

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>9 May 2016</b>
Subject:	<b>County Council Development - S7/0478/16</b>

**Summary:**

Planning permission is sought to remove condition 4 of planning permission S7/0287/92 at Baston Church of England Primary School, 103a Main Street, Baston.

At present Condition 4 requires that the areas that had originally be identified and designated for the parking of vehicles within the school be made available at all times. When planning permission for the school was first granted the layout of the parking was such that this would have provided a total of 10 spaces for use by parents and 10 for staff parking. The original application also stated that the access roadway off Main Street leading to the school buildings would be available for use by parents during drop-off/pick up times and both of these measures were promoted as a means to alleviate traffic congestion on the local area.

It is the school's contention that the requirements of the condition have resulted in an unsafe environment for children attending the school during drop-off and pick-up times during the school day. The school is therefore seeking to remove Condition 4 so that the parking layout is not required to revert back to that which was approved in 1992. The school argues that if they are required to adhere strictly to this layout then this would mean that staff would not be able to park within the site. Furthermore, if they were required to revert back to the original layout then this would encourage more parents to make use of the drop off/pick up roadway and would significantly compromise the health and safety of the children entering and leaving the school.

Objections to the schools proposal to remove Condition 4 have been received from local residents, the Parish Council and the Highways Officer. Having considered the objections received it is, however, recommended that rather than remove Condition 4 entirely (as proposed by the applicant) it is instead recommended that revised conditions are imposed to confirm and formalise the existing parking layout at the school and explicitly state that the access roadway to the school be made available for use by parents during drop-off and pick up times. It is considered that such a condition would strike a reasonable balance between ensuring that there is a suitable level of parking provision available to meet the schools staffing needs whilst also confirming that the roadway at the front of the school is available as a

means to help alleviate some of the congestion and parking problems in the area.

**Recommendation:**

Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that planning permission be granted for the variation (rather than removal) of Condition 4 as imposed on planning permission S7/0287/92.

**Background**

1. In 1992 conditional planning permission (reference: S7/287/92) was granted to erect a school and construct an access road off Main Street, Baston. The school was a replacement for the existing school at Baston which had been severely damaged by fire.
2. Baston Church of England Primary School was designed to have its own dedicated access which comprises of a footpath and two-way vehicular access road off Main Street. Once within the site the access road splits to form a one-way system around a pear shaped island that was designed to allow cars and buses to set down children in front of the school building. In addition to the access road, 20 car parking spaces were provided within the school site. 10 of these were identified for use by staff whilst the other 10 spaces were identified as being for use by parents. The Officers report which dealt with the original application and which was considered by the Planning Committee in 1992 states that *"The proposed access road turning feature and parking areas have been designed to ensure that the children are set down and picked up close to the school building and not on Main Street which is used by HGVs calling at the sand and gravel pits to the east"*. When the application was submitted it stated there would be 10 members of staff employed at the school (six teachers and four other members of staff) whilst the pupil roll was identified as being 120.
3. Over the years the demand for school places has resulted in the expansion of the schools roll and in July 2014 a further temporary planning permission (reference: S7/1680/14) was granted to station a mobile classroom within the school site. The School's Travel Plan (which was submitted in support of that application) stated that there were 179 children on the school roll and that the school now provides wraparound childcare for families from 07:50 to 18:00 Monday to Friday. The planning permission granted requires the mobile classroom to be removed by 25 July 2016 and as part of that permission alterations were also proposed to the designation of the existing car parking spaces within the school site. These alterations proposed that the number of parking spaces for staff be increased from 10 to 15 spaces, with two spaces being combined to provide a disabled space. This left three spaces remaining for use by visitors. The School Travel Plan also stated that children who arrived at the school by bus and/or taxi could be driven up the school driveway; however, no other cars were given this permission except in cases of disability or emergency. In order to alleviate congestion, the school do however have a longstanding agreement with the proprietor of

the nearby Baskervilles Hotel to allow parents to use the hotel car park for drop off and pick up times. This had therefore enabled the school to promote 'walk to school' initiatives and allows parents a facility to park safely close by.

