

**Open Report on behalf of Richard Wills
Executive Director, Environment & Economy**

Report to:	Planning and Regulation Committee
Date:	15 February 2016
Subject:	County Council Development - H16/1135/15

Summary:

Planning permission is sought for the construction of a temporary vehicular site construction access with subsequent conversion to a permanent pedestrian access at Balmoral Avenue Play Park, Balmoral Avenue, Spalding.

The proposed access and footpath would provide access to and from Balmoral Avenue to the Spalding Parish Church of England School which lies adjacent to the Play Park. In the first instance, the access route would function as a temporary access to be used by contractors associated with the construction of new extensions and redevelopment works at the school which were granted planning permission in November 2015 (subject of planning permission H16/0898/15). Following the completion of these construction works the access route would be upgraded and retained to provide a permanent formal pedestrian access point to the school from the residential area surrounding Balmoral Avenue.

Recommendation:

Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

Background

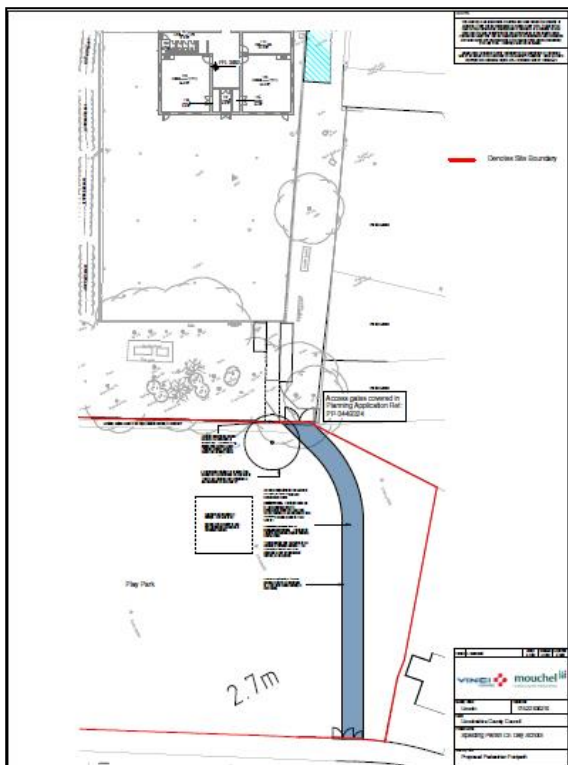
1. Planning permission (ref: H16/0898/15) was granted on 27 November 2015 to extend the Spalding Parish Church of England School to create six additional teaching classrooms, a library space, small group rooms, staff spaces and WCs, school hall extension and store rooms, kitchen and associated facilities, circulation spaces and new pedestrian accesses. Revisions to internal pathways within the school site were proposed as part of that development with the intention of linking up to a new pedestrian access which is proposed to be created outside of the school site and which would provide a link to Balmoral Avenue.
2. This report deals with that proposed new access/footpath which, in the first instance, would act as a temporary vehicular site construction access to be used in association with Phase 1 of the redevelopment and construction

works approved by permission H16/0898/15. Once the the Phase 1 construction works have been completed this route would then be converted to provide a permanent pedestrian footpath to and from Balmoral Avenue.

The Application

3. Planning permission is sought to construct a temporary vehicular site construction access with subsequent conversion to a permanent pedestrian access across Balmoral Avenue Play Park, Balmoral Avenue, Spalding.
4. The proposed route/footpath would consist of a 3m wide hard surfaced access from Balmoral Avenue across the existing play park and linking to the south-eastern corner of the adjoining school site. The total length of the route is 45m of which the first 17m crosses an existing concrete hardstanding. In the first instance, this route would function as a temporary access to be used by contractors associated with the construction of the new extensions at the school (subject of permission H16/0898/15). The provision of an access in this location would ensure that construction traffic is kept away from the main vehicular route of Clay Lake which can be very busy at school drop off and pick up times. During this temporary period the access route would be made up of materials such as hardcore which are of sufficient strength to accommodate vehicles and would be edged using concrete pin kerbs. A temporary 2m high Heras fence would also be erected to provide physical separation between the route and the adjoining play park.

