

**Open Report on behalf of
Andy Gutherson, Interim Director of Place**

Report to:	Planning and Regulation Committee
Date:	4 February 2019
Subject:	County Council Development - H16-0970-18

Summary:

Planning permission is sought to construct a permanent classroom building for the replacement of existing portacabins and for the provision of a new pedestrian access at Wygate Foundation Nursery School, Woolram Wygate, Spalding.

The proposed development would result in the loss of small shrubbery and the removal of existing temporary Nursery unit. Concerns have been raised regarding inconsiderate parent and staff parking from local residents. The concerns raised have been taken into consideration and the addition of six parking spaces has been added to the application. The proposed development includes the construction of a secondary pedestrian access from within the school to provide access for the proposed building. This will allow direct wheelchair access to the nursery.

The key issue to be considered in the determination of this application is whether the proposal for a permanent learning space, which would enhance the learning environment of the children, outweighs the impacts that the development would have in terms of parent and staff parking on the amenity of the local residents.

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. Wygate Nursery is located within the grounds of Spalding Primary School fronting Woolram Wygate in Spalding. The school is surrounded by cul-de-sac dwellings which are predominantly bungalows. The school and nursery have been oversubscribed since 2012 and are decreasing their numbers to be back within the original PAN (Pupil Admission Numbers) over the next two years. The nursery is situated to the rear of the school within temporary units and now requires permanent structures to improve the learning environment.

2. Previously the school has sought planning permission for the following developments:-
- PL/0121/09 - permission was granted for a new entrance, hygiene facility and library;
 - PL/0034/12 - refusal of a single storey extension of nine classrooms by the planning committee under concerns regarding parking issues from such an increase in pupils;
 - PL/0118/12 - approval to station a temporary double classroom (for use of the nursery). This application has subsequently expired, with the intention to secure permanent accommodation to replace the mobile units. However, if this application is not approved, retrospective planning permission will have to be sought for the temporary nursery classrooms to remain in place.

The Application

3. Planning permission is sought to construct a permanent classroom building measuring 18m in length by 16m in width giving an overall area of 243sq.m replacing the area covered by the mobile units which extends to 237sq.m. Permission is also sought for the provision of a new pedestrian access. A brief outline of the works proposed as a part of the application is summarised as follows:

Removal of temporary units - double temporary units granted under PL/0118/12 would be removed once the permanent classroom is built and ready for occupation. Despite the units still being in working order, they are nonetheless temporary units and their planning permission has expired;



Mobile Classrooms to be removed

Construction of permanent classrooms - there is a drive within the county to replace temporary units with permanent buildings. The proposed building would be constructed in materials to be compatible with the existing school buildings. It would be constructed in a complementary design to the existing building and would be single storey with a height of 4m. The building would be mostly screened by the mature trees which bound the site;

Access to the Nursery - in addition to the main school grounds, a separate nursery access is proposed. This would allow easier access for all children, whilst also allow the nursery to be wheelchair friendly. This access will be pedestrian only.



Existing Car Park

4. The applicant submits that the proposed development would be of benefit to both pupils and staff in the school. A permeant building provides better learning conditions for children to develop. The building would also be more compatible with the existing school building. The number of pupils in the nursery has plateaued and therefore shows there is a need to continue to provide these spaces in the local area. It is expected that these places will continue to be filled, hence the proposed permanency of the building.
5. In order to mitigate the impact of staff parking outside the school, six additional spaces are proposed to be added to the main car park. Additional parking spaces will allow more staff to keep their vehicles on site rather than parking on the local highway.
6. A Travel Plan submitted with the application shows the school's proactive approach to remedying parking issues and traffic safety. The school now opens its classrooms earlier than previously, allowing parents to drop off children and not needing to wait in cars until the start of school. The school also has a delivery area within the site which ensures local roads are not blocked due to deliveries. There are 52 spaces for student bikes and scooters and an additional eight places for staff. Pupils and staff are encouraged to travel to school in more sustainable ways to benefit student behaviour and health. As seen within the Travel Plan, it is evident that, despite the number of students travelling to school by bicycle has fallen, the number of students who use scooters, skateboards, car shares and foot has increased substantially since 2013. The subsequent action plan for the Travel Plan shows the school will continue to encourage sustainable

transport methods and begin to look at a staggering method for cars in peak congestion times.