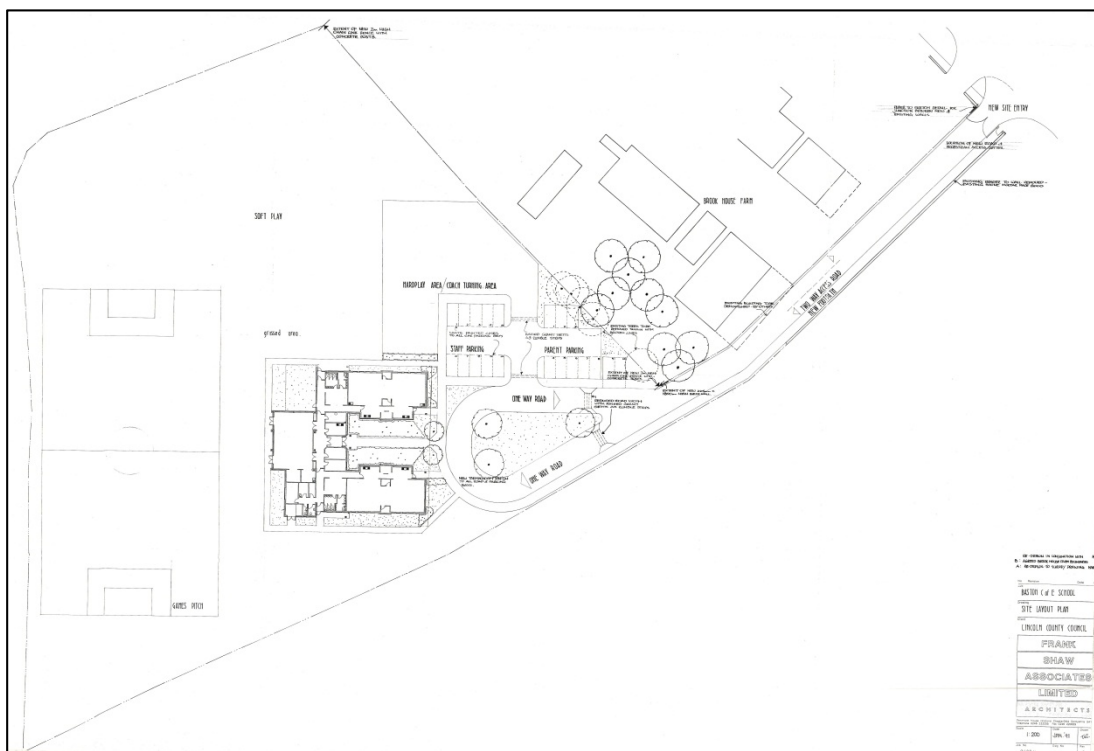
4. Although the revisions to the parking plan/arrangement were proposed as part of the application S7/1680/14, these alterations went beyond the scope of the development for that which the permission relates (i.e. the stationing of a mobile classroom) and also lie outside the red line boundary of that permission. Notwithstanding this even if it were deemed that permission for the alterations was covered by planning permission S7/1680/14 as this is temporary consent any revisions to the car park, like the mobile classroom unit, would not be permanent and therefore cease to be authorised once the permission expires in July 2016.
5. The school has indicated that it wishes to permanently remove the requirement to provide parental parking within the school site (as originally consented). Therefore they have applied to remove Condition 4 attached to planning permission S7/287/92.

#### The Application

6. Planning permission is sought to remove Condition 4 of planning permission S7/0287/92 which relates to Baston Church of England Primary School, 103a Main Street, Baston. Condition 4 of the planning permission states:

*"The areas shown on the plan accompanying the application reserved for the parking of vehicles shall be used or be available for vehicle parking at all times when the premises are in use."*

The reason for imposing this condition is stated as being *"In the interests of the safety and convenience of traffic using Main Street"*.