Proposed Access/Footpath Location

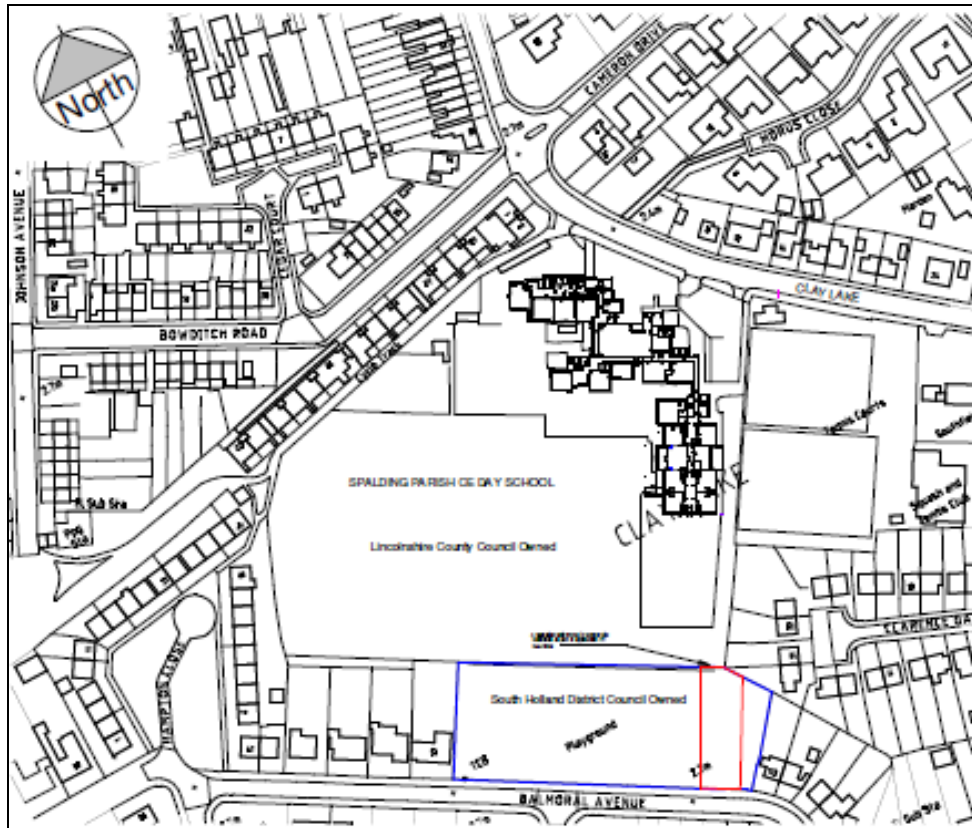


- Following completion of the school redevelopment and construction works the access route would be upgraded and finished with a permeable tarmac finish so as to provide a permanent pedestrian access route to the school. As previously agreed with the District Council thermoplastic play linings would also be added to the path (e.g. hopscotch markings) to allow it to be used as an informal hardplay area.

Site and Surroundings

- Spalding Parish Church of England School is located off Clay Lake and is set within an established residential area with residential properties lying adjacent to the school's north-west, south-west and south-east boundaries. Residential properties lie on the opposite side of Clay Lake and there is a private tennis and squash club adjoining the school's eastern boundary. Pedestrian and vehicular access to the school site is currently gained via entrances situated along Clay Lake with existing staff car parking being provided by two areas located at the north and east of the school. The proposed new access/footpath would extend from the south-eastern corner of the school site and cross the public playground that lies to the south of the school creating a new link to and from Balmoral Avenue. There are residential properties situated along Balmoral Drive which lie directly adjacent to and opposite this playground.

