

Item No. 15

APPLICATION NUMBER	CB/12/04248/FULL
LOCATION	Oak Tree Farm, Potton Road, Biggleswade, SG18 0EP
PROPOSAL	Change of use of site and buildings from Light industrial / retail / store / showroom / workshop / restaurant to school. External alterations including revised parking layout / landscaping / play areas and new fencing. Subdivision of land to separate existing house. New windows and Doors.
PARISH	Sutton
WARD	Potton
WARD COUNCILLORS	Cllrs Mrs Gurney & Zerny
CASE OFFICER	Mark Spragg
DATE REGISTERED	03 December 2012
EXPIRY DATE	28 January 2013
APPLICANT	Ermine Education Trust
AGENT	Blueprint Architectural Design
REASON FOR COMMITTEE TO DETERMINE	Call in by Cllr Gurney due to concerns as to whether this is an appropriate location for a school use.
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site is located on Potton Road, between the settlements of Biggleswade and Sutton, occupying a level area of approximately 1.3 hectares.

The site is currently made up of two separate areas, under the same ownership. The main (west) part of the site, is occupied by a large modern two storey glazed and rendered retail building, with associated restaurant and ancillary offices, totalling a floorspace of approximately 1300sqm. The development was the subject of planning permission in 2005 (MB/05/00606/FULL). The building is set back towards the rear of the site behind a landscaped pond and grassed area, whilst a 1m high post and rail fence extends along the highway boundary. In front of and to the side of the retail building is parking for up to 40 vehicles, together with a turning area for service vehicles.

A 2.4m high brick wall extends along the north west boundary of the main part of the site, beyond which, in the east part of the site, is a one and a half storey L shaped workshop/storage building, comprising a floorspace of approximately 580sqm. In addition, a two storey triple garage with games room over is also situated within the eastern part of the site, used ancillary to the use of the detached residential property which, whilst under the same ownership, does not fall within the application site.

There are currently two accesses serving the site, the main access in the north west corner serving the retail use, and a smaller access in the north east corner serving

the residential property and the workshop/storage area.

On the opposite side of the road are a number of large buildings associated with Bedfordshire Growers, a large local horticultural business.

The Application:

This application proposes a change of use of the retail showroom, workshop building and triple garage to use as a school. The Design and Access Statement states that the applicant is the Ermine Education Trust, who are registered with the Department for Education and affiliated to Focus Learning Trust, responsible for 30 schools in the UK.

The Trust currently operates Wellgrove Senior School in Barnet and Cheshunt Primary School and have apparently been looking to relocate both schools to a single campus within Bedfordshire for the last six years, as many of the families have relocated to Bedfordshire. It is stated that the school would cater for a total of approximately 160 children (60 aged between 7-11 and 100 between 12-18). The children would come from a wide catchment area covering Bedford, Biggleswade, Barnet and Hereford. The staff levels would comprise 12 full time teachers, 13 part time teachers and 3 full time administration staff.

It is proposed to convert the existing retail building to provide teaching accommodation comprising 12 main classrooms, a library, IT suite, and a special needs room. The adjacent and ancillary workshop building is intended to be converted to provide a sports hall, with associated changing facilities and a cookery area. It is proposed that the existing garage building would be utilised as a maintenance/general store, cycle store and games room for use in connection with the school activities.

Three outdoor hard play areas each of 594sqm, enclosed by 3m high chain link fencing, are proposed within land currently used partly for parking and turning, partly as an open grassed area at the front of the site and also comprising part of the garden area serving the adjacent house.

A new 2.5m high acoustic fence is proposed to be provided between the house and the school. In addition 2m high green chain link fencing is indicated around the perimeter of the site and a lockable gate at the main access to provide security and safety.

The access to the school would be solely from the existing main access, with the current second access being retained only for use in connection with the adjacent house.

Parking is shown for a total of 29 cars and 12 minibuses on the west of the access drive and to the west side of the main building. The extent of the internal road would be reduced and include a turning circle area and drop off points outside the main building.

Further landscaping is also shown to be provided within the site, including additional trees and grassed areas, replacing some of the existing hardstanding.

RELEVANT POLICIES:

National Planning Policy Framework

Core Strategy and Development Management Policies

CS1: Development Strategy

CS11: Rural economy and tourism

DM3: High Quality Development

DM4: Development within and beyond Settlement Envelopes

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development

CBC Emerging Parking Strategy, Appendix F, Central Bedfordshire Local Transport Plan, endorsed for Development Management purposes by Executive October 20212

Planning History

CB/10//04579 – Change of use of first floor (garage) from games room to separate residential unit (Refused).