Site Layout Plan - Drawing No. 91024-01 Rev B

7. The aim of the application is to change the designation of parking spaces imposed as a result of this condition. The school considers it safer to limit access to parents dropping off and picking children up within the school site to only those who have certain requirements. An outline and summary of the main points and arguments made by the applicant for removing the condition are set out below:
- (a) The school currently has 191 pupils on its roll and these are from 141 family addresses. 84 of these families are located within two miles of the school and 57 are located further than two miles away from the school (by route).
  - (b) There are 20 members of school staff who are expected to arrive at work prior to 08:30 every week day who live outside the village of Baston.
  - (c) The school's number one priority is to keep members of the school community and visitors to the school safe. Approximately 300 people pass through the school gates every day at pick-up and drop-off times. Combining pedestrians with even a handful of cars poses a significant risk to parents and children and so the school considers that allowing a greater number of parent's vehicular access to the school site could not be achieved safely.
  - (d) Given the width of the access roadway, the width of the footpath and the lack of a barrier separating these two the school argues that increased access by parents in vehicles would result in gridlock and could possibly cause vehicles to back-up onto Main Street which itself could cause significant problems in terms of congestion and highway safety. This would also restrict access for emergency vehicles.
  - (e) In terms of existing parking provision, it is stated that on a normal school day at least 20 car parking spaces are required by staff and visitors especially as many live outside of the village of Baston. Therefore on an average school day the school does not have dedicated parking spaces available for parents to utilise when dropping off and picking up their children. Although the majority of children attending the school could potentially walk, 57 families live so far away that this is not considered feasible. Furthermore even if every family who could possibly walk to school did so and it was possible to limit access to the school site for those who lived a greater distance away, this could still result in a minimum of 57 vehicles entering the school site during drop-off and pick-up times. Allowing 57 vehicles access to the school site in order to compete for zero car parking spaces is therefore not considered a solution.
  - (f) The school are very pro-active in trying to address parking issues and have a longstanding agreement with the pub next door (e.g. The Baskervilles). This means that parents can use both of their car parks (front and back) which provides about 20 parking spaces for parents.

They also encourage as many families as possible to walk/scoot/cycle to school and the school carries out a termly 'site walk' to monitor parental parking.

- (g) Over the past two and a half years, the school has received just three complaints from the local community relating to the way that parents have parked. All three complaints related to vehicles that were parked lawfully on roads with no parking restrictions. Within the immediate vicinity of the school there are ample opportunities for safe and legal parking.
- (h) Finally, when the school was originally granted planning permission, the community was substantially less reliant on cars and the school's intake looked very different. The school was originally built to accommodate 150 pupils although this has grown to 191 pupils. What might have been appropriate at the time planning permission for the school was first granted is no longer appropriate now. The school therefore requests that these changing pressures and requirements be recognised and thus reflected by amending the restrictions placed on the school.

### Site and Surroundings

- 8. Baston is situated approximately 6km to the south of Bourne and is accessed directly from the A15. The school is located in the north eastern portion of the village and is set back from Main Road, which is the principal route through the village. To the north are open fields and the school is surrounded by residential properties on all other sides. The school consists of one modern, single storey, buff brick building. There is a turning circle in front of the building with a car parking area off this access for 19 vehicles (i.e. 15 staff, one disabled and three visitors).



Car parking & access roadway



Access onto Main Street

## Main Planning Considerations

### National Guidance

9. The National Planning Policy Framework (March 2012) (NPPF) sets out the Government's planning policies for England. The NPPF is a material consideration in determining 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.

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

Paragraph 72 (School Development) highlights the need to provide a sufficient choice of school places to meet the needs of existing and new communities. Great weight should be given to the need to create, expand and alter schools.

Paragraphs 186 & 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 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 Kesteven Core Strategy 2010.

## Local Plan Context

10. South Kesteven Core Strategy (2010) – in line with paragraph 215 of the NPPF, due weight should be given to relevant policies within the Plan according to their degree of consistency with the policies of the NPPF. The following policies are of relevance to this proposal:

Policy SP2 (Sustainable Communities) identifies Baston as a Local Service Centre which is a rural settlement where localised service use is already strong. Within such settlements support will be given to proposals that protect, retain or enhance existing community assets, or that lead to the provision of additional assets that improve community well-being. Proposals involving the loss of community facilities will not be supported.

Policy SP3 (Sustainable Integrated Transport) this policy states that encouragement will be given to create a sustainable, modern transport network across the district by promoting and assisting journeys by public transport, cycling, mobility aids and walking, by making them accessible, safe, convenient and as attractive as possible. This goal would also be achieved through securing transport statements and travel plans where appropriate and requiring the preparation of transport assessments for all developments that are likely to have significant transport implications to determine the measures required on the surrounding highway network to ensure adequate access by all modes of transport.