Site and Surroundings

7. The site is located off Woolram Wygate on the north western side of the centre of Spalding. The site incorporates a large field to the rear used for sports and playtime. The main access is on the east of the site and the two distinct playing field areas to the west which are defined by tree belts. The development would be on the playing field area which is currently used as a nature garden by the children. The siting of the temporary classrooms would be reverted back to a playing area.
8. The site is surrounded by a residential development. To the north area are detached properties along Bramble Grange, with rear windows overlooking the site. To the east is Woolram Wygate, beyond which are detached properties. To the south is detached housing along Wygate Meadows, the rear of which is a cycle path and trees. The west boundary has further residential properties which are overlooking the school site from their rear windows. These properties are separated from the school site by a cycle/footpath.

Main Planning Considerations

National Guidance

9. The National Planning Policy Framework (July 2018) sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

Paragraph 8 - Core planning principles;

Paragraph 11 - Plans and decisions should apply a presumption in favour of sustainable development;

Paragraph 38- Local planning authorities should approach decision on a proposed development in a positive and creative way;

Paragraph 55- Planning conditions should only be imposed where they are necessary, relevant to planning, enforceable, precise and reasonable;

Paragraph 94- It is important that a sufficient choice of school places is available to meeting the needs of existing and new communities;

Paragraph 102- Transport issues should be considered from the earliest stage of plan-making and development proposals;

Paragraph 124 - Good design is a key aspect of sustainable development, as it creates better places in which to live and work and helps make development acceptable to communities;

Paragraph 127 - The way in which decisions should achieve well designed places;

Paragraph 156 - Flood risk should not be increased elsewhere as a consequence of the development;

Paragraph 213 - Weight should be given to relevant local plans.

Local Plan Context

10. South Holland Local Plan adopted 2006 - the following policies are relevant to this proposal:

Policy SG1 (General Sustainable Development) - permission will only be granted where the council are satisfied that the proposal is consistent with the principles of sustainable development. It will also only be granted if the proposal is not impairing local's lives, where reasonable measures have been taken to conserve natural resources and where South Holland's essential character and environmental assets are not damaged.

Policy SG14 (Design and Layout of new Development) - new development should be designed to ensure that it makes a positive contribution to the architectural and visual quality of its surroundings. It should respect the vernacular architecture of the area and the design and layout should be considered with regards to various key points .i.e materials, scale, effect on amenity, access. Development which may have an adverse effect on the character or locality of the area will not be permitted.

Policy SG17 (Amenity) - permission is only granted to developments which do not cause undue harm to the amenity and character of the area. This requires criteria to be taken into account with regards to overlooking and loss of privacy, overshadowing, potential nuisance with vehicular activity and emissions.

11. Emerging South East Lincolnshire Local Plan (SELLP) 2011-2036 - The South East Lincolnshire Local Plan was submitted to the Secretary of State on Friday 23 June 2017. The document is now in examination stage. Despite being in draft, SELLP is in the latter stages of preparation and therefore greater weight can be afforded to the policies outlined in the document. The following policies are relevant to this proposal:

Policy 3 (Development Management) - the decision maker should consider whether the proposal is sustainable in relation to size, impact on amenity, design, access, and visual impacts of the proposal. If the proposal is not considerate to sustainability, the application will not be permitted.

Policy 5 (Flood Risk Approach) - a strategic approach should be taken towards flood risk. Flood risk should not increase elsewhere due to a new development.

Policy 31 (Vehicle and Cycle Parking) - all new development should provide sufficient parking spaces which are fit for their use.

Results of Consultation and Publicity

12. (a) Local County Council Member, Councillor A Newton - is a member of the planning committee and reserves her position until the date of the meeting.
 - (b) Environment Agency (EA) – has no objection to the application.
 - (c) Sport England - has no objection to the application.
 - (d) Highways Officer (Lincolnshire County Council) - further to receipt of the revised parking layout and Travel Plan, the Highway Authority has no objections to the application and comments of 22 October 2018 remain (no objections). However, with this no objection the highways officer includes the condition that the development shall not be occupied before a 1.8m wide footway to connect the development to the existing footway has been submitted to the planning authority.
13. The application has been publicised by notices posted at the site on the 28 September 2018 and then re-consulted on the 4 December 2018. 37 letters of notification were sent to the nearest neighbouring residents. A total of eight representations have been received as a result of this publicity/notification and a summary of the objections/comments received are set out below:
- There have been continuous issues with staff and parents parking inconsiderately within the local area. This has involved the police to be called due to residents having their drives blocked by cars. There is a concern that by making the nursery permanent, it will encourage more parking issues as nursery aged children are unlikely to be cycling to school. The highways issues mean emergency vehicles, delivery vans and tradesmen are not always able to park outside the correct house.
 - The shrubbery which is to be removed is healthy and shouldn't therefore be felled for this application. There is no need to take healthy shrubbery, it needs to be conserved.