CB/10/02501 – Change of use of first floor (garage) from games room to separate residential unit (Refused).

MB/08/01952 – Change of use of commercial building (workshop) into 2 no. residential dwellings (Refused)

MB/08/00431 – Erection of two storey garage/workshop (Approved)

MB/0700617 – First floor balcony to south east elevation of showroom/restaurant (Approved)

MB/05/00606 – Erection of new showroom, restaurant, workshop, boundary wall and formation of new access and car park. (Approved)

Representations: (Parish & Neighbours)

Sutton Parish Council No objection.

Potton Town Council No comments received.

Third party
representations Three letters of support received of which the comments
are summarised as follows:

- The proposed use for a school will bring jobs to the area after the disappointment of the business closure.
- Will help preserve a fine building becoming derelict

Consultations/Publicity responses

Highways:	There is no technical highway reason to oppose the development in terms of vehicle access arrangements and the ability to provide an appropriate level of on-site vehicle parking and manoeuvring area, together with provision for cycle storage. However, being remote from any area of population, without sustainable transport links the site is far from ideal. Recommend that a Travel Plan is provided.
Sustainable Transport Officer:	Following the further information provided by the applicants regarding transportation arrangements the Sustainable Transport Officer raises no objection in principle, however considers it essential that a Travel Plan is secured to reflect the proposed usage of the site. This should include details of how any travel and transport arrangements will be organised and managed and mitigation measures for any potential travel issues.
Public Protection	No objection subject to a condition to secure the erection of a 2.5m high acoustic fence to mitigate noise from the sports hall building.
Environment Agency	Requested Flood Risk Assessment. No objection subject to conditions, provided that the Internal Drainage Board are satisfied with the submitted FRA.
Internal Drainage Board	Comments regarding FRA awaited.
Tree Officer	No trees of significance affected by the proposal but it would be a good opportunity to improve the landscaping on site. There is an opportunity to incorporate some hedge planting along the front boundary of the site.

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Impact on character and appearance of the surrounding area
3. Impact on amenities of neighbouring residents and future occupiers
4. Access, parking and sustainability
5. Other matters

Considerations

1. Principle of Development

The site lies within the open countryside outside any settlement envelope. Policy CS11 of the Core Strategy seeks to support the rural economy and the

diversification of redundant properties to other commercial, industrial, tourism and recreational uses in the first instance.

The NPPF (para 15) advises that Local Plans should follow the approach of the presumption in favour of sustainable development. Paragraph 17 encourages the effective use of land by reusing land that has been previously developed.

The application site comprises buildings of a substantial floorspace previously used for retail and ancillary light industrial uses. Due to the demise of the previous business the buildings all remain vacant and as such under utilised and of no benefit to the local economy.

It is considered that the principle of reusing the buildings as a new school does in principle broadly reflect the objectives of both the Core strategy and the NPPF, with no new buildings being proposed.

On the basis of the above it is considered that the change of use of the site to a school use is in principle acceptable.

2. Impact on Character and Appearance of the Streetscene

The application does not involve any new buildings, with only internal and minor external changes proposed to the buildings which it is not considered would result in any material impact on the appearance of the site.

The large grassed landscaped area with the pond in front of the main building would remain unchanged. Whilst the addition of the front play area would result in the removal of some of the grassed area towards the front of the site new soft landscaping would be provided where currently there is hardstanding. More trees are also proposed to infill those trees at the front of the site which are to be retained, providing additional screening from the highway. It is also intended to provide landscaping in front of the proposed acoustic fencing, which is to enclose the adjoining residential property. Whilst a 2m high chain link fencing is proposed around the perimeter of the site it is considered that this type of fencing appropriately finished in a green colour, with the benefit of landscaping behind, would have a minimal visual impact on the streetscene and open character of the area site, whilst ensuring that the safety and security of the pupils is maintained.

On the basis of the above it is not considered that any harm to the character of the surrounding area would result from the proposed change of use and associated works.

3. Impact on Amenities of Neighbouring Residents

Core Strategy policy DM3 requires new development to respect the amenity of nearby residents.

The site is not located within a residential area and as such the only residential property close to the site is that which is under the same ownership. The existing property is located within 12m, of the existing light industrial workshop building with no intervening boundary. There is presently a wall of approximately 2.4m

which divides the retail showroom part of the site from the house and light industrial unit. It is proposed to remove the wall and to provide a new 2.4m acoustic fence around the south and west boundaries of the reduced residential curtilage, separating it from the school site and providing a degree of noise protection from the play areas and sports hall building. The rear windows of the garage building which would overlook the garden of the house are proposed to be obscurely glazed.

