses The application is for change of use from residential (caretaker's bungalow) to use for a range of specified purposes most of which are to be relocated from other parts of the school. I divide these uses into the following categories:

a) Childcare relocated from other part of the school Out of School Care for 15 children starting at 8 a.m and ending at 5.30 p.m.

b) Social Services relocated from other parts of the school Family/child/adult therapy room; Social Care Child in Need and Child Protection meetings and Family support meetings (up to 10 professionals; parent training sessions; intense parent support; 'Human Givens' therapist - 1:1

sessions .

c) Other internal relocation Staff study room'; coffee mornings for parents.

d) Social Services relocated from Linslade Office for Parent Support Adviser.

e) Other possible future uses Healthy eating training; small group cookery sessions for children; extension of therapist service to 'broader local community'.

4.2 Inadequate information on use No existing or planned layout is shown for the building because no floor plans have been provided as per national validation guidelines for a 'change of use' application and no other information is provided as to which rooms have been identified for the various uses. No information is provided as to the frequency of the sessions and meetings, coffee mornings or other intermitted proposed uses.

4.3 Status of the uses I challenge whether the uses described above could be defined as 'operational development' because they are a relocation and not a development of current services, because they are not necessary to the core statutory education function of the school, and, apart from the Out of School Care, they are provided by others with the school generating income from lettings to these services. I note that a Design and Access Statement (DAS) is required for a change of use that does not involve operational development but a DAS has not been supplied with the application.

4.4 Other proposed changes The other changes described in the supporting document are that :

a) Windows and doors Doors will be widened for disabled access and windows replaced with french doors/fire exit.

b) Car park spaces 15 existing spaces are claimed with a plan to increase this to 18 parking spaces,

c) Boundary An existing brick wall/fencing will be replaced by a wooden fence,

4.5 Inadequate/wrong information on other changes

a) Windows & doors No elevation plans have been provided to show where the french doors will be located; no information is provided about the windows which currently look to be single glazed; and linked to this no details are provided about sound proofing or energy conservation improvements. No reason is given why it is necessary to provide french doors for fire exit purposes. In the absence of this information, I will assume that the french doors will lead to the garden at the back of the bungalow and that there will be no double glazing or other sound proofing works.

b) Car park spaces No plan is shown of the location of the existing or proposed additional car parking spaces and no information is required on how these will be constructed. I note that, since the caretaker's bungalow was vacated, there has been parking on the grass area in front of the bungalow - see my location plan supplied. Therefore I assume that the grass area in front of the bungalow (see my location plan) is the planned location for these spaces i.e. directly behind the property of 1 Bassett Court.

The other current planning application from the school, submitted on 15 June, (02050) stated that there were 12 parking spaces. This has since been changed to show 0 parking spaces. The school now claims 15 existing parking spaces. However, in its 2008 planning application for solar panels, it stated that there were 12 parking spaces. The original 1965 planning permission for the school did not identify any parking spaces. Instead the area now used for parking was identified as 'turning space' and the bungalow was provided with a garage for the vehicle of the occupant.

There appears to be no need for additional parking spaces because all the majority of uses described in the application are for a relocation of these uses from other parts of the school. Having said this, given that the school is proposing additional parking spaces, so the vehicle access from the public highway to these spaces needs to be assessed as part of the planning decision.

c) Boundaries There is no current fencing surrounding the garden of the building, the boundaries of which are currently the back of garages on the adjacent Council site owned by Housing Services and the side of the garage attached to the bungalow. Other than this, the boundary is with cottages 1-4 Bassett Court and, behind numbers 1-3, it is constructed of random rubble greensand topped by thin slabs of greensand, with a brick extension to this at the back of No 4. The boundary wall at the back of my property has been in a dangerous condition since June 2010 and has been identified as an heritage asset by English Heritage, as per a recent letter of 2 August sent to the Council's Conservation Officer.

The boundary line shown in red on the site plan is wrong. The garden currently extends to the back of the garages of the Housing Services land and the area between these garages and the boundary line shown is owned by Housing Services. The area provides significant garden space for child and other activities associated with the proposed uses. I assume that there is no intention to

erect a fence to reinstate the actual boundary of the school site.

