

Item No. 8

APPLICATION NUMBER	CB/13/01759/FULL
LOCATION	Thomas Whitehead Lower School, Angels Lane, Houghton Regis, Dunstable, LU5 5HH
PROPOSAL	Construction of three classrooms and associated works
PARISH	Houghton Regis
WARD	Houghton Hall
WARD COUNCILLORS	Cllrs Mrs Goodchild & Jones
CASE OFFICER	Debbie Willcox
DATE REGISTERED	30 May 2013
EXPIRY DATE	25 July 2013
APPLICANT	The Governors
AGENT	Aedifice Partnership Ltd
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Called in by Councillor Jones as he believes that the harm to the neighbouring Listed Building is outweighed by the public benefits of the scheme.
	Full Application - Refusal

Site Location:

Thomas Whitehead C of E Lower School is situated at the western end of Angels Lane, to the rear of Bedford Square and the Bedford Centre including the Public Library fronting Tithe Farm Road. Angels Lane also serves a row of terraced houses and the rear service area to Bedford Square shopping centre. To the south of the site is All Saints' Church, a Grade I Listed Building; to the west the rear gardens of residential properties on Bedford Road and to the north a service road serving garages to residential properties in Vicarage Road.

The single storey school buildings are located at the southern end of the site and comprise a single storey flat roofed building of buff/yellow brick construction with infill panels in some areas. The school is built around a central hall which serves as an assembly hall, dining area, sports/PE and drama hall. There are six classrooms leading from the hall, accommodating all of the children except Y4. The Nursery Unit forms part of the main school but has an independent entrance. There are hardplay facilities and playing fields situated to the north of the buildings. There are further areas of hard play to the south of the buildings. There is a good tree screen along the northern boundary and a number of trees in the south eastern corner of the site. The southern boundary with All Saints Church comprises a 1.8m high wall and the other boundaries are enclosed by a mix of close boarded and palisade fences, also at a height of 1.8m.

The Application:

Planning permission is sought for the erection of three additional classrooms, toilets and administration areas plus associated works at the southern end of the existing school building.

The extension would measure a maximum 39.4m wide by a maximum 6.8m deep with a height of 2.8m. The flank walls would contain mostly fenestration, while the long rear elevation would be punctured by a number of doors and windows. The extension would be connected to the main school by two corridors either side of the classroom formed in part from the new work and from the relocated ICT Suite. This would give the school three classrooms with an internal dimension of 57sq.m, a staff room of just under 30sq.m, staff work space and additional toilet facilities. The materials of construction would comprise facing bricks below a flat felt roof. All fenestration would be white.

The proposal is to enable the school to move from a lower school to a primary school. The school is currently a 1.5 form entry lower school with pupils aged between 3 and 9 (Nursery to Y4). From September 2013 it will become a 1.5 form entry primary school with an age range of 3 - 11 incorporating additional classes in Y5 and Y6. This change was approved by CBC on 16 April 2012. In order to operate as a 1.5 form entry primary school the school will need 11 classrooms. The school currently has 9 classroom sized spaces with 2 used for alternative purposes (SEN and parents' room) and one class housed in a portable building in the grounds. Sited to the west of the main school buildings is a standalone Pre-School facility operated separately to the school. The proposed three additional class bases will enable the school to create 12 classrooms with space to provide 11 classrooms and to reorganise the SEN and parents' room. The proposal would increase the capacity of the school from 264 children to 352 children (both figures including nursery capacity).

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.
Section 12 - Conserving and enhancing the historic environment

South Bedfordshire Local Plan Review Policies

BE8 - Design Considerations
SD1 - Keynote Policy
T10 - Car parking in new developments

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 Policies SD1 and BE8 are broadly consistent with the

framework and significant weight should be attached to them. Less weight should be attached to Policy T10

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 during 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 26 - Travel Plans

Policy 27 - Car parking

Policy 43 - High Quality Development

Policy 45 - The Historic Environment

Policy 59 - Woodlands, Trees and Hedges

Supplementary Planning Guidance

Design in Central Bedfordshire - A Guide for Development - adopted by the Luton & South Bedfordshire Joint Committee on 23/07/10.