Public Protection consider that the proposed 2.5m high acoustic fence would satisfactorily mitigate any resultant noise from the application site to the residential property.

Whilst the curtilage of the house would be reduced the property would still be served by a significant garden area well in excess of 100sqm and more than adequate for the occupants of that property.

On the basis of the above it is not considered that any harm to neighbouring amenity would result and the development would result in a reasonable level of amenity for future occupiers.

4. Access and Parking

The school would be served by the same access as the existing main access. Parking within the site would comprise 19 staff parking spaces, 10 visitor spaces, 4 disabled spaces, 3 drop off points, and parking for 22 minibuses.

The applicant has provided information about how it is intended that the transportation to the school would work, including examples from two other schools operated by the applicant. In the example provided by the applicant at their Dunstable School Campus they state that 143 of the 182 pupils arrive by minibus, whilst at the Barnet Campus 64 of the 68 pupils arrive by minibus.

The applicants states that of the 159 students, 49 come from Bedfordshire (Biggleswade and Bedford areas) and 110 from Hertfordshire. They state that pupils would be collected by 12 seater minibuses and dropped off and picked up at the school. This transport service would be a compulsory part of the schools policy except in certain exceptions.

Cycle parking is shown to be provided in the ground floor of the converted garage building, and it is anticipated that this could serve the needs of local staff who may wish to cycle to the site.

It is recognised that the site is not in a sustainable location such that it would encourage children or staff to walk or cycle to school the fact that the majority of pupils would not be from the immediate area. However, the means of shared transport operated by the applicants and proposed to use at this site would significantly reduce vehicle trips to the site. It is also relevant to consider that the current authorised use of the site as a retail premises with associated restaurant, and adjacent workshop would itself have the potential to generate significant levels of traffic. The estimated figures provided by the previous occupier have suggested vehicle movements equating to 125 per day during the week with significantly higher movements at weekends. This was increased

significantly on Saturday nights when wedding receptions and parties took place in the restaurant. Whilst the submitted figures for the previous use may appear rather high it is not possible to verify the figures now that the use has ceased. Nevertheless it is considered that on the basis of the transportation arrangements proposed by the school that the new use would be likely to lead to a significant reduction in the overall vehicle movements to the site.

The Council's Highway Officer has raised no objection in principle to the proposals on parking and highway safety grounds, subject to conditions.

Similarly, the Council's Transport Sustainability Officer has also raised no objection in principle to the proposal. However, due to the location of the school considers a Travel Plan to be essential

The proposed change of use by the Ermine Trust, taking account of their established arrangements in their other schools for transporting children by minibus represents a very different arrangement than would normally be the case with a local catchment area school, where the majority of children would be likely to walk or cycle. In recognising that the school in this location would not suit such a standard catchment school, due to the lack of public transport, cycle routes and pedestrian links/accessibility it is considered appropriate in this case to impose a personal user condition in favour of the Ermine Trust. On that basis and subject to a comprehensive Travel Plan it is considered that the proposal is acceptable.

5.

Other Matters

Given that the site lies within Flood Zone 2, wherein the change of use would result in the site becoming "more vulnerable", a flood risk assessment (FRA) was requested by the Environment Agency and the Internal Drainage Board. An FRA has been produced on behalf of the applicant which concludes with a recommendation that flood mitigation measures are implemented. The Environment Agency have advised that subject to the Internal Drainage Board being satisfied with the FRA and its mitigation measures then they would not object, subject to appropriate conditions and informatives. Comments are awaited from the Internal Drainage Board.

Recommendation

That Planning Permission be granted subject to the following conditions:

- 1 The development shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase

Act 2004.

- 2 The proposed development shall be carried out and completed in accordance with the vehicle access and parking layout illustrated on the approved plan and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times.

- 3 **Development shall not commence until a scheme detailing provision for on site parking for construction workers and deliveries for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

Reason: To ensure adequate off street parking during construction in the interests of road safety.

- 4 Before the premises are occupied all on site vehicular areas shall be surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits.

- 5 Before the building is first brought into use, a travel plan is to be submitted to and approved in writing by the Local Planning Authority. The plan shall contain details of:

- a. measures to encourage sustainable travel choices for journeys to the school
- a. pupil travel patterns and barriers to sustainable travel
- a. measures to reduce car use
- a. transport policy(s) of the school
- a. measures to mitigate any adverse impacts of non-sustainable travel to, from and between the school
- a. an action plan detailing targets and a timetable for implementing appropriate measures and plans for annual monitoring and review

All measures agreed therein shall be undertaken in accordance with the

approved plan unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of highway safety, to reduce congestion and to promote the use of sustainable modes of transport

- 6 This permission is for the sole benefit of the premises as a school for use by the Ermine Education Trust and shall not extend to any other educational use by any other group.