District Council's Observations

14. South Holland District Council were consulted on the 28 September 2018 and no comments had been received by the time this report was published.

Conclusions

15. The key issue to be considered in the determination of this application is whether creating a permanent nursery which supports and enhances the learning environment, outweigh the impacts that the development would have in terms of the loss of trees, impact on amenity local residents could reasonably expect to enjoy due to staff and parent parking on the local highway network.

Design and Amenity

16. The NPPF stresses the importance of good design in order to establish sustainable communities. Development which is sympathetic to the local area and character defines good design within national and local policy.
17. The extension would be compatible with the design to the existing school and would result in only modest changes to the visual appearance of the school from the adjacent public footpath. The proposal would be predominantly screened by mature trees and shrubbery which establishes the site boundary. When considering this proposal against local plans (SHLP- SG17, SG14 and SELLP- Policy 3), the development would not cause any undue harm to visual amenity. Given the land use currently, it would be expected to see structures similar to the proposed. It is concluded that there would be no unacceptable impact to the character of the area as a result of this development.
18. Although there is a need to remove minor trees within the school site to accommodate the development, compensatory planting should be conditioned to help offset the impact of their loss. In respect to the objections received regarding the loss of shrubbery it is considered that this can be mitigated by compensatory planting secured by planning condition.
19. When referring to Policy SG1 of the SHLP, it is evident that the replanting of these trees shows a sustainable approach to the development. The replacement of a temporary unit with a permanent building, as previously mentioned, also enhances the sustainability in the area. The replacement of the mobile classroom units with an efficient, permanent building would provide a sustainable solution, hence complying with Policy SG1.

Highways and Flooding

20. Policy 31 of the SELLP states that all new development should provide sufficient parking spaces in relation to the use. Despite there being concern with highways at Woolram Wygate, the nursery is a replacement for a temporary building. There is an expected increase of two staff members at the nursery and a loss of 50 pupils in years five and six from the main school complex over the next two years. This therefore means there will be no influx in pupils but rather a decrease, lowering traffic congestion created by the school. It is unlikely that the development would lead to increased car parking in the area from parents and staff due to the number of pupils

attending the Primary School projected to fall in the next few years so resulting in an overall fall from current levels of parent and staff parking. The proposed six additional car parking spaces to be created would mean there would be 36 parking spaces available within the school site for approximately 60 staff who travel to school by car. These 60 staff are not all full time staff and include midday supervisors, cleaners and caretakers whom work out of peak times when there is likely to be more onsite parking. The spaces are given on a first come basis and are not designated to either nursery or school staff. There are not enough spaces to cater for all staff members; however, the expectation of creating enough spaces for all staff to park within the school site would not be possible and would discourage staff from seeking to use sustainable forms of transport.

21. The continued proactive attitude towards changing transport behaviours in the school, in line with the Travel Plan, gives reason to assume the number of people travelling to the site by car will decrease over future years. There is a need to continue to work alongside the Travel Plan and ensure actions are taken in working towards this sustainable vision. After gaining advice from Lincolnshire County Council's Travel Plan team, it would be beneficial for the school and nursery to work together on their approach to travel and road safety given they both share the same site and car park. It has also been noted that more scooter and cycle racks will be beneficial and will encourage the use of these transport methods to the school.
22. Both the school and nursery keep a Travel Plan which has been updated annually. It is recognised by the Travel Plan team that it is necessary to provide a more comprehensive Travel Plan that links the nursery and school under a single plan. This could be required by a condition attached to any permission granted. Previous initiatives of the Travel Plan have resulted in the provision of bike racks which are now installed on the site.
23. The management of parking can be tackled through the Travel Plan and the school to encourage walking or car sharing schemes. The school's Action Plan should be updated annually to show that objectives are being met and progress is being made. In order to ensure the continued proactivity, annual updates of the Travel Plan can be conditioned and attached to any permission granted.
24. The applicant provided a statement to explain that the school would be experiencing a fall in pupil numbers over the next two years, meaning the school and nursery would no longer be over-subscribed. This will decrease traffic congestion in prime times. It would be unreasonable to not expect congestion during pick up and drop off time. The school do keep records of staff and their car number plates. This allows the local residents to contact the school on inconsiderate parking and for the school to tackle the issue; however, it cannot be assumed that all parking on the roadside in Woolram Wygate is by staff at the school/nursery.
25. Objections to this application show that inconsiderate parking is currently an issue for the community. Drive blocking and road blocking has been a long

