



22 May 2012

Agenda Item: 9

REPORT OF GROUP MANAGER PLANNING

MANSFIELD DISTRICT REF. NO.: 2/2012/90/ST

PROPOSAL: VARIATION OF CONDITION 9 OF PLANNING PERMISSION 2/2004/634/ET TO ALLOW THE SCHOOL MORE FLEXIBILITY IN THE USE OF THE SPORTS HALL ALLOWING PRIMARY SCHOOL CHILDREN USE OF THE FACILITY DURING THE SCHOOL HOLIDAYS

LOCATION: ASQUITH PRIMARY SCHOOL, ASQUITH STREET, MANSFIELD

APPLICANT: NCC CHILDREN, FAMILIES AND CULTURAL SERVICES

Purpose of Report

1. To consider a planning application for the variation of Condition 9 of Planning Permission 2/2004/634/ET to allow primary school children enrolled at Asquith Primary School more flexibility in the use of the sports hall during the school holidays. The key issues relate to vehicle parking and congestion. The recommendation is to approve the application subject to conditions.

The Site and Surroundings

2. Asquith Primary School is located on the corner of Carter Lane and Asquith Street, approximately 1km south-east of Mansfield town centre (see Plan).
3. Carter Lane (B6030) is a secondary thoroughfare through older residential districts of Mansfield and is fronted by a number of mixed residential, commercial and community uses. Asquith Street is a short 5m wide street of some 90m terminating in Asquith Mews, a residential cul-de-sac. There is a small area for vehicles to manoeuvre and turn round in front of the school car park entrance and the access into Asquith Mews.
4. The south-western side of Asquith Street is dominated by the school and its car park, the north-eastern side by traditional inter-war two storey semi-detached or modern mews residential properties.
5. The school site comprises a number of separate school buildings, Victorian and modern. The school sports hall is located to the south-east of the site adjacent to

the school car park and lies at a lower ground level than the adjoining Victorian school buildings.

Proposed Development

6. On 23 March 2005 planning permission was granted for the demolition of a storage building and construction of a new school sports hall and relocation of six car parking spaces (planning permission 2/2004/634/ET).
7. Condition 9 of the above permission states that, *the use of the new sports hall is restricted to educational or sports use associated with the use of the school as an educational facility for primary school children during the hours of 0800 hrs to 1700 hrs Monday to Friday only and at no times outside school term times.*
8. The reason for the Condition was to protect residential amenity.
9. This application proposes to vary Condition 9 of planning permission 2/2004/634/ET to enable primary school children enrolled at the school use of the sports hall during the school holidays, whilst continuing to adhere to the Monday to Friday 0800 hrs to 1700 hrs restriction.

Consultations

10. **Mansfield District Council** – *The variation of Condition 9 of planning permission 2/2004/0634/ET to allow the sports hall to be used by primary school children between 0800 hrs and 1700 hrs but out of school term times should not in principle have any material impact upon the surrounding area, given that a permission is in place for use between 0800 hrs and 1700 hrs during school term times. However, it would appear that there is potential for parking issues to arise on both Carter Lane and Asquith Street if on-site parking facilities are not made available at all times when the sports hall is in use. This concern is shared by the Highway Authority in their formal consultation response.*

The District Council does not wish to object to the proposed variation of the Condition subject to adequate parking arrangements being put in place. It is suggested that a full assessment should be made of the parking provision available in conjunction with the Highway Authority before any variation of the Condition is formally granted.

11. **Sport England** – *Raised concerns within their original response with regards to the lack of community use of the then proposed school sports hall. The current application proposes the expansion of the use of the hall into holiday periods. Sport England would support the further expansion as proposed and also the use of other school facilities (if this does not occur already), such as the playing fields and artificial grass pitch, by the local community.*

Sport England has assessed the application in light of their Land Use Planning Policy Statement Planning Policies for Sport. The overall thrust of the statement is that a planned approach to the provision of facilities and opportunities for sport

is necessary in order to ensure the sport and recreational needs of the local community are met.

Sport England's new strategy launched in January this year contains within it proposals for increasing the shared community use of sports facilities at secondary school sites. However, Sport England would also encourage the joint use of all school sites where practical to maximise the use of facilities, increase the potential for participation in sport and provide an income for the school.

This being the case, Sport England offers its support to this application and encourages the further expansion of this use outside school hours.

