

Item No. 8

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| APPLICATION NUMBER | CB/13/04086/FULL |
| LOCATION | 1 White House Court, Hockliffe Street, Leighton Buzzard, LU7 1FD |
| PROPOSAL | Change of use from B1 office to D1 nursery |
| PARISH | Leighton-Linslade |
| WARD | Leighton Buzzard North |
| WARD COUNCILLORS | Cllrs Johnstone, Shadbolt & Spurr |
| CASE OFFICER | Abel Bunu |
| DATE REGISTERED | 02 December 2013 |
| EXPIRY DATE | 27 January 2014 |
| APPLICANT | Aristotots Leighton Buzzard |
| AGENT | PJPC Ltd |
| REASON FOR COMMITTEE TO DETERMINE | Cllr Shadbolt, Ward Member Call in for the following reasons : <ul style="list-style-type: none">• Parking and• Traffic implications |
| RECOMMENDED DECISION | Full Application - Approval |

Reasons for recommendation

With appropriate conditions, the proposal would, not have a detrimental impact on the residential amenity of neighbouring properties, be acceptable in terms of highway safety, promote sustainable means of transport, widen the educational services available to the town, contribute to the regeneration of the town by bringing back into use a building that currently stands empty thus increasing employment opportunities in the town. The development would therefore conform with the development plan comprising Policies BE8, SD1, E2 and T10 of the South Bedfordshire Local Plan Review, Policies 1, 6, 7, 24, 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:

The application site lies outside the Leighton Buzzard Town Centre and Conservation Area as identified on the Proposals Map of the South Bedfordshire Local Plan Review. The site is occupied by a two storey building which is situated to the rear of the Leighton Buzzard Town Council Offices. With its access directly off Hockliffe Street, the site shares a common access with the Town Council Offices, the White House Court bungalows providing sheltered accommodation for the elderly and the Coach House, an office building next to the site which currently stands empty. To the rear of the site are two storey residential dwellings on Lammas Walk separated from the application site by Windmill Path and a high wall. The applicant states that the building was last used as offices on the 1st March 2012.

The Application:

is for the change of use of the building known as Delafield House from a B1 (office) to a D1 (nursery) use. The applicant states that the nursery would cater for children between the ages of 6 weeks and 5 years of age. The establishment would accommodate up to 55 children between the hours of 7:30 am to 6:30 pm for which there would be a total of 15 staff employed. The proposed nursery would have a total of 15 parking spaces.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

The National Planning Policy Framework (NPPF) was published on the 27th March 2012 and replaced the previous national planning policy documents, PPGs and PPSs. The following policies are considered relevant to this proposal :

Section 1 : Building a strong, competitive economy
Section 4 : Promoting sustainable transport
Section 7: Requiring good design

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 Policies T10 and E2 and significant weight should be attached to them.

SD1 Keynote Policy
E2 Employment sites out the Main Employment Areas
BE8 Design Considerations
T10 Parking - New Development

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.

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 2014 and the following policies are considered relevant to the determination of this application:

Policy 1 : Presumption in Favour of Sustainable Development

Policy 6 : Employment Land
Policy 7 : Employment Sites and Uses
Policy 24 :Accessibility and Connectivity
Policy 27 : Car Parking
Policy 43: High Quality Development

Supplementary Planning Guidance

1. Design in Central Bedfordshire, A Guide for Development- Supplement 7 : 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) Design Guide

Planning History

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| 13/02397/PAPC | Pre Application Advice for the change of use from B1 office to D1 nursery. |
| SB/TP/96/00774 | Refused. Change of Use from office to (Class B1) to educational (Class D1). |

Related History

- 1.SB/TP/92/00719 - Permission. Erection of 14 elderly persons dwellings.
- 2.SB/TP/89/00013 - Outline Permission. Erection of elderly persons residential development.

Representations: (Parish & Neighbours)

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| Leighton-Linslade Town Council | <p>A resident of White House Court spoke on behalf of those residents who were raising objections to application reference CB/13/04086 (1 White House Court, Hockliffe Street). Concerns were raised regarding a previous application refused in October 1996 which set out a clear benchmark for the unacceptability of a D1 use and that nothing had materially changed to warrant a different decision. Another issue raised was that the planning notice was tied to a lamp column and that, disappointingly, individual letters had not been sent to those residents adjacent to the site. It was felt that due to many of these residents being elderly they would not have seen the notice or been able to read and understand the implications.</p> <p>A representative acting on behalf of the applicant for the application addressed the Committee in response to some of the objections raised by the residents. It was stated that the applicant had three other nurseries and, therefore, had a lot of experience and wished to convey his awareness of those issues raised and had the following information to</p> |
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allay those concerns:

- Parking would not be used all the time, unlike in a school, it would be spread across the day.
- The parking provision shown meets planning requirements and there is a designated pick up/ drop off area where there is no requirement to cross traffic.

