

## Item No. 15

**APPLICATION NUMBER** CB/13/01292/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** 16 April 2013  
**EXPIRY DATE** 11 June 2013  
**APPLICANT** Ermine Education Trust  
**AGENT** CSJ Planning  
**REASON FOR COMMITTEE TO DETERMINE** Called in by Cllr Gurney due to concerns as to whether this is an appropriate location for a school use.

**RECOMMENDED DECISION** Full Application - Approval

### Recommended reasons for Granting

The proposed change of use would provide a sustainable use of vacant retail/light industrial buildings, whilst ensuring the provision of employment at the site. The submitted draft Travel Plan and travel characteristics of the applicant would ensure a reduced level of traffic generation to the site utilising sustainable modes of travel. The use would not result in any significant harm to the character and appearance of the area, or the residential amenity of any neighbouring properties and is acceptable in terms of parking and highway safety. The proposal therefore complies with the objectives of the National Planning Policy Framework (2012) and Policies CS1, CS11, DM3, DM4 and DM9 of Central Bedfordshire Core Strategy and Development Management Policies Document (2009).

### Recommendation

That Planning Permission be granted subject to the following conditions:

### RECOMMENDED CONDITIONS / REASONS

- 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 **No development shall 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 Prior to occupation of the main school building, details of bus stops on Biggleswade Road together with associated waiting areas and facilities for passengers served by a 2.0m wide footway linking the school development to the bus stops shall have been submitted to and approved by the Local Planning Authority. Occupation of the school shall not take place until the approved scheme, or phase thereof, has been implemented in accordance with a timescale to be agreed.

Reason: To ensure the provision of appropriate facilities to encourage use of sustainable modes of transport.

- 5 Prior to occupation of the main school building, all on site vehicular areas shall be surfaced in a stable and durable manner, with foul and surface water disposal, in accordance with details set out on drawings SK02 received 4 June 2013.

Reason: To ensure adequate parking provision, avoid the carriage of mud or other extraneous material or surface water from the site and to reduce the risk of flooding and contamination.

- 6 This permission is for the sole benefit of the premises as a school for use by the Focus Learning Trust (incorporating the Ermine Education Trust and the Wellgrove Education Trust) or any successor of the aforementioned trusts.

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 Prior to occupation of the main school building a scheme for the parking of cycles on the site shall be fully implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The scheme shall be 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.

- 8 **No development shall commence until 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 Prior to occupation, a travel plan shall 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. Approval of the Travel Plan is also conditional upon Steps 1 to 5 being completed on our online management tool 'iOnTravel' prior to the occupation of the development, with the results reviewed on an annual basis and further recommendations for improvements submitted to and approved in writing by the Local Planning Authority.

Reason: To promote the use of sustainable modes of transport.

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [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, 105, 106, 107, 108, 109].

Reason: For the avoidance of doubt.

### Notes to Applicant

1. 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.**

2. The applicant is advised of the following comments 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. The LLFA's Preliminary Flood Risk Assessment susceptibility to groundwater map indicates that there is the possibility of groundwater flooding in this area. Groundwater flooding has not been considered as part of the FRA and could significantly impact the efficiency of soakaways. Site Investigation should be undertaken to ensure that there is at least one metre between the groundwater level and the invert level of all soakaways.
- 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 bunded. 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 (bunding) 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](http://www.environment-agency.gov.uk/osr)

3. 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
4. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
5. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford MK42 9BD.
6. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010"
7. In the event that ground conditions are not suitable for soakaways any storm water run off discharged direct to the Board's adjacent district and/or watercourse will require the Boards's statutory consent and must be limited to the appropriate greenfield rate in accordance with the NPPF.

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

The Council acted pro-actively through positive engagement with the applicant 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.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were informed of amendments to conditions 5 and 6 as detailed in the Late Sheet and amended above.]