## Results of Consultation and Publicity

11. (a) Local County Council Member, Councillor T M Trollope-Bellew – requested that the application is brought to Committee and is also a member of the Planning & Regulation Committee so reserves his position until the date of the meeting.
- (b) Baston Parish Council Parish Council - object to the proposals and have made the following comments/objections (summarised):
- i. The school is aware of the on-going congestion problems caused by their decision to refuse parents' vehicles entry to the site. This decision removes what could be a part of a wider traffic management scheme such as allowing parents from outside of Baston to access the site at specified points throughout the school day.
  - ii. The school's solution to the congestion is flawed as it relies on an informal and unenforceable agreement with the local public house. It also relies on parents parking in a safe and considerate manner and it under-estimates the number of children brought to school by car, as this relies on "show of hands" classroom surveys.

- iii. The parking situation has generated a significant amount of discontent in the village. Residents of Main Street have installed measures to prevent parking on grass verges along the highway, where they consider the parking restricts traffic flow and reduces sightlines resulting in an increase of dangers to pedestrians and vehicles. Residents of Cardyke Drive have requested parking restriction measures along their street and residents of Pannel Court have made representations to the Council after a child was almost hit by a vehicle turning at speed. Finally, residents of Hadrian Drive have also raised concerns regarding parking close to the junction with Main Street which makes access and egress unsafe.
- iv. The school has failed to engage with the Parish Council or local community to address existing issues.
- v. No survey of parental parking is included as input into the School's Travel Plan.
- vi. Lincolnshire County Council and Lincolnshire Police both deny responsibility for addressing illegal/unsafe parking.

It is stated that the school should be required to adhere to the condition and allow vehicle access to the school site whilst mitigating the perceived risks of such access by implementing a traffic management plan to reduce the number of parents choosing to drive their children to school. The Parish Council is happy to work with the school to develop a comprehensive solution to the issue.

- (c) Highways & Lead Local Flood Authority (Lincolnshire County Council) – has stated that it would appear the school has already implemented some form of informal control which limits the numbers of vehicles using the drop-off/pick-up facility provided directly outside the school, presumably by advising parents not to use this facility. As a result there is extensive on-street parking on Main Street, Cardyke Drive, Pannell Court and full use of the Baskerville Pub car park (front and rear).

The application relies on an "agreement" with the nearby Baskerville Pub to utilise its car park facilities. This agreement is not something that can be enforced under planning controls and if the pub changed hands or was sold or redeveloped then the 20-30 spaces which are currently being used in both its car parks would be unavailable to school parents and these vehicles would be forced onto the adjoining highways and would exacerbate the current situation further.

It is therefore recommended that this application be refused, since it would create an unsafe and unsuitable access to the school as per Paragraph 32 of NPPF.



- (d) Accessibility Officer (Lincolnshire County Council) – the Travel Plan submitted in support of this information is a slightly updated version of that which was submitted and approved in May 2014. This has provided the Travel Plans Section an opportunity to assess the review and monitoring of the 2014 plan. It is considered that the school is proactive in attempting to reduce parking issues however, the Travel Plan as submitted does not provide sufficient evidence that this is tightly managed. The surveys have not been kept up-to-date and no analysis has been undertaken and compared with the target set and the action plan reviewed.

The comments of the Accessibility Officer have been forwarded to the school for their information and action.

