

Item No. 7

APPLICATION NUMBER	CB/13/01069/FULL
LOCATION	St Christophers Academy, Gorham Way, Dunstable, LU5 4NJ
PROPOSAL	Installation of a temporary modular double classroom unit & associated external landscaping and additional pedestrian access
PARISH	Dunstable
WARD	Dunstable Icknield
WARD COUNCILLORS	Cllrs McVicar & Young
CASE OFFICER	Abel Bunu
DATE REGISTERED	25 March 2013
EXPIRY DATE	20 May 2013
APPLICANT	St Christophers Academy
AGENT	Stenton OBHI Architects
REASON FOR COMMITTEE TO DETERMINE	The application site is owned by Central Bedfordshire Council
RECOMMENDED DECISION	Full Application - Approval

Recommended Reasons for Granting

The proposed development would, increase the capacity of the school to accommodate more pupils and staff members, promote sustainable means of transport, reduce traffic congestion along Gorham Way and would not be detrimental to residential amenity. Furthermore, through landscaping conditions, the development would not be detrimental to the character and appearance of the area thereby conforming to the development plan comprising Policies BE8, SD1, and T10 of the South Bedfordshire Local Plan Review, Policies 27 and 43, of the emerging Development Strategy for Central Bedfordshire and national advice contained in the National Planning Policy Framework and the supplementary planning guidance, 'Design in Central Bedfordshire, A Guide for Development', 2010.

Site Location:

St Christopher's Lower School lies on the southern side of Gorham Way, close to the junction with Evelyn Road. The main school buildings are located at the eastern end of the site. There is an existing temporary classroom unit to the south east of the main school, which is situated in close proximity to the rear garden boundaries of No's 11 – 21 (odds) St Christopher's Close. The private gardens of residential properties at No's 4 and 28 Gorham Way, Evelyn Road and Linden Road abut the school grounds.

The Application:

Seeks planning permission for installation of a modular double classroom unit for a temporary period of 7 years. The proposed building would be sited on the school field to the north west of the main school buildings. The building would be of pre-fabricated material and would sit close to the northern boundary of the site adjacent to Gorham Way. Sitting under a flat roof, the building would measure 7.2 metres deep, 21 metres wide and 3.6 metres high. Five staff car parking spaces would be provided to the south west of the building and would be accessed via an existing maintenance access off Gorham Way. A cycle shelter would be erected next to a new pedestrian access off Gorham Way and a row of trees would be planted along part of the north western site boundary to soften the appearance of the building from this direction. The application also proposes opening up a pedestrian access from St Christopher Close.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced most of the previous national planning policy documents PPS's and PPGs. The following sections of the NPPF are considered relevant to this application.

Paragraphs 6 to 17 : Achieving Sustainable Development.

Section 4 : Promoting Sustainable Transport

Section 7: Requiring good design.

Section 8 : Promoting healthy communities.

South Bedfordshire Local Plan Review Policies

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that the following policies are broadly consistent with the framework, with the exception of policy T10, and significant weight should be attached to them.

BE8 Design Considerations

T10 Parking - New Development

SD1 Keynote Policy

Endorsed Core Strategy - South

The Pre-Submission Core Strategy for Southern Central Bedfordshire was endorsed for Development Management purposes by the Executive in August 2011 following the decision of The Luton and South Bedfordshire Joint Committee's resolution on the 29th July 2011 to seek the withdrawal of the Luton and southern Central Bedfordshire Joint Core Strategy. The following policy is a material consideration :

Development Strategy for Central Bedfordshire

Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central

Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in May 2013 and the following policies are considered relevant to the determination of this application :

Policy 1 : Presumption in Favour of Sustainable Development

Policy 2 : Growth Strategy

Policy 21: Provision for Social and Community Infrastructure

Policy 27 : Car Parking

Policy 43: High Quality Development

Supplementary Planning Guidance

1. Design in Central Bedfordshire, A Guide for Development, Adopted 23 July 2010
2. Central Bedfordshire Local Transport Plan: Appendix F : Parking Strategy (Adopted in October 2012 by the Executive for Development Management Purposes)