Site Location



Main Planning Considerations

National Guidance

7. National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. In assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 14 (Sustainable Development) states that there is a presumption in favour of sustainable development and therefore proposals that accord with the development plan should be approved (unless material considerations indicate otherwise).

Paragraph 17 (Core Planning Principles) sets out 12 core land-use planning principles that should underpin both plan-making and decision-taking.

Paragraphs 32 and 35 (Sustainable Transport) supports sustainable modes of transport and securing safe and suitable access to developments.

Paragraph 69 (Access) promotes safe and accessible developments, including clear and legible pedestrian access routes.

Paragraphs 74 and 75 (Open Space, Rights of Way and Access) states that existing open space, sports and recreational land should be protected and supports the provision of better facilities or links to public rights of way and enhanced access.

Paragraph 103 (Flood Risk) seeks to ensure that flood risk is not increased on or off site as a result of development.

Paragraphs 186 and 187 (Decision Making) state that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicant to secure developments that improve the economic, social and environmental conditions in the area.

Paragraph 206 (Planning Conditions) states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraphs 215 and 216 (Local Plans) state that 12 months after the publication of the NPPF (March 2012) due weight should be given to relevant policies in existing plans according to their degree of consistency

with the NPPF (the closer the policies in the plan to the policies in the NPPF the greater the weight that may be given). This is of relevance to the South Holland Local Plan 2006 and emerging South East Lincolnshire Local Plan (Draft – January 2016).

Adopted Local Plan Context

8. South Holland Local Plan 2006 (SHLP) – the following policies are relevant to this proposal and, as confirmed by the NPPF, should be given due weight in the determination of this application:

Policy SG1 (General Sustainable Development) supports proposals that are consistent with the principles of sustainable development and where the quality of life for residents is unimpaired or enhanced; where reasonable measures have been taken to conserve energy and natural resources, and; where the essential character and main environmental assets are not damaged.

Policy SG9 (Development and Flood Risk) states that planning permission will only be granted for proposals which, where necessary, include details of measures designed to reduce the risk and consequences of flooding.

Policy SG14 (Design and Layout of New Development) sets out a range of criteria that need to be taken into consideration in the determination of applications. These include the effect of development on the amenity of nearby residents in terms of noise, smell, general disturbance, overlooking and loss of light and ensuring that proposals would not have an adverse effect on the character and appearance of the locality.

Policy SG15 (Facilities for Road Users, Pedestrians and Cyclists) supports proposals which provide safe and convenient access to all users within a development and states that all new and improved roads, cycleways and footpaths shall reflect through layout and design the anticipated nature of future traffic and the character of areas to be served.

Policy SG17 (Protection of Residential Amenity) states that planning permission will be granted for development which would not cause material harm to residential amenity. Of relevance to this particular proposal is the potential noise nuisance arising from the development including that associated with vehicular activity.

Policy SG19 (Protection of Open Spaces) states that the amenity of open spaces within settlements will be assessed when proposals are received for their development. Where such open spaces make a valuable contribution to the character, appearance and historic development pattern of the settlement, development will not be permitted.

Policy LT2 (Safeguarding Open Space for Sport, Recreation and Leisure) states that development which would result in the loss of public open space, parks or playing fields will only be permitted provided that alternative

provision of equivalent community benefit is made in the locality; or there is an excess of provision taking into account the long term recreation and amenity value of such provision; or sport, recreation and leisure facilities can be retained and enhanced through the redevelopment of a small part of the site.

Policy LT3 (Recreational Routes, Public Rights of Way, Disused Railway Lines) seeks to protect and enhance existing rights of way and where new or improved public accesses and rights of way are proposed these be accessible to all sections of society, including wheelchair users and those with mobility difficulties.