Central Bedfordshire Local Transport Plan: Appendix F – Parking Strategy – endorsed by the Executive at the meeting of 02.10.12, with the following comments:

"1. That the Parking Strategy be endorsed, as amended to include the recommendations from the Sustainable Communities Overview and Scrutiny Committee, with the exception of the Overview and Scrutiny Committee's recommendation 2 that parking on grass verges not be permitted, as the published approach to parking in Central Bedfordshire.

2. That the parking standards set out in the Parking Strategy be endorsed as interim technical guidance for development management purposes."

Planning History

CB/12/01028/REG3	Permanent permission for the retention of temporary classroom portacabin (Application 07/1028).
SB/TP/07/01028	Permission for the erection of a Temporary Building for Pre-School Use Children's Centre and Facilities) - Temporary permission granted 30/10/2007 for a period of five years.
SB/TP/07/0543	Permission for the creation of a hard play area, erection of a boundary fence and formation of a new car park. (Re-submission of SB/TP/06/1309).
SB/TP/06/1309	Withdrawn application for the creation of a hard play area, erection of a boundary fence and formation of a new car park.
SB/TP/06/1303	Permission for the erection of an extension within courtyard area.

SB/TP/04/534	Permission for a single storey front extension to provide staff accommodation and alterations to nursery and new entrance.
SB/TP/93/349	Permission for the construction of a car park extension.
SB/TP/90/0005	Temporary permission for a 6-bay double classroom.
SB/TP/75/219a	Permission for the re-roofing of Assembly Hall and extensions.
SB/TP/75/219	Permission for the construction of a swimming pool.

**Representations:
(Parish & Neighbours)**

Houghton Regis Town Council	No objection.
Neighbours	The application was publicised by press and site notices and the direct notification of adjoining occupiers. No third party representations have been received as a result.

Consultations/Publicity responses

School Organisation and Capital Planning Team	<p>Comment as follows:</p> <ul style="list-style-type: none"> This proposal is to enable the school to extend its age range from 4-8 years to 4-11 years from September 2013. The move from a 1.5fe lower to a 1.5fe primary school was approved by Central Bedfordshire Council on 16 April 2012 and the additional class bases, toilets and administration areas proposed will provide essential capacity to allow for the change. The school will need 11 classrooms to operate as a 1.5fe primary school and currently has 9 classroom sized spaces, with 2 used for alternative purposes (SEN and parent's room). The proposed 3 additional class bases will make a total of 12, giving the school space to reorganise the alternative facilities currently contained within the 2 class bases into 1 and create the required total of 11 classrooms.
Sustainable Transport	The school is increasing pupil and staff numbers, so they need to address how to encourage sustainable access to the site as much as possible. A Travel Plan is required.
Tree and Landscape Officer	Objects to the application on the grounds that the impact on trees, both within the site and the adjacent churchyard has not been properly considered.
Highways	Recommends condition requiring the submission of a school travel plan.

Archaeologist

Comments as follows:

The proposed development site is located at the core of the historic settlement of Houghton Regis and has the potential to contain archaeological remains relating to the origins and development of the settlement. It is also immediately north of the medieval church and churchyard. There is evidence that medieval churchyards were often larger than the areas that became formalised in the post-medieval period. Therefore, the site has the potential to contain remains of Saxon and medieval burials.

Paragraph 128 of the NPPF states that local planning authorities should require applicants to describe the significance of any heritage assets affected by a proposal and where a site includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. This application does not contain any information on the archaeological potential of the site or on the significance of the heritage assets with archaeological interest. It is, therefore, not possible to assess the impact of the proposal on archaeological remains or the significance of the heritage asset.

The applicant should submit an archaeological *Heritage Asset Assessment* comprising a desk-based assessment with a 500m radius area of search as soon as possible. However, it may be appropriate for the application to be withdrawn so that the *Heritage Asset Assessment* can be prepared and included in a resubmitted application. If the *Heritage Asset Assessment* is not supplied the application will be recommended refused on the grounds that the application is contrary to Paragraph 128 of the *National Planning Policy Framework*.