Planning History

Application:	Planning	Number:	CB/13/00248/FULL
Validated:	22/01/2013	Type:	Full Application
Status:	Withdrawn	Date:	14/03/2013
Summary:		Decision:	Application Withdrawn
Description:	Installation of a temporary modular double classroom unit & associated external landscaping		
Application:	Planning	Number:	SB/08/01064
Validated:	31/10/2008	Type:	Regulation 3
Status:		Date:	28/01/2009
Summary:		Decision:	Grant Permission - County Matter
Description:	Single storey extension to provide office and ancillary accommodation (BC/CC/2008/46 refers)		
Application:	Planning	Number:	SB/08/00584
Validated:	29/05/2008	Type:	Regulation 3
Status:		Date:	23/06/2008
Summary:		Decision:	No Objection - CC and CM
Description:	Siting of double temporary classroom unit (BC/CC/08/0022 refers)		
Application:	Planning	Number:	SB/07/01357
Validated:	21/11/2007	Type:	Regulation 3
Status:		Date:	07/01/2008
Summary:		Decision:	DO NOT USE
Description:	RETENTION OF A DOUBLE TEMPORARY CLASSROOM UNIT (BC/CC/07/0042 REFERS)		
Application:	Planning	Number:	SB/06/00836
Validated:	27/07/2006	Type:	Regulation 3
Status:		Date:	25/08/2006
Summary:		Decision:	DO NOT USE
Description:	ERECTION OF NEW CLASSROOM UNIT (BC/CC/2006/36 REFERS)		
Application:	Planning	Number:	SB/05/00676
Validated:	29/06/2005	Type:	Regulation 3
Status:		Date:	10/08/2005
Summary:		Decision:	DO NOT USE
Description:	ERECTION OF CANOPY TO COVER HARD PLAY AREA IN EARLY YEARS UNIT (REGULATION 3) (BC/CC/2005/16 REFERS)		

Application: Planning
Validated: 26/08/2004
Status: Decided
Summary:
Description: INSTALLATION OF A 150 METRE LENGTH OF 2 METRE HIGH GREEN PALISADE FENCING, THREE SETS OF DOUBLE GATES AND ONE SET OF SINGLE GATES (BC/CC/2004/46) (REGULATION 3 REFERS).

Number: SB/04/01127
Type: Regulation 3
Date: 20/10/2004
Decision: No Objection - County Matter

Application: Planning
Validated: 30/10/2002
Status: Decided
Summary:
Description: SITING OF TEMPORARY CLASSROOM UNIT (REGULATION 3) BC/CC/2002/65 REFERS

Number: SB/02/00016
Type: Regulation 3
Date: 08/01/2003
Decision: Planning Permission - Beds CC Reg 3/4

Representations: (Parish & Neighbours)

Town Council Will be reported at the meeting.

Neighbours

2,7,9,16,18,20,22,23,24,
42,48,50,52, St
Christopher Close

- Object to the creation of an additional pedestrian access in St Christophers Close for St Christophers Lower School.
- Impractical proposition due to existing traffic issues and nuisance issues from children's behaviour which has been a constant problem, escalating in recent years.
- Inconsiderate parking is not infrequent in the Close and especially in this 'middle' area as cars park half up on the pavement/grass making it quite difficult for residents to reverse off their driveways.
- Highway safety compromised by speeding drivers. Proposal would worsen the problem. If implemented, will only make an already potentially dangerous situation worse.
- Local residents would be inconvenienced by double parked cars that would be blocking residents' driveways.
- People dropping off their children are likely to park up on the grass area opposite making what was intended to be an attractive 'green' rapidly become a mud bath! Also there will without doubt be an increase in litter as well as noise.

- Proposal would lead to more children loitering in the Close, looking for mischief, possibly giving rise to criminal damage as clusters of children are much more likely to loiter in a Close than a main or through road looking for trouble.
- Proposal would spoil the quiet environment in St Christopher Close and impact on property values. Any entrances to the school should remain in Gorham Way as this is a through road with fewer issues surrounding parked vehicles and children playing and therefore far more suitable.
- Consultation letter should have been explicit that the pedestrian access would be on St Christopher Close.
- Road is too narrow to take two cars parking opposite each other. This would block emergency vehicles.
- Require additional consultation time to respond fully to the application, at least one month.
- Additional traffic on Linden Road.
- No turning areas in this Close.
- Police presence would have to be compulsory everyday.
- Damage to private property and pavement.

Consultations/Publicity responses

Highways Officer

The application is for two temporary classrooms for a period of 7 years. This has the potential of increasing the staffing numbers and as a result in accordance with the authority's standard an additional number of parking spaces for staff is required. This has been provided and as long as this is available for staff I would not have an objection.

A new pedestrian access has been proposed from St Christopher's Close and I am in favour of this as it would make the school more accessible by pedestrians and relieve traffic conditions at the main entrance from Gorham Way. However, it should be acknowledged that traffic will need to be managed both at Gorham Way and St Christopher's Close. This can be by way of School Keep Clear road markings and waiting restrictions to limit the waiting of vehicles at the beginning and the end of the school day. This waiting restriction should be proposed

along one side of the road in Gorham Way and St Christophers Close. Consideration should also be given to restricting parking at the junction of Calcutt Close; Thornbury; St. Christopher's Close and the turning area in St. Christopher's Close. In a highway context I recommend the imposition of conditions if planning approval is to be issued.