Discussion took place regarding access from the main road and the speed of cars entering and exiting from White House Court as well as the general increase in traffic.

Members felt that traffic would be entering the site even if it was to remain as offices and therefore was not good enough grounds to raise an objection.

The building has been empty for some time and if brought into use would bring employment to the town.

Concerns were raised regarding whether any trees would be removed. Members were informed that no trees were to be removed only vegetation, being cut back, to allow room for a play area for the children.

RESOLVED to recommend to Central Bedfordshire Council that no objection be made to the application. However the Town Council requested that Central Bedfordshire Council carefully considers the traffic impact statement.

Neighbours

1,6, 7,9, 11,15, 17, 19 & 21, White House Court,38 Corbet Ride, 33 Reeve Close, 71 Townbridge Mill, 15 Kiteleys Green,22 Clay Furlong, 1 The Stile, 2 Pear Tree Lane,16 Aveline Court, 58 Willowbank Walk, 26 Nelson Road, 71 Highfield Road, 40 Hockcliffe Road, 172 Vandyke Road,14 Redwood Glade, 48 Rowley Furrows, 54 Springfield Road, 1 Garden Leys, 81 Stoke Road, 156 Marley Fields,6 Sandhouse Cottages,33 Old Road, Dormers Church Street, Daventry.

Objections

- Not happy to learn about the application through a site notice rather than the courtesy of individual letters sent to each household.
- We would like to remind you that the houses in question are owned by elderly people who may or may not have seen the notice and who may or may not have been able to read and understand the implications.
- Development contrary to Policies E2 of the saved Local Plan and CS9 of the Pre-Submission Core Strategy which introduce a sequential approach to the development of existing employment sites. This requires that development proposals are focussed on B-Class Uses and only allows the 'loss' of such as a last resort where such loss would not unacceptably compromise or reduce the supply, variety or quality of commercial property available in the locality. The evidence submitted in support of the application does not demonstrate that this sequential approach has been followed, or that the loss of the site/building from commercial use would not compromise the supply, variety or quality of commercial property. In the absence of such evidence, the principle of the loss of

the employment use is unacceptable and contrary to Development Plan policy.

- A previous application for an identical use was refused permission in October 1996, reference (SB/96/00774) for two reasons, namely (i) the inadequacy of parking and the resultant consequences for on-street parking and highway safety, and (ii) that noise and disturbance from the use would be of detriment to residential amenity, particularly occupiers of White House Court. In respect of (i), notwithstanding the information submitted with the application, issues of parking were clearly of significant concern to the Council in relation to the D1 use previously proposed and this remains a major issue. There is no new evidence contained in the application that demonstrates these issues have been fully resolved - indeed, there has been no material change in circumstances since the decision that would warrant a different conclusion in this respect.
- Issues in respect of the impact on residential amenity remain of substantial concern.

1 White House Court is situated on a private road leading to a Cul-de-Sac with a private courtyard at the end. The Increase in traffic will cause a huge negative impact on the elderly residential community of White House Court who have lived in a safe, peaceful and secure environment since the owner of the site (Mr Abraham) was permitted to develop it over 20 years ago.

- The office buildings provide a limited threat to the safety of the residents due to the traffic movements throughout the day. A day nursery on the site would lead to an excessive use of the highway facilities and would be inappropriate and unsafe. By our calculations there would be up to 70 traffic movements between 07.30hrs and 09.00hrs (55 drop-offs and 15 staff), and likewise in the evening, as opposed to a maximum of 20 when the office is occupied.
- We do not accept the Applicants version of the transport implications.
- The Transport Statement deals only with issues of parking, and is quite vague about the timing of parking demands. The access on to Hockliffe Street is very close to a roundabout and is a heavily trafficked route that is part of the strategic highway network.
- Right turns into and out of the site are difficult and by virtue of the fact that vehicle movements are likely to be more concentrated at peak hours by comparison with the authorised office use will (i) cause delays on Hockliffe Street that would be of detriment to the free-flow of traffic on the highway network, and (ii) will lead

to traffic backing-up in the site which, given the limited space and parking, would compromise highway and pedestrian safety and exacerbate the concerns regarding noise and disturbance from the intensity of activity on the site.