Conservation & Design
Officer

The proposed development extends built form of the existing school complex towards the north boundary of the historic churchyard of All Saints Church (Grade I listed). Development in this context of immediate designated historic asset setting needs to be considered in respect of impact upon both the church building itself and its associated churchyard, which itself is also an oasis of peace in a present busy townscape.

The character of the well-maintained churchyard is conveyed by through its shaded spaciousness, with a strong sense of enclosure provided by continuous brick boundary walling - both boundary enclosure and tree cover (both on-site and off-site) combine to impart an almost rural character to the churchyard which echoes its

historic origins.

I have noted the rather neutral impact of the existing school buildings adjoining the churchyard, resulting from the muted colour of constructional brick, the tree-screening and the robust form of boundary enclosure, and have noted the simple, single-storey extension proposed.

Given the importance that may be attached to them in respect of churchyard character, (and therefore to listed building setting), I take the view that providing there is no entailed loss or damage to either tree cover or boundary wall structure, I am satisfied that the proposed development, if carried out in carefully selected materials, will retain a 'neutral' impact upon churchyard and church character carried by the present structures, as noted.

Assuming that 'standard' Conditions controlling the use of appropriate constructional materials will be applied to any permission the LPA is minded to make, I therefore confirm no objection, *in principle*, to the proposed development.

English Heritage

In summary:

The proposal would harm the setting and significance of All Saints Church. The development would be visible from within the churchyard. Although the building is single storey and the design is simple, the increased density and impact on the Church is harmful.

The NPPF places great weight on the conservation of designated heritage assets and states that the more important the asset, the greater the weight should be. It also states that significance can be harmed by development within the setting of an asset. Any harm or loss should require clear and convincing justification.

In this instance the proposal would result in harm to the significance of the church. The School is positioned in the south east corner of the site with land to the north and the south west of the school building which could be developed to create the extra classrooms required. There is no explanation within the application as to why the extension could not be proposed in these locations. As there are alternative locations and opportunities to create these facilities within the site where there will be less impact on the setting of the church, the harm is not justified or outweighed by public benefit. The application should be refused.

Determining Issues

The main considerations in the determination of the application are:

1. **Principle of the Development**
2. **Design considerations, including impact on the setting of the adjacent Grade I Listed Church and churchyard and impact on trees**
3. **Archaeology**
4. **Highway and parking considerations**
5. **Impact on residential amenity**
6. **Other matters**

Considerations

1. Principle of the development

As part of its objective to promote healthy and sustainable communities, the Government is supportive of proposals that seek to create, expand or alter schools. Great weight should be given to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. (paragraph 72 of the NPPF).

As noted above, in this case, the proposed extension would facilitate the extending of the age range of the pupils from 3-9 years in lower school to 3-11 years in primary school. Because of this demonstrated need for expansion, the proposal is considered consistent with national advice and is therefore acceptable in principle.

2. Design considerations, including impact on the setting of the adjacent Grade I Listed Church and churchyard and impact on trees

The proposed extensions are modest in height and simple in design and would relate acceptably to the existing school buildings. However, the extension would extend the built form of the school closer to the Grade I Listed Church, creating a much stronger and more solid building line than currently exists. The full width of the extension would span the boundary of the Church, with a maximum separation distance between the extension and boundary of 2.2m and a minimum separation distance of 1.2m. It is considered that this increased density would have a detrimental impact upon the setting of the Grade I Listed Church and would consequently result in harm to the significance of the Church. The National Planning Policy Framework and Policy 43 of the emerging Development Strategy require the Council to give great weight to the conservation of the heritage asset, with a greater weight required for assets of greater importance. It is noted that the Church is Grade I Listed, placing it in the category of those buildings of exceptional interest and thus of great importance. While it is considered that the proposal would cause material harm to the setting and importance of the Church, it is not considered that the harm would be at the level termed "substantial harm". The National Planning Policy Framework instructs local planning authorities that when considering proposals which would result in less than substantial harm to the significance of a designated heritage asset, this harm should be weighted against the public benefits of the proposal.

In this case, while the public benefits of the scheme are recognised, it is considered that the applicant has not sufficiently explored potential mitigation

measures and alternative locations within the site to allow the public benefits to outweigh the harm to the significance of the Grade I listed church.