4.6 Erstwhile use of the bungalow as a residence The application states that the bungalow housed 3-5 adults with 3 cars with day and night traffic because two of the occupants worked shifts, with the garage used as a music studio for drums. I have only ever seen one occupant in the garden or otherwise when I went to speak to him (in the Spring of 2010) about the noise of drum playing from the front room of the bungalow nearest to 1 Bassett Court, with the windows of that room open. Up to 1 April, there was no parking on the grass in front of the bungalow. Other than the drumming nuisance which I manage to resolve, there has been no noise nuisance from the bungalow and certainly no night time traffic.

Unless the information supplied by the school can be verified, I consider that it should not be used for any planning decision. However, it does raise the question of the planned use of the garage given the claim that this was the location for the drumming sessions and within the context of no information as to the proposed location of the proposed additional parking spaces.

No information is provided as to why the bungalow cannot be let, instead, as a residential property.

4.7 Proximity of the proposed development to residential properties Other than the size of the bungalow -135 square metres (with the garage or not?), no dimensions are provided and the location plan only shows a corner of my cottage.

My location plan shows all the cottages with boundaries with the bungalow site and shows my cottage (coloured yellow). An extension to my property is not shown on the latest OS maps, the Council may be unaware that my cottage was extended in late 2008 by the addition of a conservatory. Additionally, the OS plan does not show that the path at the back of my garden and next to the boundary with the school is part of my property i.e. my boundary is the boundary with the garden of the bungalow and its side entrance.

The boundary is 8 metres from my living room and 6 metres from my conservatory/breakfast/reading room. The bungalow itself is approximately two metres from the boundary. My living room is double aspect with windows also in the front of my cottage. These windows are approximately 8 metres from No 1 Bassett Court and approximately 8 metres from the private entrance to the access to and from the private courtyard area in front of

my cottage, via the lane. During the periods of school drop off and pick up times, I am continuously disturbed not just by the noise of vehicles in the lane but also pedestrian traffic in the lane. The level of noise is affected by the existence of high walls of surrounding buildings and also the wall to 14 Bassett Court on the other side of the lane. At this and other times of disturbance that I detail below, my conservatory is the only quiet living room in my cottage, while my garden, due to the sideways build of cottage 1, is also much quieter than inside my cottage

4.8 Contradictions re the change of residential use

As the application has been presented, it appears to give 'wriggle room' within planning law for the school to evade any planning oversight on the issue of vehicle and pedestrian access to the school via the lane. However, to achieve this, it has identified uses which cannot be deemed to be 'operational development' so it needs to provide a full Design and Access Statement. At the same time, has provided no justification for the proposed change of use from a residential property. There are no factors that can be taken into account to balance this decision, most particularly employment generation because no additional employment is identified as linked to the development.

Other than the limited use of the bungalow for out of school childcare - before and after the school day and for a staff study area, the remaining proposed uses are lettings. Yet, given that the bungalow can be let for residential use, there is no good reason for agreeing a change of use that would involve loss of a residential property in reference to retained policy H7 in the Local Development Plan. i.e 'Planning permission will not be given for development that would result in the loss of residential land or building or for redevelopment or change of use of residential accommodation for non-residential purposes where this would represent an unacceptable loss to housing stock'.

Additionally, noting that the location plan for the Committee report on CB/11/02050 shifts the boundaries of the school site to exclude the residential bungalow, this part of the site is clearly capable of being treated as a separate area and all that is necessary to establish this in fact, is to move the vehicle and pedestrian access gates to enable the bungalow to be sold as a residential property, with financial benefit to the Council.

4.9 Contradictions re the parking spaces If we take into account the expansion of the school, then additional parking spaces are clearly needed for the additional staff. Yet, again, this is not part of the application and the

proposed alternative uses do not require additional parking spaces because they are presented as relocations from within the school site, other than for one parent support adviser. However, because additional parking spaces are proposed, then the Local Planning Authority needs to consider the access issues and also require the school to provide a Travel Plan.

In sum, either the change of use of the bungalow is necessary to enable accommodation to be released for the expansion of the school, in which case this expansion needs to be acknowledged in the application, or it is merely as it claims, a proposal for relocating existing lettings and some sessional core functions, in which case it is not operational development. Both options require the issue of access via the lane to be included in the planning decision.