12. The application has been publicised by notice posted adjacent to the site and letters of notification were sent to 21 of the nearest neighbouring residents. As a result of the publicity and notifications four letters/emails have been received setting the following reasons for not supporting the removal of the condition (summarised):
- the Council should be taking action to make the school adhere to the relevant condition and allow parents to drop-off and pick-up children within the school grounds.
  - whilst many parents park at the local pub this does not stop irresponsible and dangerous parking by parents on the surrounding roads. Appropriate sanctions should be taken against those parking inconsiderately and illegally.
  - the school would have more support for their application if they took some responsibility for monitoring the parents' parking rather than ignoring the frustration and misery of local residents caused by parents parking on roads around the school.
  - the school should have consulted local residents regarding this proposal.
  - the Council should have consulted local residents regarding this proposal to seek their views. The site notice is not attached to the school perimeter but an adjacent fence, it is therefore not visible to all people walking to the school, nor is it obvious given its location that it relates to a proposal at the school.
  - the school's actions have resulted in an unsafe environment for other road users and pedestrians. A large proportion of pupils walk to school but the current state of parking is not safe. Severe congestion results in road safety issues for parents and children crossing Main Street near the school entrance as there is no formal pedestrian crossing. Main Street is a busy road with excessive HGV traffic throughout the day; and this congestion also impedes access for emergency vehicles, and any parking ban on the school site will make this worse.

- there have been numerous near misses between vehicles and near misses with children and at least three RTCs (Road Traffic Collisions) outside the school; the situation would be exacerbated if this application is granted.
- the school was designed with a long drive and parent parking on the school site this should be utilised. Proper use of these facilities would make it safer for pupils going to school as the dangers encountered walking to school would be reduced and the school could safely monitor pupils and vehicles on the school grounds.

One letter/email of support was received which supports the removal of the condition for the following reason (summarised):

- given the narrowness of the road and pavement into/out of the school allowing any number of parents to drive up the school road during peak pick up and drop off times would be unsafe.

#### District Council's Observations

13. South Kesteven District Council – no objections but has commented that they have concerns that the removal of Condition 4 could lead to additional on-street car parking to the detriment of highway safety and impact on the residential amenity of neighbouring occupiers.

#### Conclusion

14. The sole issue to be considered in the determination of this application is whether the removal of the relevant condition would result in an unacceptable impact in terms of highway safety.
15. Over the years the school has expanded with subsequent increases in both pupil and staff numbers. Revisions have consequently been made to the designation of the existing parking spaces within the site which has resulted in an increase in the number of spaces allocated for staff with a consequential reduction in the number of spaces allocated for parents. In addition to this the school has implemented a traffic management policy which discourages parents' vehicles from using the access road for dropping off and picking up children (except where there is an identified need).
16. At present Condition 4 requires that the areas that had originally be identified and designated for the parking of vehicles within the school be made available at all times. When planning permission for the school was first granted the layout of the parking was such that this would have provided a total of 10 spaces for use by parents. The original application also stated that the access roadway off Main Street would be available for use by parents during drop-off/pick up times and both of these measures were promoted as a means to alleviate traffic congestion on the local area.

17. The school is seeking to remove Condition 4 so that the parking layout is not changed to that approved in 1992. The school argues that if they are required to adhere strictly to this layout (i.e. provide 10 parent parking spaces on-site) then this would mean that some staff would not be able to park within the site. Furthermore, if they were required to revert back to the original layout then this would encourage more parents to make use of the drop off/pick up roadway and would significantly compromise the health and safety of the children entering and leaving the school.
18. The problems of on-street parking and objections raised by local residents and the Parish Councils are noted and are typical of the situation at a significant number of schools throughout the County. Such impacts are however transient in nature as they take place primarily at school opening and closing times, five days a week and are usually restricted to school term times only. Many parents do park on the public highways around the school where there are no parking restrictions (e.g. outside the designated school parking zone) and some parents may well park inconsiderately which can cause issue with local residents. However, unfortunately this is not something which the County Planning Authority can control. Instead the County Planning Authority can seek to secure appropriate measures are in place in order to help alleviate or minimise such impacts especially when considering applications for new development.
19. In this case, when the school was first built in 1992 measures were designed and proposed to minimise traffic impacts and these included the provision of an area for parent parking and the use of an access roadway at the front of the school. In terms of car parking provision, although the changes to the parking layout over the years have reduced the number of spaces available for parents this has been done in order to ensure that there is a reasonable degree of parking available for use by staff given that many travel from further afield. If planning permission to remove Condition 4 was therefore refused, the school would be required to revert back to the original parking layout and some staff would be forced to park on local roads. This could arguably have a greater impact on the local community and therefore is not considered an appropriate solution and would not be in the best interests of both the school and the wider community.
20. In respect of the access roadway, although the school has not physically stopped parents' vehicles from entering the site their policy to discourage access and use of the roadway has contributed towards the increased congestion and parking problems in the area. Although solutions to try and mitigate this are promoted through the School's Travel Plan these have a limited impact and whilst the Parish Councils' suggestion that the school implement a policy which would only allow parents vehicles from outside the village to enter the school is noted, this would be impossible to monitor and enforce and therefore is not considered feasible.
21. Having considered the objections received, including the objection by the Highways Officer, it is recommended that rather than remove Condition 4 entirely (as proposed by the applicant) it would instead be better to revise