12. **NCC Highways** – *Traffic generated by the proposed change of Condition would be likely to result in an increase in parking on surrounding streets (Asquith Street and Carter Lane), consequently parked vehicles could cause an obstruction of the public highway with consequent risk to public safety. In view of the above the Highway Authority has no objection to the application in principle subject to a Condition relating to parking facilities being made available within the site.*

Publicity

13. The application has been publicised by a site notice and 18 neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement (SCI). Seven letters of objection have been received whereby concerns raised include the following:
- a. The school 'run' is a disruption to the daily lives of residents;
 - b. The residential cul-de-sac is not designed for a park and drop-off facility;
 - c. Blocking off of residential driveways;
 - d. Decline of grass verges are an eyesore during winter months;
 - e. Litter;
 - f. Congestion could delay emergency vehicles if required;
 - g. Health and safety concerns for local children/pupils;
 - h. The building was originally built with the promise of it only being used during term time;
 - i. Noise of vehicles;
 - j. Parents of school children have previously become abusive and threatening;
 - k. Loitering of unsupervised children will lead to antisocial behaviour;
 - l. Damage to vehicles;

- m. Full-time staff, caretakers, cleaners, supply teachers, visitors and contractors park on Asquith Street and Asquith Mews even when there are spaces in the school car park;
 - n. What happened to the Travel Plan under Condition 10 of the planning permission?
 - o. The school car park is rarely open during the school holidays in order to accommodate visitors/contractors;
 - p. No reason for any variation to the original condition as the reasons for its application have not changed e.g. to protect residential amenity;
 - q. Should further accommodation be required in order to provide extra curricular activities, then this could be facilitated utilising existing empty classrooms; and
 - r. There are plenty of parks in the vicinity that families can use.
14. Councillor Stephen Garner has made the following comments. *On viewing the site there is insufficient parking, teachers and teaching assistants are parking in the street. Over the years the residents have had to put up with more parking problems. Forty years ago children went to school at 9am till 4pm and residents accept that, over the last couple of years there has been nursery times at 11am and 1pm. There is no respite for residents now school holidays are sought. There are about 18 parking spaces on site, not enough, and who can guarantee the gates will be open? I am sure the local residents will be echoing the same issues of parking in the surrounding area.*
15. Councillor Chris Winterton has been notified of the application.
16. The issues raised are considered in the Observations Section of this report.

Observations

17. Condition 9 of planning permission 2/2004/634/ET restricts the use of Asquith Primary School sports hall to primary school children between 0800 hrs to 1700 hrs Monday to Friday and during term time only. This application proposes to vary Condition 9 in order to allow primary school children enrolled at the school use of the sports hall during the school holidays, but within the parameters of Monday to Friday 0800 hrs to 1700 hrs only. The proposed changes would allow the school to increase the provision of extracurricular activities, such as sports, clubs, family activities and play schemes, and would ensure that such activities are able to take place whatever the weather.
18. The applicant states that during the summer holidays of 2011 the school ran a play scheme for approximately 40 children, using accommodation that was available at the time e.g. the school hall and playground. Many of the activities took place outside as fair weather conditions at the time allowed for this. It is stated by the applicant that had the weather been wet, then children would not

have been able to engage in the extensive range of activities planned which would have made for a poorer experience.