- The driveway layout allows for only 1 car at a time to turn the corner in front of the entrance. With the coming and going of parents, space will be required for turning which will cause a great deal of congestion at dropping off and picking up times.
- There are insufficient allocated parking spaces for staff and customers. We have spoken with local nursery owners and managers who have confirmed the problems with congestion at pick up and drop-off times and we are aware that at busy times our allocated visitor spaces will be taken up by parents who are in a hurry to fetch and drop-off children.
- It will further compromise right of way access to our private parking for residents, visitors, services vehicles, and most importantly the emergency services.
- Elderly and disabled residents will be at risk when walking to their allocated parking bays as well as to and from town. The narrow pavements on the site in addition to the raised traffic could cause danger to both children and adults. Essentially the site was approved specifically to be a safe and quiet place for the over 60's to live without disturbance from excessive road use on their doorstep.
- Noise levels will be unacceptable with constant cars and delivery vehicles attending nursery also causing increased pollution from increased traffic. Car engines will be left running while parents/guardians drop off younger children to the nursery before heading off to drop older children at school not to mention the general activity at collection and drop-off times, and the use (by children) of the external amenity area. It will not just be the White House Court residents that are affected, but also residential properties surrounding the site more generally.
- The congestion would negatively impact the values of our homes as they would no longer be desired by the elderly – who are in fact the only ones permitted to live here according to the restrictions on the planning permission.
- We have a good knowledge of the existing provision as there is a private nursery only 2 minutes' walk from White House Court, which raises the important issue of whether this part of Leighton Buzzard needs another nursery since it's already so well served.
- Hockliffe Street Baptist Church Pre-School closed last

summer due to lack of children; Honeysuckle Nursery School on Plantation Road has just closed due to lack of children;

- 2 of the 3 day nurseries in the town have spare childcare places (current as of December 2013 - sourced by contacts of the residents who will go on the record to confirm if need be);
- Acorns at Doverly Down Lower School is the direct reason Honeysuckle Nursery has closed. Greenleas School (across 2 sites) has already opened a new facility this Autumn which has had an immediate negative affect on the other surrounding settings.
- There is arguably an over-supply of childcare in the town which undermines the Applicants claim about creating jobs.

Perhaps the Applicant is unaware of the above information and might reconsider when they contemplate the level of investment required to make the office building more suitable internally for childcare. The garden space is extremely limited for the number of children proposed – which we are aware also has a number of Tree Protection Orders in place where the Applicant is suggesting they would clear what area there is.

- The submitted plans do not show the relative position of the bungalows and hence this should be verified on site before a decision is made.
- We see that they make reference to studies of drop off and collections at other nursery's, these studies do nothing to settle our concerns as residents, we know that in reality parents will drop off to their children to get to work for 9am and pick up when they finish at 5.30pm.
- We have already had occasions when service vehicles have not been able to get round to our houses to empty our refuse bins.

The Residents of White House Court

Petition against

Echo the objections above.

Consultations/Publicity responses

Highways Officer

White House Court is an adopted highway maintained at public expense and consists of a block paved carriageway with a single footway along the eastern side of the carriageway. There is a mixture of office development and a small number of residential units served by the access road.

The applicant is aware that the movement of vehicles and pedestrians within the site will be of concern to the highway authority and the local residents and has therefore submitted traffic data to indicate how similar sites operate.

It is suggested in the Planning Statement that there will be 6 spaces for drop off/pick up and 9 spaces for staff, however the Transport Statement refers to 9 parking spaces for drop off/pick up and 6 spaces for staff. The latter is a more realistic figure for which I will explain in greater detail later.

It is clear from the data submitted that not all of the children arrive at a specific time in the morning peak. It is reasonable to say then, that the likelihood of 55 parent/guardian vehicles and 15 staff arriving to the site in the morning peak is remote. Indeed this is also confirmed by the National Standard for Trip Generation Analysis (TRICS), which suggests that there could be 26 trips in the morning peak (13 vehicles). The survey data supplied by the applicant also reflects this.