Tree and Landscape Officer

I have no objection to the new application but recommend conditions in the interest of visual amenity.

Education Officer

Central Bedfordshire is the landlord. The school is proposing to install the temporary double classroom unit to manage a bulge in pupil numbers which will come about from 2013/14 to 2015/16 as a result of transition from a 1.5FE first to a 1FE primary. CBC's suitability survey of St Christophers records the school as currently having 8 classrooms, with one additional space for a pre-school. The school will require a maximum of 10 classrooms to manage pupil numbers in 2014/15. As such, there is a clear need for the installation of a temporary double mobile to manage the three year transition of the school from a first to a primary school.

Sport England

Will be reported at the meeting.

Determining Issues

The main considerations of the application are;

1. Whether or not the proposed development is acceptable in principle
2. Impact on the character and appearance of the area
3. Impact on residential amenity
4. Impact on parking and highway safety
5. Other matters

Considerations

1. Principle of the development

As part of its objective to promote healthy and sustainable communities, Government advice contained within the National Planning Policy Framework (NPPF), is supportive of proposals that seek to create, expand or alter schools and Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement in order to widen choice in education. Great weight should therefore be given to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. (paragraph 72). Furthermore, Local Planning Authorities are advised to work with school promoters to identify and resolve key planning issues before applications are submitted. In this case, the application seeks permission to extend the age range of the pupils to 4-11 years in primary school.

This extended provision would be accommodated within two additional temporary classrooms to manage the transition over a seven year period while the Academy's Pupil Admission Number (PAN) is reduced. Two stages of implementation are proposed as follows :

September 2013 - Year 4 pupils would be retained at the school and progress to Year 5

September 2014 - Year 5 pupils will progress to Year 6

The Planned Admission Numbers for reception would be reduced in September 2013 from 45 to 30.

Currently, the school has a capacity of 225 pupils from reception to Year 4. With the retention of Year 4s, this would fluctuate over a period of seven years as follows : 238 in 2013/14, 268 in 2014/15, 270 in 2015/16, 255 in 2016/17, 240 in 2017/18 and 225 in 2018/19 and 210 in 2019/20.

The school initially submitted an application that raised significant objections from the Highways Officer, Tree and Landscape Officer and some local residents from Gorham Way. This application, reference, (CB/13/00248/FULL), was subsequently withdrawn and a meeting held with the school in order to address the planning concerns that had been identified. The current application therefore represents a negotiated outcome.

Because of the demonstrated need for expansion, the proposal is considered consistent with national advice and is therefore acceptable in principle. Furthermore, this expansion would bring the school in line with other academies in Dunstable. With regards the proposed pedestrian access off St Christopher Close, this would involve opening up a section of the hedge and installing a gate designed for pedestrian use only. The works involved do not require planning permission and as such, this consideration offers a clear fallback position should planning permission be withheld.

2. Character and appearance of the area

The proposed building would be sited on the school field to the north west of the main school buildings. The building would be of pre-fabricated material and would sit close to the northern boundary of the site adjacent to St Christopher Way. The northern boundary of the site is enclosed by a green palisade fence which affords views into the school field from the road. Because of its position, the building would be visible from public vantage points along St Christopher Close and Gorham Way and from the surrounding residential properties. By reason of its construction materials and siting, the building would detract from the character and appearance of the wider area which is predominantly residential in character. However, it is considered that this harm to the character and appearance of the area could be mitigated by a landscaping scheme which could be secured through a planning condition.

3. Residential amenity

There would still remain adequate separation distances with the neighbouring residential properties such that no significant harm to residential amenities would result from the intensification of the use of the school.

4. Impact on parking and highway safety

The proposed scheme makes provision for a new pedestrian access off Gorham Way to reduce the current congestion at the main entrance to the school. Five staff parking spaces and a cycle shelter would be provided next to the building. An additional pedestrian access is proposed on St Christopher Close. The emerging parking strategy limits the amount of parking space provision within the school grounds to that only required for staff, visitors and parents and no provision for pupils or 'dropping off and picking up'. Taking these factors into account, including a condition requiring the updating of the school's travel plan, it is considered that the proposed development would not result in situations of traffic congestion and highway safety hazards. Furthermore, an up to date travel plan would promote the use of sustainable means of transport. Whilst there would be increased traffic calling at the school resulting in general disturbance to the local residents, this would only be during certain times of the day when children are dropped off or picked up from school. It is considered that the conditions suggested by the Highways Officer would offer sufficient mitigation to any highway safety issues that might arise from the development. It is also considered that the pedestrian access on St Christopher Close would relieve the congestion on the Gorham Way access.