It is considered that the establishment of some planting, comprising trees and/or hedging to assist in screening the proposed extension from the churchyard would contribute to mitigating against the impact of the extension on the Church. There is an existing Ash tree on the boundary of the site and a group of trees, predominantly Ash in the south west corner of the site, which would aid in screening and softening views of the extension from the Church. However, no tree survey or landscaping scheme has been submitted and the Council's Tree and Landscape Officer has advised that the individual Ash tree will need removing as a result of the proposal and the group of Ash trees could also be destabilised by the proposal. The impact of the current proposal on the trees would thus result in a loss of screening between the school and the Church and would therefore increase the level of harm being caused to the setting of the Church.

These concerns have been put to the applicant and a site meeting has been arranged between the applicant, the planning officer and a representative from English Heritage with the aim of exploring the alternative locations and possible mitigation measures. This meeting will take place between the completion of this report and the Committee Meeting and the results of it will be reported on the Late Sheet.

Unless appropriate alternatives and/or mitigation measures can be agreed between the applicant, the Council and English Heritage, it is considered that the public benefits of the proposal would not outweigh the harm to the Grade I Listed Church and thus the proposal fails to conform with policy BE8 of the South Bedfordshire Local Plan Review, policies 43, 45 and 59 of the emerging Development Strategy for Central Bedfordshire Council and the National Planning Policy Framework.

3. Archaeology

It is noted from the comments of the Council's Archaeologist that an archaeological Heritage Asset Assessment has not been submitted and it has therefore not been possible to assess the likely impact of the development on the archaeological heritage assets on the site. This is contrary to the requirements of the National Planning Policy Framework and policy 45 of the emerging Development Strategy for Central Bedfordshire and on its own is considered to be sufficient to issue a refusal for the proposal. This Assessment was requested at an early stage of the application and has still not been received. Should the Assessment be received prior to the Planning Committee meeting, this will be reported to Members.

4. Highway and parking considerations

The proposal would result in an increase in the number of both staff and pupils, but there would be no change to access or parking arrangements. However, in light of the comments of the Highways Officer, it is considered that the proposal would not result in a material impact on highway safety, subject to the provision of a School Travel Plan, which would focus on promoting the use of sustainable methods of travel and reducing car use. Should planning permission be granted for this proposal, this should be controlled by condition.

5. Impact on residential amenity

As a result of the height, siting and design of the proposed extension, it would have no impact upon the amenity of neighbouring residents. This aspect of the proposal is therefore considered to conform with policies BE8 of the South Bedfordshire Local Plan Review and policy 43 of the emerging Development Strategy for Central Bedfordshire.

6. Other matters

Equality Act 2010

The Design and Access statement states that easy and safe site access will be maintained, but otherwise it is silent on issues of access. It is therefore suggested that, should planning permission be granted, an informative should be added to the decision notice bringing the notice of the applicant to their responsibilities under the Equality Act.

Human Rights issues

The proposal raises no Human Rights issues

Recommendation

That Planning Permission be REFUSED for the following:

RECOMMENDED REASONS

- 1 The proposed extensions to the school, by way of their siting, design and lack of appropriate screening, would harm the setting of the Grade I Listed All Saints Church, to the detriment of its historical significance. This harm would not be sufficiently outweighed by the public benefits of the scheme and as such the proposal is contrary to policy BE8 of the South Bedfordshire Local Plan Review, policies 43 and 45 of the emerging Development Strategy for Central Bedfordshire and the National Planning Policy Framework.
- 2 The application contains insufficient information to allow an assessment of the impact of the proposal on archaeological heritage assets within the site. As such the proposal is contrary to policy 45 of the emerging Development Strategy for Central Bedfordshire and the National Planning Policy Framework.
- 3 The proposed development would result in the unacceptable loss of or harm to trees to the detriment of the character and appearance of the area and the setting of the Grade I Listed All Saints Church; as such the proposal is contrary to policy BE8 of the South Bedfordshire Local Plan Review and policies 43 and 59 of the emerging Development Strategy for Central Bedfordshire.

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

Planning permission is recommended for refusal for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Council has therefore acted pro-actively 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

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