In terms of the additional traffic the TRICS analysis suggests that the existing B1 use could generate in the region of 42 trips per day, whilst the D1 nursery may generate 110 trips per day. The increase in trip generation will not be detrimental to the capacity of the junction on to Hockliffe Street. I understand that there are some concerns expressed regarding the potential increase in right turning vehicles on to Hockliffe Street. It should be pointed out that if drivers are experiencing any problems turning right out of the site at peak times, then they do have the opportunity of turning left out of the access and utilising the Beaudesert / Hockliffe Road roundabout and heading back towards the town centre. There is also the opportunity of travelling via Beaudesert or Hockliffe Road to permeate towards their destination.

The potential affect of parents or guardians dropping off / picking up and parking their vehicles on-street was an issue which initially caused me some concern. I am now satisfied that with regard to the traffic patterns associated with the proposed development and the duration of stay of such vehicles, it is possible to provide a level of off street parking to cater for the peak demand.

The survey data submitted by the applicant suggests that a maximum number of parking spaces which were in use at any one time was 9 spaces, I therefore consider it reasonable that the applicant dedicate a similar amount

of parking spaces for the dropping off / picking up of children. For the avoidance of doubt the parking spaces to be reserved for pick ups / drop offs are numbers 7 to 15 inclusive, as shown on the applicants site layout plan; this I intend to condition. The remainder of the parking spaces, 6 in total, shall be allocated for staff parking as I consider this element of parking to be more manageable, with staff having the opportunity to take advantage of the sustainable location of the development; this can be included in an approved Travel Plan.

The site is based in a Town Centre location which benefits from public car parks, good access to public transport, cycle facilities and pedestrian routes. The applicant intends to enhance the pedestrian route in to the site by defining the route with two strips of red surfacing and a drop crossing to the frontage of the building. The works will be undertaken on the public highway and I suggest they are implemented under a small works Section 278 agreement, (Highways Act 1980).

The submission and implementation of an approved Travel Plan would also encourage and promote sustainable modes of travel to the facility and provide details of how the parking will be managed. I understand that the Sustainable Transport Section has recommended an appropriate condition for the Travel Plan to be approved prior to occupation.

I would also wish to bring to your attention that a previous planning application for this site submitted in 1996 for an educational establishment, with a maximum of 95 students, was recommended for approval. However it was subsequently refused by the planning committee. The recommendation report points out that the Highway Engineer was satisfied that the anticipated intensity of use would not prejudice highway safety and convenience.

I would not wish to raise any highway objection to the proposed development subject to the following highway conditions.

1. Before development commences, details of a pedestrian route enhancement scheme within White House Court shall be submitted to and approved by the Local Planning Authority. The scheme shall be constructed in accordance with the approved details prior to occupation.

Reason

In the interest of road safety and the convenience of pedestrians.

2. The parking bays shown numbered 7 to 15 inclusive on the approved plan shall be made available at all times for no other purpose except as a “drop off and pick up” zone in association with the nursery. The bays so marked out shall be permanently retained and not used for any other purpose other than with the express written permission from the Local Planning Authority. The bays shall be marked out prior to the occupation of the building in accordance with details to be submitted to and agreed by the Local Planning Authority and thereafter permanently retained as such.

Reason

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

3. 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.

Furthermore, I should be grateful if you would arrange for the following Highway Notes to the applicant to be appended to any consent issued by the Council:-

- i. The applicant is advised that in order to comply with Condition 1 of 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 (small works) of the Highways Act 1980 to ensure the satisfactory completion of the pedestrian route enhancement. Further details can be obtained from the Highways Development Control Group , Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
- ii. The applicant is advised that all cycle parking to be

provided within the site shall be designed in accordance with the Bedfordshire County Council's "Cycle Parking Guidance - August 2006".

Sustainable Transport
Officer

Recommends the following condition to promote the use of sustainable means of transport:

Before the building is first brought into use, a School Travel Plan shall be prepared and submitted to and approved by the Local Planning Authority. The plan shall contain details of:

- plans for the establishment of a working group involving the School, parents and representatives of the local community
- pupil travel patterns and barriers to sustainable travel
- measures to encourage and promote sustainable travel and transport for journeys to and from school
- 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: In the interests of highway safety, to reduce congestion and to promote the use of sustainable modes of transport.

Note: 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

Environmental Health
Officer

I have no major objections to this proposal. Normally there would be concerns regarding noise from the external play areas, however, in this location the play areas are bounded by tall brick walls on the boundary in two directions. However, it is advisable that some documentation is submitted in relation to the management and use of the external areas. This could include structured activities, times of access, equipment etc to provide an indication of the noise levels that may be generated and details of fencing to be employed at the areas indicated on the submitted plans.

Tree and Landscape
Officer
Archaeologist

No comment.