Emerging Local Plan Context

9. Work has begun on the preparation of the South East Lincolnshire Local Plan which will eventually replace the currently adopted Boston Borough Local Plan 1999 and South Holland Local Plan 2006. Public consultation on a draft plan is currently being undertaken (between 8 January and 19 February 2016), however, given its early stage of preparation, in line with paragraph 216 of the NPPF, the policies contained within this document currently carry very little weight in the determination of planning applications. Notwithstanding this the key draft policies that are of relevance in this case are as follows:

Policy 1 (Presumption in Favour of Sustainable Development) supports proposals that are consistent with the principles of sustainable development.

Policy 3 (Development Management) sets out a range of criteria that need to be taken into consideration in the determination of applications.

Policy 29 (Design of New Development) seeks to ensure that all developments are appropriate in terms of their design and layout and maximise opportunities for improving the character and quality of an area.

Policy 30 (Promoting Safe, Accessible Open Space, Sport & Recreational facilities) promotes the protection and enhancement of existing public rights of way and the creation of new links to the rights of way network as well as environments which are accessible to all sections of the community and facilitate walking, cycling and public transport use.

Policy 31 (Delivering a More Sustainable Transport Network) supports the promotion and management of the existing transport network and the provision of sustainable forms of travel. For cycling, walking and other sustainable transport this will be by protecting existing footpaths, cycle routes and bridleways from development and improving connectivity, and supporting the development of new multi-user routes to create a more coherent walking, cycling and riding network for sustainable travel and/recreation.

Results of Consultation and Publicity

10. (a) Local County Council Member, Councillor A J Jesson - has commented that he is against the proposal for the following reasons:

- the play park mentioned already has a permanent pedestrian footway into the school which severs the small play park in two. Any further reduction in size would prevent children playing football on the current pitch;
- if vehicles were permitted access at this location then would children not be permitted to use the park? This would be unacceptable as there are already limited places for them to play. If the park size were to be reduced the school should give up some ground so that the park remains functional;
- due to parents using this entrance for access and parking in Balmoral Avenue, lorries would have difficulty using the entrance.

(b) Highways and Lead Local Flood Authority - has commented that the proposed hard-surfaced (but permeable) permanent footpath would encourage more parents to routinely access the school from Balmoral Avenue and therefore reduce the congestion at the main school gate onto Clay Lake, where there is more passing traffic and therefore more potential for conflict.

The proposed temporary construction access would use the existing gated entrance to the playing field that is used by ground maintenance vehicles. The present good condition of the existing vehicle access crossing over the footway here may be an indication that it has been constructed to a sufficiently high specification to be suitable to carry the loads placed upon it by construction and delivery vehicles for the duration of the construction work at the school. However, should that not be the case, and the vehicle access crossing did begin to fail, the Highway Authority would expect the Applicant to cover the cost of both on-going repairs and permanent repair at the end of the construction phase. The management of this would be covered by existing highway legislation and therefore, it would not be necessary for this to be addressed by means of the planning process.

Therefore, the proposed development is considered to be acceptable and accordingly do not object to this planning application.

(c) Sport England – has no comments to make on the proposals as the proposed development does not fall within either their statutory or non-statutory remit. It has advised that if the development involves the loss of any sports facility then consideration should be given to whether the proposal accords with the NPPF (para. 74 specifically).

11. The application has been publicised by way of notices posted at the site and the nearest 10 residential properties to the proposed footpath have been notified of the application by letter. A representation has been from a local

resident which raises concerns about the proposal and a summary of the issues/concerns raised are set out below:

- there are existing problems of traffic congestion and inconsiderate parking in the area when parents drop/collect their children from school. The Travel Plan should therefore be adhered to with immediate effect and parents educated in order to prevent this happening as a more substantial pedestrian access will only serve to result in more parents dropping children off by car;
- the entrance to the play park is located on a bend and so vehicles accessing the play park would pose a danger and health and safety risk to users especially during busy periods. Residents living close to the same bend have previously been refused permission to install dropped kerbs outside of their properties because of their proximity to this bend;
- measures should be employed to make it difficult to park close to the play park and school including a 20mph speed limit, parking restrictions and 'Keep Clear' markings outside of the play park;
- a site visit should be carried out at the relevant school start and finish times before any decision is made on this application.