5. Other matters

Objections

The objections received have been noted and addressed in the relevant sections of this report. With regards the individual conduct of drivers, this is beyond the scope of the Planning Legislation to deal with, including the use of local residents's driveways. Any further comments received will be reported at the meeting.

Human Rights issues

The application proposals raise significant human rights issues as reflected by the level of opposition from some of the local residents. However, taking into account the mitigation measures that could be secured by planning conditions, the human rights of the pupils and parents who stand to benefit from the development and the fact that the development would support national objectives in the NPPF, it is considered that withholding planning permission against this background would severely infringe the human rights of the intended beneficiaries and this is an overriding consideration.

Equality Act 2010

The proposed additional pedestrian access off Christopher Close would ensure that the development takes into account the requirement for accessibility by all and the main entrance to the building would be served by an access ramp and stairs which would be compliant with the Disability Discrimination Access legislation.

Recommendation

That Planning Permission be **GRANTED** subject to the following:

- 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 **Prior to development, a Tree Protection Plan shall be submitted to the Local Planning Authority for approval, clearly showing the position and build specification of protective fencing within the site, and be based on the requirements of BS 5837 : 2012. The fencing shall create a Construction Exclusion Zone intended to exclude all plant, machinery, building access, storage materials, service pipes and spoil from around the Root Protection Area's of the trees marked for retention on the "Location and Site and Floor Plans" prepared by Stenton Architects (Drawing No. 300).**

Reason: To ensure the health and stability of trees marked as being retained on the application site plans, in the interests of maintaining visual amenity.

(Policies BE8, S.B.L.P.R and 43 D.S.C.B)

- 3 **Before development begins, a landscape planting plan and planting schedule shall be submitted to the Local Planning Authority for approval, clearly showing the new trees indicated for planting on the "Location and Site and Floor Plans" prepared by Stenton Architects (Drawing No. 300). The planting shall be maintained for a period of 5 years thereafter, and any losses during this period shall be replaced in the following planting season.**

Reason: To ensure a successful landscape planting scheme, and establishment, in order to successfully integrate the new development into the surrounding urban landscape, and to compensate for the removal of trees previously removed from within this site, in the interests of maintaining visual amenity.

(Policies BE8, S.B.L.P.R and 43 D.S.C.B)

- 4 **Development shall not begin until details of the Traffic Regulation Orders to be placed on the public highway surrounding the site have been approved by the Local Planning Authority and the said Traffic Regulation Orders shall be in place within 9 months of the proposed building being occupied in accordance with the approved details.**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

(Policies 27 & 43 D.S.C.B)

- 5 **Development shall not begin until details of the improvements to the junction of the proposed vehicular access with Gorham Way have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.**

**Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.
(Policy 43 D.S.C.B)**

- 6 Before the vehicular access is first brought into use a triangular vision splay shall be provided on each side of the access and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use them.
(Policy 43 D.S.C.B)

- 7 The proposed vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a distance of 5 m into the site, measured from the highway boundary, before the premises are occupied. Arrangement shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of the highway.
(Policy 43 D.S.C.B)

- 8 The maximum gradient of the vehicular access shall be 10% (1 in 10).

Reason: In the interests of the safety of persons using the access and users of the highway.
(Policy 43 D.S.C.B)

- 9 **No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.**

**Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.
(Policy 43 D.S.C.B)**

- 10 Before the building is first brought into use, St Christophers Lower School Travel Plan shall be revised and submitted to and approved in writing by the

Local Planning Authority.

The revised plan shall contain details of:

- plans for the establishment of a working group involving the School, the Pre-School, parents and representatives of the local community;
- pupil travel patterns and barriers to sustainable travel;
- measures to reduce car use; and
- an action plan detailing targets and a timetable for implementing appropriate measures and plans for annual monitoring and review.

Thereafter, the Travel Plan shall be reviewed annually with a written report to be submitted to and agreed in writing by the Local Planning Authority which shall update the plan and monitor the progress in meeting the agreed targets for reducing car journeys.

Reason: In the interests of highway safety, to reduce congestion and to promote the use of sustainable modes of transport.
(Policy 43 D.S.C.B)

- 11 The parking provision shown on Drawing number 06107-300 shall be provided prior to the first use of the building hereby approved and measures shall be put in place by the school to the satisfaction of the Council to ensure that the spaces are only available for use by staff members at all times.

Reason: To ensure that off street parking provision is maximised in the interests of highway safety.
(Policies 27 & 43 D.S.C.B)

- 12 **Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

**Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.
(Policies 43 D.S.C.B)**

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 06107 -300 & 06107-301.

Reason: For the avoidance of doubt.

Notes to Applicant

1. 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 South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).

2. 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.
3. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
4. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

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 early engagement with the applicant at the pre-application stage after the withdrawal of the first application 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.

DECISION

.....

.....