The proposed development site is located within the historic core of the Saxon and medieval town of Leighton Buzzard (HER 16871), a heritage asset with archaeological interest as defined by the *National Planning Policy Framework (NPPF)*. However, the nature of the proposal is such that there will not be any impact on archaeological remains or on the significance of the heritage asset with archaeological interest. Therefore, I have no objection to this application on archaeological grounds.

Building Control

No comments.

Determining Issues

The main considerations of the application are;

1. Principle of the development
2. Impact on residential amenity
3. Impact on access, parking and highway safety
4. Other matters

Considerations

1. Principle of the development

The application site lies outside the Main Employment Area where proposals for development are subject to Policy E2 of the adopted local plan which states that :

Proposals for development, redevelopment or change of use of existing or allocated employment land outside the main employment areas for uses other than B1, B2 and/or B8 will be permitted where:

- they would not unacceptably reduce the supply, variety or quality of available industrial and commercial land and property in the area; and
- they would contribute towards meeting the employment needs of the area, or widening the range of employment opportunities; and/or
- they would make a positive and necessary contribution towards urban regeneration and the supply of land for housing or other essential uses; and
- they would not unacceptably prejudice, or be prejudiced by, existing or proposed uses of adjoining land, particularly through disturbance; and
- traffic generated would not cause unacceptable disturbance in residential or other sensitive areas.
- for where a proposal is a high trip generating land use the site must be well

related to proposed and existing highways, public transport routes and residential areas.

Employment Opportunities

Policy E2 is permissive and reflects a level of flexibility required by the National Planning Policy Framework (NPPF) and Policies 6 and 7 of the emerging Development Strategy for Central Bedfordshire (DSCB) with regards widening the scope for employment generating uses to include non-B Class uses and hence is given significant weight in the determination of this application.

The preamble to Policy 6 of the emerging Development Strategy for Central Bedfordshire (DSCB) states at paragraph 6.21 that,

'Within Central Bedfordshire it is anticipated that 12,150 (45%) of new jobs will be from B-Uses with the remaining 14,850 (55%) being delivered through non B-Uses.'

Paragraph 6.26 goes further to clarify that '--- in order to meet the job targets, the contribution of Non B Class employment generating opportunities must also be considered alongside the delivery of B Class uses.'

The preamble to Policy 7 further reinforces the Council's flexible approach towards non-B Class uses by stating that,

'Whilst the Council would not wish to see current employment land lost to other uses, it is recognised that non B-uses can make a significant contribution to the local economy and to job creation, and that some non B-uses can complement and enhance B-uses. Consideration will be given to non B-use employment generating proposals on existing and allocated employment land against a series of criteria which seek to ascertain that such proposals are suitable for the proposed location and will not detrimentally impact upon the delivery of B-uses or the quantity of land available to deliver B-uses, (paragraph 6.39).'

In this particular case, the proposed development would employ nine full time and 6 part time staff on the site. Since the policy does not set a threshold at which a use can be classed as an 'employment generating use', it is considered that the proposed change of use would not conflict with the broad aims of Policies 6 and 7 of the emerging Development Strategy for Central Bedfordshire. This flexible policy approach is also considered consistent with the NPPF. It is considered that whilst the employment levels are relatively low for the size of the property, the proposed change of use nevertheless makes an acceptable contribution in terms of widening the range of employment opportunities and services in the area.

Contribution towards urban regeneration and supply of essential services

The applicant states that the building has been vacant since the 1st March 2012 and despite marketing efforts for nearly two years to let the building for the permitted office use, there has been no positive response. This statement is corroborated by the estate agent who was responsible for marketing the property and the adjoining Coach House. The estate agent confirms that the demand for office space has significantly diminished since 2008. The proposed change of use would therefore bring back into use, a disused building in

accordance with national advice within the NPPF.

Relationship between the proposed and existing uses

It is noted that the application site is situated close to residential properties. To the east of the site is a group of bungalows occupied by elderly people and to the north are two storey residential properties. Given that the application site is situated within close proximity of these residential properties, the proposed use would potentially result in some noise and general disturbance to the neighbouring property occupiers. However, the outdoor play area would be enclosed by two high brick walls which run along the north and west boundaries of the site and in addition, a fence would be erected in an appropriate position in accordance with details to be agreed with the applicant as part of a planning condition. This condition would also require the applicant to submit further details of the management of the external areas as recommended by the Environmental Health Officer who raises no objections to the application. A condition requiring the marking out of parking spaces and the pick up and drop off point would ensure that adequate provision is made for staff and visitors to the site to ensure adequate mitigation to the disturbance likely to be caused to the users of the existing shared access. The Highways Officer raises no objections to the application subject to the imposition of appropriate conditions.