Condition 4 to confirm and formalise the existing parking layout and explicitly state that the access roadway to the school should be made available for use by parents during drop-off and pick up times. It is considered that such a condition would strike a reasonable balance between ensuring that there is a suitable level of parking provision available to meet the schools staffing needs whilst also confirming that the roadway at the front of the school is available as a means to help alleviate some of the congestion and parking problems in the area. Additionally, such a condition would reaffirm the County Planning Authority's position that the access roadway was always designed and intended to be available for this purpose and therefore is consistent with the view that was taken in 1992 when the school was first granted permission. It would also ensure that in the event that the schools current informal arrangement with the nearby pub to use its car park were to cease, there would still be measures in place at the school which could be enforced in order to try and minimise the impact that this could have. In addition it is recommended that a further condition requiring an updated travel plan be submitted to provide a mechanism to promote more sustainable modes of travel to the school.

22. Finally, although Section 73 applications are commonly referred to as applications to “amend” or “vary” conditions they result in the grant of a new planning permission. Therefore, and for clarity and the avoidance of any doubt, it is recommended that a wholly new decision notice be issued with only those conditions which would now be relevant to the development. In this case, this therefore means replacing Condition 4 with three new conditions as set out in the recommendation of this report.

#### Final Conclusions

23. Whilst it is therefore accepted that a revised condition would not entirely address the existing congestion or on-street parking problems associated with the school, within the powers that are available to the County Planning Authority in the determination of this application, it would help to ensure that reasonable measures are in place to try and minimise traffic impacts arising from the school on the local community. As a result, despite the objections raised your Officers view is that such an approach and condition would be consistent with the wider objectives and principles of the NPPF and would not conflict with Policies SP2 and SP3 of the South Kesteven Core Strategy which seeks to encourage sustainable transport by promoting and assisting journeys by public transport, cycling and walking by making these forms of travel as accessible, safe, convenient and attractive as possible.
24. The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights and the Council has had due regard to its public sector equality under Section 149 of the Equality Act 2010.

<b>RECOMMENDATIONS</b>
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That planning permission be granted for the removal of Condition 4 as set out in the Council's Decision Notice reference S7/0287/92 dated 29 April 1992 and that a new decision notice be issued which supersedes planning permission S7/0287/92 which contains the following new conditions.

1. The existing car parking spaces including access roadway and vehicular turning and circulation areas as shown on Drawing No. 91024-L1 Rev.B dated Jan '92 shall be retained and be made available for use by staff and visitors at all times.
2. The access roadway, vehicular turning and circulation areas as shown on Drawing No. (91024-L1 Rev.B dated Jan '92 shall be made available for use by parents dropping off and collecting school children at the beginning and end of the school day.
3. The permission hereby granted shall cease and the school shall operate under the conditions attached to Planning Permission (Reference S7/0287/92) unless an updated Travel Plan has been submitted to and approved in writing by the County Planning Authority within three months of the date of this decision notice. The approved Travel Plan shall be updated as required and be implemented in full whilst the buildings are in use for educational purposes.

**Reasons**

1 & 2

In the interests of highway safety and in order to minimise the impacts of on-street parking around the school during peak periods.