19. Policy ECH1 (Development of Community Facilities) of the Mansfield District Local Plan (MDLP) relates to the provision of community facilities and states that permission shall be granted for development which is inside the urban boundary and does not have a detrimental effect on the character, quality and amenity of the surrounding area. Asquith Primary School is proposing a further summer play scheme this year, supporting the school community by offering play opportunities for children and new learning experiences for the whole family. The Asquith Primary School Extended Services Coordinator suggests that in the long term, provision such as this helps to support young people and their families gain confidence, gain new skills, improve their educational attainment, improve family relationships and supports the local community.
20. However, seven letters of objection from local residents have been received whereby concerns raised include issues relating to vehicle parking, congestion and highway safety. It is recognised that during term time at the school there are problems with vehicle parking and congestion along Asquith Street and Asquith Mews, as is the case with many schools across the County at dropping-off and picking-up times. This application would have no impact on existing arrangements at the school during the term time and car parking should not be unduly affected in the locality by the proposed change, as the number of people arriving at Asquith Primary School during the school holidays would be far lower than the volume of traffic generated by the school during a normal working day. In addition, there would be further car parking available within the school for users of the sports hall as there would be fewer members of staff using the facility during the holidays, and therefore the proposals accord with Policy ECH1 (Development of Community Facilities) of the MDLP.
21. The proposed use of the sports hall during the school holidays has been assessed by NCC's Highway Development Control Team. The consultation response has highlighted that if on-site facilities were not made available then traffic generated by the proposals would be likely to result in an increase in parking on surrounding streets (Asquith Street and Carter Lane), and parked vehicles could cause an obstruction of the public highway with a possible risk to public safety. This is echoed by Councillor Stephen Garner and local residents who suggest that the school car park is rarely open during the school holidays in order to accommodate visitors and/or contractors.
22. Policy M16 (Movement/Transport) of the MDLP states that planning permission will be granted provided that the development has regard to the needs and safety of all modes of transport, would not have a detrimental effect on the surrounding environment, incorporates provision for safe vehicle access/egress, provides the operational minimum level of car parking necessary to meet the needs of the development and is located where there is, or is the potential for, easy access to public transport.
23. NCC's Highway Development Control Team raise no objection to the use of the sports hall during the school holidays subject to a suitably worded scheme being submitted to the County Planning Authority (CPA) for the appropriate

management of the on-site car park e.g. ensuring it would be open and made available to parents attending the sports hall, and therefore the proposals would be in accordance with Policy M16 (Development Requirements) of the MDLP.

24. Whilst Mansfield District Council (MDC) raise no objection to the proposals, it is suggested that a full assessment should be made of the parking provision available in conjunction with the Highway Authority before any variation of the Condition is granted. However, NCC's Highway Development Control Team have assessed the proposals and are satisfied with the application in principle subject to a Condition requiring parking facilities to be made available. Therefore, it is not considered necessary to require this information prior to determination as requested by MDC, as suitably worded Conditions attached could reasonably satisfy the concerns raised.
25. Condition 10 of planning permission 2/2004/634/ET required that a Travel Plan for the school setting out measures to reduce car parking and traffic congestion on roads surrounding the school be submitted and implemented as part of the approval for the sports hall. To date a Travel Plan has not been submitted and implemented as requested by Condition 10 of the above permission, a point raised within a letter of objection from a local resident. However, the Condition would remain attached to any permission granted and would be made a priority of the CPA to ensure the requirements of the Condition are satisfied.
26. The majority of comments made within residents' letters of objection relate to the established use and issues beyond the site boundary of the school. A number of comments made e.g. damage to vehicles, abusive and threatening behaviour and anti-social behaviour, can not be resolved by the school but require the aid/enforcement of other partner agencies e.g. Police authority. However, the school need to take responsibility for local issues as a result of vehicle movements to and from the site, and through a suitably worded Travel Plan approved by the CPA and implemented, this could be achieved.
27. It should be noted that Asquith Primary School and all other facilities on-site are available and open to staff, parents and children if required during the school holidays with no restrictions. This application proposes to bring the use of the sports hall 'in-line' with those other facilities on-site. It is not proposed to use the sports hall beyond 1700 hrs on weekdays, at weekends or for community use with no affiliations with the school. Sport England supports the proposals in that the provision of sporting facilities would be made available during the school holidays and further encourages the use of the sports hall beyond the school day. However, the applicant has not applied for use beyond 1700 hrs and it has not been assessed as part of this application.
28. In conclusion, there is a sports hall at Asquith Primary School which at present can only be used during the term time. The majority of concerns and issues raised relate to the daily activities in and around a fully functioning primary school. During the school holidays vehicle numbers and pupils attending the school would be expected to be lower, and subject to a suitably worded condition to ensure the car park off Carter Lane and Asquith Street is made available, NCC's Highway Development Control Team are satisfied with the proposals. Extended facilities and activities during the school holidays would encourage and

promote healthy living in line with the Government agenda whilst allowing the more efficient use of a sports facility, advantages of which have been highlighted previously. The CPA recognise the sensitivities relating to vehicle parking, congestion and highway safety, and this is highlighted by the importance of a comprehensive Travel Plan to be submitted, approved and implemented by the school demonstrating to local residents that proactively managing transport to and from the site is a priority.

29. The National Planning Policy Framework seeks to provide opportunities for sport and recreation which it recognises can make an important contribution to the health and well-being of communities.