Trip generation linked to the development

The site lies on the edge of the town centre where transport linkages with a wide range of travel modes are very strong. It is considered appropriate to attach a condition which requires the submission of a Travel Plan as recommended by the Sustainable Transport Officer in order to ensure the use of sustainable means of transport.

Taking all these factors into account, it is considered that the principle of the proposed change of use is acceptable. Furthermore, national advice contained within the NPPF stresses that great weight should be placed on providing educational facilities and Local Planning Authorities should take a proactive and positive approach to ensuring a widened choice for parents and children entering education, (paragraph 72).

2. Impact on residential amenity

As discussed above, it is considered that the development would not result in detrimental harm to residential amenity.

3. Impact on access, parking and highway safety

The Highways Officer's detailed assessment of the proposed development confirms that there would be no resultant prejudice to highway safety subject to appropriate conditions being attached.

4. Other matters

Objections

The objections received have been noted and addressed above in the relevant sections of this report and in particular under the Highways Officer, Sustainable Transport Officer and Environmental Officer's comments.

Consultation procedure

The application was advertised through letters to some of the residential

property occupiers in the White House Court and Lammas Walk and via the Council's website. In addition, two site notices were displayed at the entrance to the site and next to the path leading onto the White House Court in accordance with statutory requirements. It is also noted that the White House Court residents engaged a planning consultant to represent their concerns and jointly, they signed a petition. We are therefore satisfied that the consultation process managed to reach out to the intended audience without prejudice.

Loss of property values

This is not a planning consideration and as such has not been given weight in the determination of the application.

Human Rights issues

The application raises 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 children 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

A condition which requires the submission of a pedestrian route enhancement scheme and informative drawing attention to responsibilities under the Act would ensure that the development takes into account the requirement for accessibility by all.

Recommendation

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

RECOMMENDED 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 **Before development commences, details of a pedestrian route enhancement scheme within White House Court shall be submitted to and approved by the Local Planning Authority. The scheme shall be constructed in accordance with the approved details prior to occupation.**

**Reason: In the interest of road safety and the convenience of pedestrians.
(Policies BE8 S.B.L.P.R and 24 & 27 D.S.C.B).**

- 3 The parking bays shown numbered 7 to 15 inclusive on the approved plan shall be made available at all times for no other purpose other than as a “drop off and pick up” zone in association with the nursery. The bays shall be marked out prior to the occupation of the building and shall be permanently retained and not used for any other purpose other than with the express written permission from the Local Planning Authority.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the premises.
(Policies BE8 & T10 S.B.L.P.R and 27 & 43 D.S.C.B).

- 4 **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 BE8 S.B.L.P.R and 24 & 43 D.S.C.B).**

- 5 **Before the building is first brought into use, a School Travel Plan shall be prepared and submitted to and approved by the Local Planning Authority. The plan shall contain details of:**

- **plans for the establishment of a working group involving the School, parents and representatives of the local community**
- **pupil travel patterns and barriers to sustainable travel**
- **measures to encourage and promote sustainable travel and transport for journeys to and from school**
- **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 the completion of the above steps 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: In the interests of highway safety, to reduce congestion and to promote the use of sustainable modes of transport.
(Policies BE8 S.B.L.P.R and 24 & 43 D.S.C.B).**

- 6 **Prior to the commencement of the development, details of the management and use of the external areas to include structured activities, times of access, equipment and fencing, shall be submitted to and approved in writing by the Local Authority. The development shall thereafter be implemented in accordance with those approved details.**

**Reason: In the interests of protecting residential amenity.
(Policies BE8 S.B.L.P.R and 43 D.S.C.B).**

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/01 , 02, Drawing No. 01 and 02.

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 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. Furthermore, in order to comply with Condition 5, the applicant is advised to use the Council's online management tool 'iOnTravel'.
4. The applicant is advised that in order to comply with Condition 2 of 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 (small works) of the Highways Act 1980 to ensure the satisfactory completion of the pedestrian route enhancement. Further details can be obtained from the Highways Development Control Group , Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Bedfordshire County Council's "Cycle Parking Guidance - August 2006".

5. 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)

6. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.

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

Planning permission has been recommended for approval 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.

DECISION

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