District Council's Observations

12. South Holland District Council has no objection in principle to the improvement of school facilities but are aware that there is a concern that the development may result in additional school traffic being experienced on Balmoral Avenue and therefore would ask that the representations submitted by neighbours and third parties are taken into account in the determination of the application.

Conclusions

13. The proposed development would provide an alternative point of access to and from the school and help to alleviate pressure around the school's main entrance which is on Clay Lake. During its use as a temporary construction access, contractors and vehicles would be able to access the school from Balmoral Avenue and therefore help to reduce any conflict between such traffic and those of parents and children using Clay Lake which at times can get heavily congested. Although it is accepted children and parents are likely to still approach the school from Balmoral Avenue during this period, and similarly use the play park outside of school hours, the temporary fencing to be erected alongside the route would provide adequate physical separation and protection to ensure the safety of pedestrians and users is maintained. Furthermore, whilst objections have been raised from a local resident and Councillor Jesson about the location of the proposed access/footpath on Balmoral Avenue, the Highways Officer is satisfied that its position and use, especially by vehicles during the temporary construction period, would not pose a risk from a highway safety perspective and once it has been upgraded to a permanent footpath could also encourage more parents and children to walk to school. It should be noted that the use of

this access for vehicles would only be for a short duration and not go beyond September 2016.

14. In terms of the actual route of the access/footpath, a small area of land would be lost as consequence of its construction however despite the concerns raised by Councillor Jesson the land affected does not form part of any statutorily protected playing field or formal play space. No objections have been raised by Sport England or the District Council (who are also the landowners) and the footpath would have a permeable finish so replicate the existing natural surface and therefore minimise surface water run-off and the potential for any incidental flooding off-site. The final footpath would also have thermoplastic markings painted on its surface which means it would also provide an additional informal play area supporting the existing play equipment already present within the play park and given its position within the playpark, I am satisfied that the path itself, as well as users of it during both the temporary and permanent phases, would not have an unacceptable adverse impact on the amenity of any nearby residents.
15. Consequently, and on balance, I am satisfied that the proposal complies with the aims and objectives of the NPPF and the identified policies contained within the adopted South Holland Local Plan 2006. The proposals also do not conflict with the approach or criteria as set out in the emerging policies of the South East Lincolnshire Local Plan (Draft - January 2016) and there are no material considerations which would dictate that planning permission should not be granted.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within seven days of such commencement.
2. The development hereby permitted shall be carried out in strict accordance with the details contained within the Planning Application Form, Design & Access Statement and Drawing No.1067063-MOU-XX-00-DR-A-(04)-0002 'Site Location' and Drawing No.1067063-MOU-XX-00-DR-A-(94)-1101 'Proposed Pedestrian Footpath' (date stamped received 24 November 2015).

Reasons

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development is carried out in an acceptable manner and for the avoidance of doubt as to the development that is permitted.

Informative

The County Planning Authority has worked with the applicant in a positive and proactive manner by providing pre-application advice on the development and by processing the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development and is consistent with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework.

Appendix

These are listed below and attached at the back of the report	
Appendix A	Committee Plan