5. IMPACT ON MY RIGHT TO PEACEFUL ENJOYMENT OF MY PROPERTY

5.1 Amenity issues I already suffer major noise nuisance from the use of the lane as vehicle and pedestrian access to the school. I am disturbed in my home even with all the doors and windows closed. This nuisance has got worse as the school has expanded. The noise from pedestrians is now as bad as that from vehicles shunting, reversing, slamming doors, in car stereos of parked vehicles etc.

The number of times in the day of substantial nuisance have also increased due to the expansion of the pre-school facility from 20 to 78 last year with three sessions per day; and two sessions for the nursery facility. With the 'Fun Club' (out of school) facility, there are now 7 times of comings and goings for each school day (without the added nuisance of delivery and servicing vehicles). Of these, the 'Fun Club' times around 8 a.m. and 5.30 p.m. cause the least disturbance but now the school wants to locate this facility at the back of me!

It is quieter at the back of my home where I have a patio garden with seating area and spend much time in this garden during the summer months. In the winter, I spend much time in my conservatory. [I am retired, aged 65 years]. This is currently the quietest part of my home. It is also the closest to the boundary with the bungalow site.

In February this year the school wrote to all cottage owners proposing to remove the fence along the entire boundary. The Governing Body minutes indicate that the school wants, eventually, to use the back garden of the bungalow for parking as well.

I have suffered disturbance from the bungalow to date and this was major nuisance from the use of a full-size drum kit. The problem occurred in the Spring of 2010 months when the windows of the bungalow were open and the drum kit was being played by an open window at the front of the bungalow. I managed to get this nuisance stopped. This year, works to refurbish and possible alter the bungalow started in early June and have continued since, even though there is no planning permission for its use. I have been disturbed by loud talking by workmen within the bungalow, again because the windows were open.

More work has been underway since the application was submitted, with skips outside the bungalow. This work has also caused noise nuisance. It is not a planning matter but it underlines how I will never be able to 'mitigate' noise nuisance but choosing to go out to avoid it because I will never know when it will next occur.

Any provision for children requires an outside play space and this means that I face disturbance on a daily basis Winter and Summer. Noting that french doors are planned, family groups will also have access to the garden e.g. for smoking breaks or even outdoor sessions. I note, that for internal use, there is no mention of sound proofing, triple glazing etc. but anyway this will not help with use of the garden or when the windows are open.

I further point out that children throw things and, until recently, hula hoops and other play equipment has been littering shed roofs and high walls around the playground in front of the old school buildings.

I do not even now have the benefit of the tree and thick hedge that was next to the wall which acted as a buffer to sound from the bungalow site. Since these have been removed, the noise of maintenance work e.g. of grass cutting of the garden area is horrendously intrusive.

The loss of the hedge has also compromised the security of my property and that of my neighbours and also the garden of the bungalow because of ease of access over the garages in the adjoining Housing Services development. There has been a history of problems with children and youths on these roofs.

The only reasonable use of this site, in my opinion, is for the bungalow to be demolished and a single story building erected sideways to the boundary on the same building line, with windows only to the front i.e. facing south. This way, the building will buffer the sound of children/others using a re-sited garden space. This is the only win-win

solution that would enable the school to make suitable provision for the children without causing unacceptable detriment to me.

5.2 Note on reasonable expectations When I bought my property in January 2008 there was no indication that the lane was used as the main access to the school. My local search showed that it was not adopted; there was a front entrance in West Street with signs for the school; and the address of the school was the main Bassett Road.

Additionally, there were traffic controls marked in the lane. It is not a question of 'oh you live near a school and you must expect there will be problems'. I did find there were problems and tried to sort these out with the school. However, the problems were merely an intermitted annoyance and I did not pursue them when I failed to resolve them. It was not until 2010 that they escalated and it was not until 2011, in spite of all the concerns that I raised, that I discovered the cause. Nobody, not the school or the Council told me this. It has been only through my effort and persistence that I discovered the cause which have turned out to be causes - all to do with the expansion of various activities in the school.

There is no requirement placed on schools to engage with their immediate neighbours. It is not just a problem with the Mary Bassett School as the agenda of the next Traffic Meeting of the Council will confirm.

5.3 My recommendations

a) I am seeking a decision that achieves sustainable development, including for the children and for my quality of life and health and I ask the Committee to refuse the application on the grounds that it is not sustainable in any way and cannot be justified in reference to any material planning considerations.

b) I further recommend that the Mary Bassett School and the Schools Service consider my proposal for what would be a reasonable and so acceptable operational use of the bungalow site; and

c) That somebody in the Council reviews and controls the deployment of S106 funds for education and for transport to ensure that they are properly used for relevant planning purposes and also ensures this decision process transparent so that the community that is supposed to benefit can add value to the process. It is, after all, the local community that is best placed to have joined up understandings of the issues.

