
Meeting: Development Management Committee

Date: 22 May 2013

Subject: New lower school for 330 pupils at Leighton Linslade (Greenleas) Lower School Kestrel Way, Leighton Buzzard (planning application reference CB/12/02740/FULL)

Report of: Director of Sustainable Communities

Reason for referral to Committee: Recommended change to DMC resolution to remove need for Section 106 Agreement

Advising Officer: Director of Sustainable Communities

Contact Officer: Adam Davies, Senior Planning Officer

Public/Exempt: Public

Wards: Leighton Buzzard South

Function of: Council

The Application

Background

1. This application relates to the development of a new lower school for 330 pupils in the residential development of Southern Leighton Buzzard. It lies to the south of Kestrel Way which runs from Billington Road to the west to Johnson Drive to the north. The land is bounded to the north east by land which will form part of a drainage swale and public open space for the South Leighton Buzzard Urban Extension. The land to the south west and south east of the site is currently being developed as a residential area forming part of the urban extension.

The application was previously considered at Development Management Committee on 17 October 2012 when the Committee resolved that the Head of Development Management be authorised to grant planning permission subject to a number of conditions and the completion of a prior Section 106 Legal Agreement to provide for appropriate travel management matters. At the time, and in the absence of detailed highway considerations, these could have included physical alterations to the layout of the road and signage detailing, all on the unadopted Kestrel Way.

So as to allow for the opening of the school in September 2013, it was necessary for works on site to commence in late 2012 and works on the school building itself are well advanced.

A scheme of required highway works has now been produced by Amey in consultation with CBC Highways and these in the event only comprise highway markings and signage to the unadopted Kestrel Way. The scheme includes highway signage such as speed limit, give way, mini roundabout, road hump and no stopping signs and road markings including give way lines, circulatory markings, school keep clear markings, toucan crossing markings and cycleway markings to be carried out on land outside the application site, along Kestrel Way. The scheme has been submitted to the Local Planning Authority and the landowner Arnold White Estates who have confirmed in writing their agreement with the scheme of highway works. Excluding the necessary road markings and signage, the required highway layout already exists and is in accordance with the agreed layout which has been considered to be acceptable by CBC Highways, subject to Section 38 Highways Agreement.

Subject to the appropriate planning conditions, all other aspects of the school development were previously considered acceptable by Development Management Committee. In this instance, the only issue for consideration is the manner in which the required highway markings and signage are to be secured.

Comments

2. In connection with the school development, school keep clear markings, other road markings and highway signage are required on land outside of the application site along the unadopted Kestrel Way. At the time of the previous Development Management Committee, a prior Legal Agreement was required in order to secure the necessary highway works before the opening of the school.

A scheme of required highway markings and signage has now been produced and agreed in writing with CBC Highways and the landowner. Excluding the remaining road markings and signage, the required highway layout is already in place and is subject to Section 38 Highways Agreement. As the remaining highway markings and signage have now been agreed with CBC Highways and the landowner, Legal Services advise that the remaining highway works can now be secured by way of planning condition and, in accordance with planning best practice there is no requirement for a prior Legal Agreement.

However, under the terms of the previous Development Management Committee resolution, planning permission can only be granted following the completion of a prior Legal Agreement to secure the necessary highway works. Accordingly, it is recommended that the Development Management Committee resolution be altered so that the

Head of Development Management be authorised to grant planning permission without the completion of a prior Legal Agreement.

Any permission granted should be subject to all of the conditions previously considered appropriate by Development Management Committee and an additional condition to ensure the required highway markings and signage are provided before the opening of the school. The recommended Reason for Granting should also be amended to reflect this change.

RECOMMENDATION:

That the Head of Development Management be authorised to GRANT Planning Permission subject to the following additional/amended conditions and amended Reason for Granting:

Additional condition:

- 17 The school shall not be occupied until all highway markings and signage detailed on the approved plan, drawing number 700341-000-001, have been carried out in accordance with the approved plan.

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

Amended condition:

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers M5288/A/001.P0; M52888/A/010.B; M5288/A/101.B; M5288/A/107.B; M5288/A/120.C; M5288/A/130.A and 700341-000-001.

Reason: For the avoidance of doubt.

Amended Reason for Granting:

The principle of the development has previously been established as acceptable with the grant of the outline planning permission in 2007 for the development on Sites 15B, 15C and 15D. Subject to the appropriate planning conditions, the development is considered acceptable in terms of the proposed parking and access arrangements. The proposal would not be detrimental to the character or appearance of the locality or the amenities of neighbouring residents and is in conformity with the development plan policies comprising the South Bedfordshire Local Plan Review, the emerging Development Strategy for Central Bedfordshire and national advice contained in the National Planning Policy Framework.

Appendices

Appendix A – Development Management Committee Report, 17 October 2012

Appendix B – Scheme of required highway works, drawing number 700341-000-001