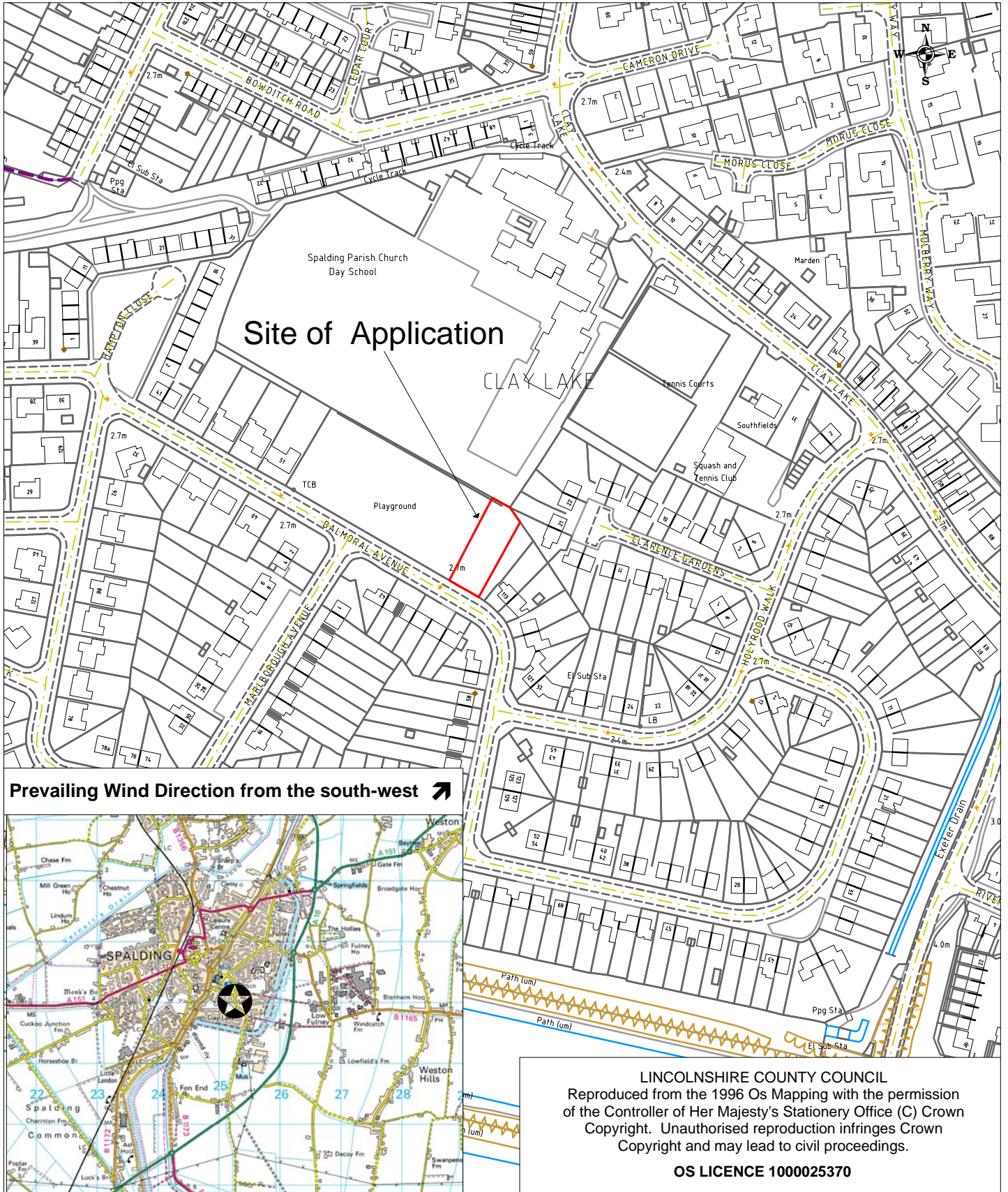
Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application Files H16/1135/15 H16/0898/15	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012)	Communities and Local Government website www.gov.uk
South Holland Local Plan 2006	South Holland District Council website www.sholland.gov.uk

This report was written by Marc Willis, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk

PLANNING AND REGULATION COMMITTEE 15 FEBRUARY 2016



Location:

Balmoral Avenue Play Park
 Balmoral Avenue
 Spalding

Description:

Proposed temporary vehicular site construction access with subsequent conversion to a permanent pedestrian access to the school

Application No: H16/1135/15

Scale: 1:2500

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