6. CONCLUSION

The issues that I am raising are about my amenity as a 65 year old pensioner with a right to reasonable peace and quiet in my own home free of worry about access by emergency services and about the safety of children using my land as a dangerous short cut to the school. However, they are, at the same time about whether or not a 'sticking plaster' piecemeal approach to providing school accommodation for children and, at the same time, a 'sticking plaster' highways approach to the inadequate vehicle and pedestrian access qualifies as sustainable development.

On the highways issues, I will forward the report of my independent Highways safety expert when I receive this. It will be at that stage that I will seek to add value to help to resolve the issues concerning vehicle and pedestrian access. In the meantime I wish to draw attention to two linked statements copied from the CBC website planning pages

A widely-used definition of 'sustainable development' is development which meets the needs of the present without compromising the ability of future generations to meet their own needs.

Sustainable development is all about trying to live our lives in a way that doesn't damage the Earth for generations to come. It involves not only looking at the environmental costs, but also how to improve people's quality of life, their health and their economic situation.

Consultations/Publicity responses

Archaeology

The proposed development is in an area that has the potential to contain archaeological deposits relating to the origins and development of Leighton Buzzard in the Saxon and medieval periods. However, the nature of the development means that there will be no impact on archaeological deposits or on the significance of the heritage asset. Consequently the officer has no objection to this application on archaeological grounds.

Determining Issues

The main considerations of the application are:

1. Loss of Residential Accommodation
2. Impact on the character and appearance of the streetscene
3. Impact on the amenities of the neighbouring residents
4. Archaeology

5. Other Issues

Considerations

1. Loss Of Residential Accommodation

South Bedfordshire Local Plan policy H7 seeks to resist the loss of residential accommodation where it would lead to an unacceptable loss of housing stock. The existing dwelling is for the site agent to the school and therefore has not been in the general housing stock. In addition the dwelling is empty and is considered by the school not to be required for its previous use as a site agent's dwelling. Given the above circumstances and the needs of the school as set out in the supporting statement from the headteacher it is considered that on balance the proposal would be acceptable with regard to the requirements of policy H7.

2. Impact on the character and appearance of the streetscene

South Bedfordshire Local Plan policy BE8 states that new development, including extensions, should be appropriate in terms of size, scale, density, massing, orientation, materials and overall appearance and complement and harmonise with the local surroundings.

The caretaker's bungalow was given planning permission in the 1960's at the same time as the modern school buildings on the site. The bungalow is constructed from brick with a tiled roof.

The change of use does not have any significant impact on the external appearance of the building. The application proposes the installation of french doors to the rear of the property and some changes to the doors however these are not considered to have any adverse impact. The change of use may require internal alterations however these do not require planning permission.

The proposal would not have any adverse visual impact and therefore complies with policy BE8.

3. Impact on the amenities of the neighbouring residents

South Bedfordshire Local Plan policy BE8 states that new development should not have any unacceptable adverse impact on residential amenity or privacy.

The caretaker's bungalow is located in the north eastern corner of the school site adjacent to the vehicular access to the site.

The closest residential properties are 1-4 Bassett Court, the closest of which being around 9 metres to the north of the bungalow.

There would not be any adverse impact on the neighbouring residents by reason of loss of privacy or light as no changes would be made to the size, window location or boundary treatment of the building.

The use of the building would mainly be as office space and for meetings of varying sizes. The office and meeting uses would be confined within the building and would therefore have no impact in terms of disturbance on neighbouring residents. The objector does state that the outdoor space could be used as a smoking area which would lead to disturbance. Smoking is not

usually permitted on school sites however if the garden area was used for this purpose it is unlikely that the level of disturbance would be significantly more adverse than that experienced at present

The only use which would include groups of children would be the before and after school club. The before school club starts at 8am and the after school club finishes at 5.30pm. The number of children attending the club is limited by Ofsted to 15. It is anticipated that the club would be likely to use the garden of the bungalow as an outside space. The use of the garden may lead to some disturbance to neighbouring residents by reason of noise. It is however considered that the short amount of time that the garden could be used for and that it would only be on weekdays during term-time that any disturbance would not be sufficiently adverse to warrant refusal of planning permission. It is not considered that the use of the building for this purpose would lead to any significant adverse impact on the amenities of neighbouring residents by reason of noise or disturbance.