Other Options Considered

30. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Human Rights Act Implications

31. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol may be affected. The proposals have the potential to introduce impacts of unauthorised vehicle parking and congestion upon residents of Asquith Street and Asquith Mews. However, these considerations need to be balanced against the wider benefits the proposals would provide in providing indoor sports facilities for the pupils of Asquith Primary School during the school holidays. Members will need to consider whether these benefits would outweigh the potential impacts.

Statutory and Policy Implications

32. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

33. The sports hall is located within an established school campus and benefits from the protection afforded by existing perimeter security gates.

Conclusions

34. Asquith Primary School is proposing to make use of the on-site sports hall for children enrolled at the school during the school holidays. At present all other

facilities including the main school building can be accessed and used without restriction during these times if required. It is accepted that the residents of Asquith Street and Asquith Mews are faced with the daily challenge of unauthorised vehicle parking and congestion during the school term time, however the primary school is an established use and its everyday function is not the subject of this application. Term time only use of the sports hall is not an efficient use of the facility, which could otherwise provide primary school children and their families with year round sporting activities in line with Government aspirations whilst still adhering to sensitive operating hours. Unrestricted access to the school car park off Asquith Street is critical to the successful operation of the sports hall during the school holidays, and the submission of a comprehensive Travel Plan would be a positive step towards managing unauthorised vehicle parking and congestion off Asquith Street and Asquith Mews. Promoting healthy communities is a priority within the National Planning Policy Framework and is a policy which is highly regarded by Sport England.

Statement of reasons for the decision

35. Extended use of the sports hall at Asquith Primary School would provide an additional community facility within the urban boundary of Mansfield and, subject to appropriate conditions, would not have a detrimental effect on the character, quality or amenity of the surrounding area and therefore is in accordance with Policy ECH1 (Development of Community Facilities) of the Mansfield District Council Local Plan (MDLP).
36. The proposals represent the more efficient use of existing facilities and would help deliver the Government's agenda of promoting healthy communities and accord with guidance in the National Planning Policy Framework. Making use of the sports hall during the school holidays has regard to the needs and safety of all modes of transport, would not have a detrimental effect on the surrounding environment, incorporates provision for safe vehicle access/egress, provides the operational minimum level of car parking necessary to meet the needs of the development and is located where there is, or is the potential for, easy access to public transport and is therefore in accordance with Policy M16 (Development Requirements) of the MDLP.
37. The County Council is of the opinion that the proposed development is in accordance with the above named policies and there are no material considerations that indicate that the decision should be made otherwise. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

RECOMMENDATION

38. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the

issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

SALLY GILL

Group Manager (Planning)

Constitutional Comments

Committee have power to decide the recommendation

[SHB.30.04.12]

Comments of the Service Director - Finance

The contents of this report are duly noted; there are no financial implications.

[DK.01.05.12]

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division(s) and Member(s) Affected

South Mansfield – Councillor Stephen Garner and Councillor Chris Winterton

Report Author/Case Officer

Tom Cox

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For any enquiries about this report, please contact the report author.

W000953 – DLGS REFERENCE

EP5337 – COMMITTEE REPORT FOLDER REFEREN

10 May 2012 – Date Report Completed by WP Operators

RECOMMENDED PLANNING CONDITIONS

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

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

2. The County Planning Authority (CPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development.

Reason To enable the CPA to monitor compliance with the Conditions of the planning permission.

3. The development hereby permitted shall only be carried out in accordance with the following, unless otherwise agreed in writing with the CPA, or where amendments are made pursuant to other Conditions set out below:

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Reason For the avoidance of doubt.

4. The use of the sports hall shall be restricted to primary school children enrolled at Asquith Primary School during the hours of 0800 hrs to 1700 hrs Monday to Friday only.

Reason To protect residential amenity in accordance with Policy M16 of the MDLP.

5. Within 3 months of the date of this permission a Travel Plan for the school setting out measures to reduce access by private car and car parking and traffic congestion on roads surrounding the school shall have been submitted to the CPA for its approval in writing. The Travel Plan shall be implemented within one month of its approval unless otherwise agreed in writing by the CPA.

Reason In the interests of residential amenity and to accord with Policy ECH1 and M16 of the MDLP.

6. No variation of Condition shall be permitted until provision has been made within the application site for parking of vehicles and cycles in accordance with details submitted to and approved in writing by the CPA. Thereafter, vehicle/cycle spaces as approved shall be made available to users at all permitted times during the school holidays.

Reason In the interest of highway safety and amenity.