3. To ensure that access to the site is via sustainable modes of transport and reduces dependency on the car.

**Appendix**

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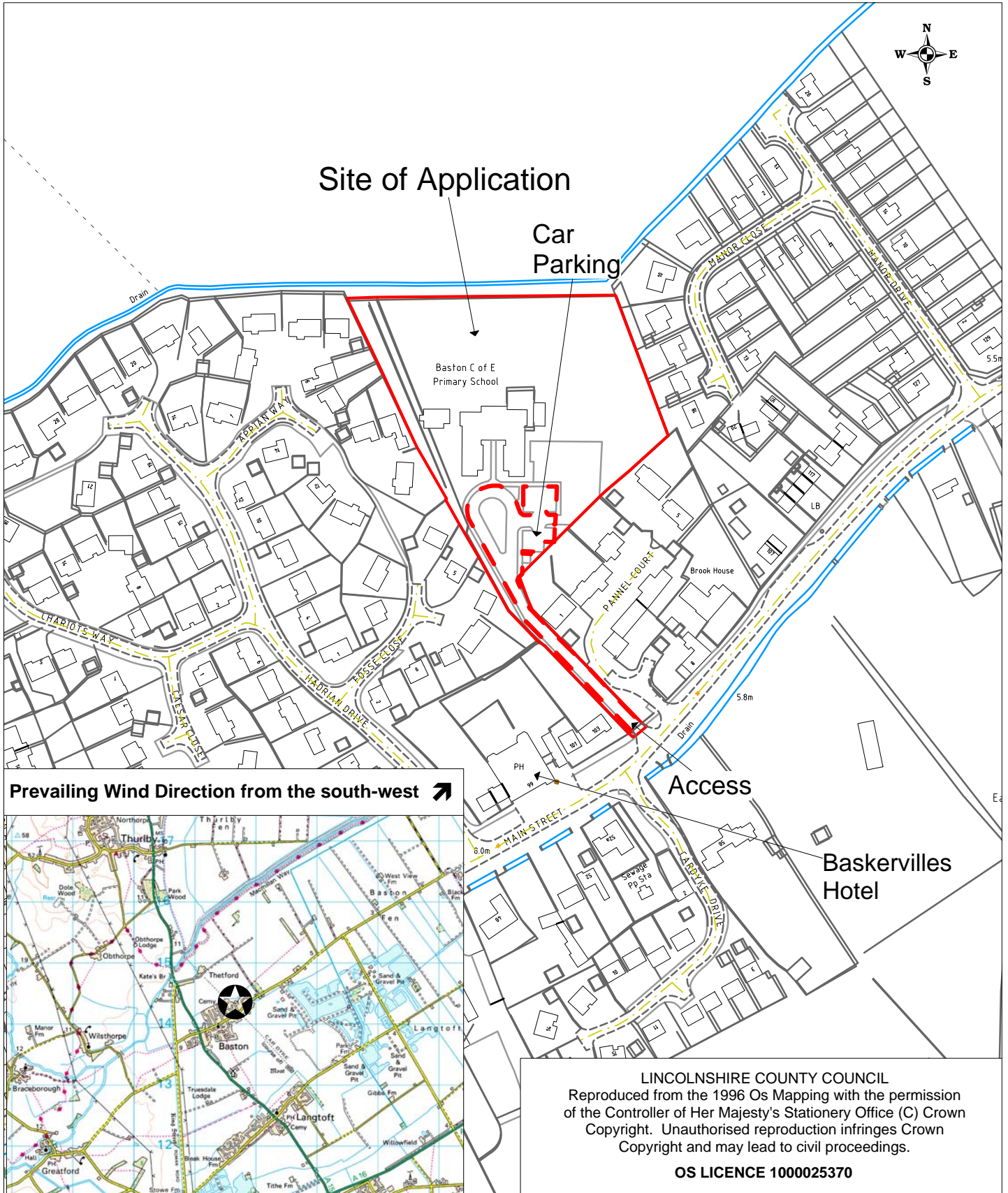
## Background Papers

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 S7/0478/16 S7/0287/92	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
South Kesteven Core Strategy (2010)	South Kesteven District Council's website <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>

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LINCOLNSHIRE COUNTY COUNCIL Appendix A  
 PLANNING AND REGULATION COMMITTEE 9 MAY 2016



**Location:**  
 Baston CE Primary School  
 103a Main Street  
 Baston

**Description:**  
 To remove condition 4 of planning permission  
 S7/0287/92 (Vehicular parking)

**Application No:** S7/0478/16  
**Scale:** 1:2500

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