Reason: To ensure the retention of planning control by the Local Planning Authority on the disposal of the present applicant's interest in the land and buildings due to the location of the site outside any settlement envelope and the fact that special regard has been had to the specific transportation methods proposed by the applicants and evidenced by examples from other schools within their education portfolio.

- 7 **The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented in accordance with the approved scheme.**

Reasons: To prevent deterioration and promote recovery of water bodies and prevent hazardous substances being released into the groundwater.

- 8 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

Reason: To ensure a satisfactory standard of landscaping.

- 9 **Prior to first occupation of the school a 2.5m high acoustic fence shall be provided in the position shown on drawing 12-073-101 and detailed in the drawing within the Design and Access Statement (layout), and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To safeguard the amenity of the adjoining residential property.

- 10 The first floor windows to the north elevation of the existing garage building shall be permanently glazed with obscured glass.

Reason: To protect the privacy of the occupiers of the adjoining residential

property.

- 11 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [Plans 12-073-100, 101, 102, 103, 104, 106, 107, 108, 109].

Reason: For the avoidance of doubt.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Reasons for Granting

The proposed change of use of the site to a school would support the rural economy whilst not having a negative impact on the character or appearance of the area. There would be no adverse impact on the amenity of the neighbouring property and is considered acceptable in terms of highway safety and sustainability given the existing use and the specific transportation arrangements proposed to be adopted by the applicant. Therefore the proposal is in conformity with Policies CS11, DM3 and DM4 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework, 2012. It is further in conformity with the Supplementary Planning Document: Design in Central Bedfordshire: A Guide for Development, 2010.

Notes to Applicant

1. With regards to the Travel Plan the applicant is advised that further information regarding the updating of the School Travel Plan is available from the Sustainable Transport Team, Central Bedfordshire Council, Technology House, Bedford, MK42 9BD
2. The proposed development overlies a Principal aquifer, overlain with alluvium clay, silt, sand and gravel. The application does not provide sufficient information about foul drainage arrangements and pollution prevention measures to demonstrate whether the proposal will lead to pollution of surface or underground waters, and possible contamination of drinking water sources. A septic tank with tertiary reed bed discharging to ground may not provide a suitable arrangement for foul water in this location and with the proposed number of users.

A package treatment plant is an alternative to a septic tank which has an outlet to either a soakaway or watercourse, and requires a separate formal permit from the Environment Agency. Under the Environmental Permitting Regulations 2010 a discharge permit or exemption from this Agency is required prior to the commencement of any discharge of trade or sewage effluent to a watercourse or groundwater. Such permits are not granted automatically, and may be refused or granted subject to conditions. The statutory consultation period for permit applications is four months. Such consent is not implied by these observations. The applicant may find that, if permits are granted, any conditions applied may influence the nature of any treatment facilities required. **The granting of planning approval must not be taken to imply that consent has been given in respect of any Permit requirements.**

3. The following advisory notes are provided by the Environment Agency:
- Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.
 - Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. Soakaways must not be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.
 - We have issued a series of Pollution Prevention Guidance Notes (PPGs). These are available on our website at: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>
 - Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
 - Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hard standings shall be passed through trapped gullies with an overall capacity compatible with the site being drained. Any facilities, above ground, for the storage of oils, fuels or chemicals must be provided with adequate, durable secondary containment to prevent the escape of pollutants. The volume of the secondary containment must be at least equivalent to the capacity of the tank plus 10%. If there is more than one oil storage tank in the facility, the secondary containment must be capable of storing 110% of the biggest tank's capacity or 25% of the total capacity of all the

tanks, whichever is greater. All filling points, vents, gauges and sight glasses should be banded. Any tank overflow pipe outlets must be directed into the bund. Associated pipework should be located above ground and protected from accidental damage. The drainage system of the bund must be sealed with no discharge to any watercourse, land or underground strata. The installation must, where relevant, comply with the Control of Pollution (Oil Storage) (England) Regulations 2001 and the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010. Site occupiers intending to purchase or install pollutant secondary containment (bundling) should ensure that the materials are not vulnerable to premature structural failure in the event of a fire in the vicinity. Further guidance can be found on the Environment Agency's website at: www.environment-agency.gov.uk/osr

DECISION

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