standing issue for residents. The school do have mitigation in place whereby all staff have to record their registration plate and this list can be accessed by the community. Despite there still being a disproportionate ratio of staff to onsite parking, it has to be considered whether the issue impacts amenity and daily life in such a detrimental way which would lead to the refusal of a new, permanent learning environment. After balancing the impacts on residents and the benefit to the local community of the development, it is evident there will be benefits from a permanent classroom for the learning of the pupils at the nursery. Whilst it is acknowledged that parking issues exist it can be seen that the school are taking a positive approach to decrease car travel and raise awareness of the parking of staff members. Without this permanency, and regarding the unacceptableness off a temporary structure continuing to be on site, it would be against national policy (paragraph 94) to not provide sufficient school places for children in the area.

26. As the NPPF, SHLP and SELLP suggest, development in flood zones are acceptable if it is unreasonable to position them elsewhere. In this instance it would be detrimental to learning to move the nursery elsewhere. Due to the replacement of the current unit, there would be no increase in buildings on the site. There would be an increase in impermeable land, as the temporary unit is placed upon concrete and this will be kept as a hard playing area. However, as the flood risk assessment concludes, the positioning and design would not cause flooding to occur on or around the site.

Final Conclusion

27. Notwithstanding the location of the development, within a busy school site, the works are replacements of the existing temporary units and are considered necessary in order to provide sufficient school places, in accordance with the NPPF. Consideration has been given to the representations and comments received however, on balance, it is considered that the benefits and positive impacts afforded by this development outweigh any negative impacts and the development is in accordance with relevant policies of both the NPPF, SHLP and SELLP and so deemed appropriate and positive for the future of the area of Woolram Wygate.
28. The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and 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 duty under Section 149 of the Equality Act 2010.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The development must be begun no later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall only be carried out in accordance with the following documents and plans. The approved documents and plans are as follows:

- Plans, Elevations and Site Plans, Drawing Number DC/437S/201 (Date Stamped 17 September 2018);
- Site and Location Plans, Drawing Number DC/437S/200 (Date Stamped 17 September 2018);
- Site Plans, Drawing Number DC/437S/205 (Date Stamped 2 November 2018).

Reason: To ensure the development is carried out in accordance with the approved details.

3. Before the development hereby approved is occupied a landscaping scheme, for the replacement shrubbery shall be submitted for the written approval of the County Planning Authority. The landscaping scheme shall include planting plans and schedules of plants noting species, plant sizes and numbers. The approved landscaping scheme shall be carried out during the first planting season following completion of the development. Any trees/shrubs which die, are removed or become seriously damaged or diseased within five years shall be replaced in the next planting season with others of a similar size unless the County Planning Authority agrees in writing to any variation.

Reason: To secure the compensatory planting proposed to replace that which would be lost as a consequence of the development in the interests of the visual amenity of the area.

4. The development hereby permitted shall not be occupied before a 1.8 metre wide footway, to connect the development to the existing footway network, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the County Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

5. Notwithstanding the details contained in the Travel Plan submitted with the application the development hereby approved shall not be brought into use until a written Travel Plan has been submitted to and approved in writing by the County Planning Authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as the development remains in use.

Reason: In order that the County Planning Authority conforms to the requirements of the National Planning Policy Framework, a Travel Plan has been conditioned to ensure that access to the school is sustainable and reduces dependency on the car and in the interests of the amenity of local residents.