The objector comments that the increase in the use of the site would adversely effect her amenities due to the additional vehicles and pedestrians visiting the site. None of the activities which would take place within the bungalow require planning permission at the school site in their own right and indeed the majority are already taking place elsewhere on the site. The Local Planning Authority therefore has no control over the uses or the associated vehicle and pedestrian movements.

The objector also comments that works to the bungalow have been taking place since early June 2011 which has caused disturbance. The works are understood to be internal changes which do not require planning permission. Any disturbance from these works cannot be controlled by the planning system.

The objector considers that the only acceptable solution would be to demolish the bungalow and replace it with a single storey building erected sideways with south facing windows only. This may well be a suitable option, however the planning application under consideration is for the change of use of the existing bungalow.

Overall it is considered that the proposal would not have a significant adverse impact on the amenities of neighbouring residents.

4. Archaeology

The proposed development is within the historic core of the settlement of Leighton Buzzard. It is an archaeologically sensitive area and a locally identified heritage asset as defined by PPS 5 Planning for the Historic Environment.

The proposed development lies within the core of the medieval town of Leighton Buzzard (HER 16871) and this a locally identified heritage asset with archaeological interest, as defined by PPS5: *Planning for the Historic Environment*.

Leighton Buzzard was founded in the late Saxon period and re-planned early in the medieval period. Investigations conducted elsewhere within the town have indicated the presence of surviving sub-surface medieval archaeological deposits even in areas that have previously been subjected to disturbance

caused by earlier developments. However the nature of the proposed development is such that it is unlikely to have an impact upon any surviving archaeological deposits or the significance of the Leighton Buzzard medieval town heritage asset. Consequently the Archaeology officer has no objection to this application on archaeological grounds.

5. Other Issues

A number of other issues were raised by the objector which are dealt with below.

The objector raises concern that incremental additions to the school have resulted in the doubling of the number of children attending the site in the past year and the resulting issues this has raised. This may be true however it is not an issue to be addressed by this application.

The objector states that the vehicular and pedestrian traffic to the site has significantly increased and that the access to the school site is inadequate. Again this issues may well exist but cannot be addressed by this application for a change of use of a bungalow. Parking of vehicles on the highway and the manner in which people park and/or drive to the site is outside of the remit of the planning legislation.

The objector also raises concern that the site agent has been replaced with CCTV and security lighting and that the lighting shines into her bedroom windows. No lighting is proposed by this application and a condition could be added to restrict the installation of any external lighting to the bungalow.

The objector states that so much is discussed and decided behind doors it is hard for members of the public to get information. This has prevented the objector responding to the application as fully as she wished. It is not considered that there is any information missing from the planning application to enable the consideration of the application.

The objector comments that there is a discrepancy between plans submitted for different applications with regard to the number of parking spaces within the car park. As the application for change of use does not require any additional parking as it does not introduce any new uses to the site, this is not an issue considered as part of this application.

The objector comments that the existing boundary wall with her property, which is in poor condition, is a heritage asset and this application should not be determined without addressing this issue. The wall is not included within this application and no consideration of the wall can be given by this application.

Recommendation

That Planning Permission be granted subject to the following:

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act

1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.

- 3 No external lighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of neighbouring properties.
(Policy BE8, S.B.L.P.R).

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, number PL-002.2.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposal would not detrimentally impact upon the character and appearance of the streetscene nor would there be any significant adverse impact on the amenities of neighbouring residents. The proposal would not have any impact on archaeological remains and in the circumstances of the case put forward for the needs of the school does not represent an unacceptable loss of residential accommodation. The scheme therefore, is in conformity with Planning Policy Statement 1 and Planning Policy Statement 5 and South Bedfordshire Local Plan First Review policy BE8 and H7. It is further in conformity with the Central Bedfordshire Supplementary Technical Guidance "Design in Central Bedfordshire, A Guide for Development".

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

East of England Plan (May 2008)

Bedfordshire Structure Plan 2011

South Bedfordshire Local Plan Review

- 2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).

- 3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

DECISION

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