Informative

Attention is drawn to:

In dealing with this application the County Planning Authority has worked with the applicant in a positive and proactive manner by seeking further information to address issues identified and enhancements to the proposal. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

Appendix

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

Background Papers

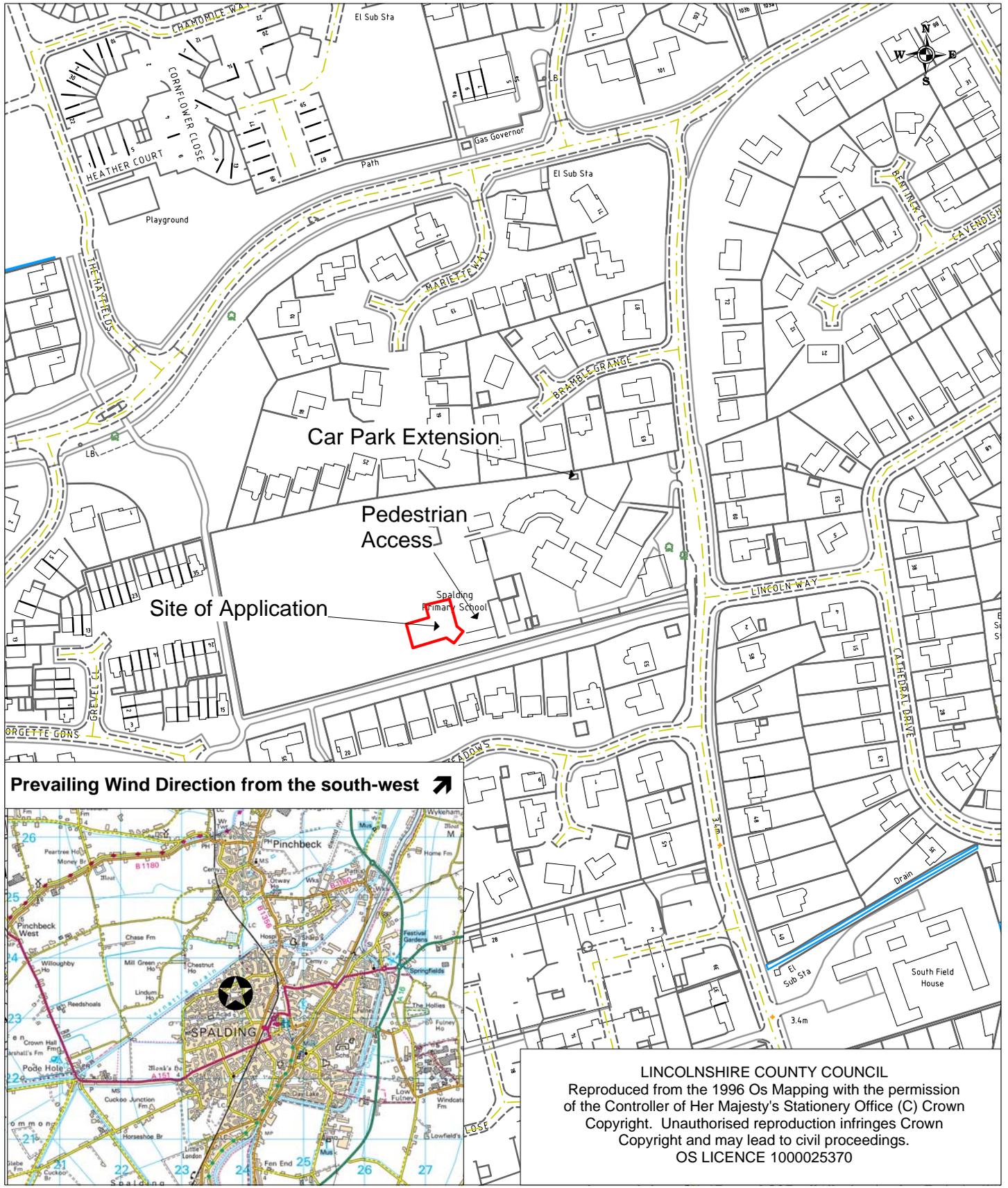
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File H16-0970-18	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2012)	The Government's website www.gov.uk
South Holland Local Plan and South East Lincs Local Plan (2011-2036)	South Holland District Council's website www.sholland.gov.uk

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LINCOLNSHIRE COUNTY COUNCIL Appendix A

PLANNING AND REGULATION COMMITTEE 4 FEBRUARY 2019



Location:

Wygate Foundation Nursery School
Woolram Wygate

Description:

To construct a permanent classroom building to replace existing portacabins and provision of a new pedestrian access

Application No: H16-0970-18

Scale: 1:2500