

**Planning Committee:** 24 June 2014

**Item Number:** **8**

**Application No:** W 14 / 0537

**Town/Parish Council:** Kenilworth

**Registration Date:** 14/04/14

**Case Officer:**

Emma Spandley

**Expiry Date:** 09/06/14

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**Crackley Hall School, Coventry Road, Kenilworth, CV8 2FT**

Installation of a new vehicle access and car parking area / playground. FOR The Princethorpe Foundation

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This application is being presented to Committee due to the number of objections received. It was deferred from consideration at the last meeting in order that a site visit could be undertaken.

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission subject to the conditions listed below

**DETAILS OF THE DEVELOPMENT**

The application proposes to provide a car parking area on part of the existing playground to the north east part of the site immediately adjacent to the residential properties located in Fennyland Lane along the eastern boundary with the school.

The application is supported by a Design and Access Statement which states that currently there are 25 car parking spaces within the school grounds and a further 8 in a small car park on Fennyland Lane opposite the school.

The Design and Access Statement also states that the congestion which occurs at peak times (dropping off and collecting) causes delays to local residents and inconsiderate parking. The aim of the proposal is to improve access arrangements in order to reduce congestion at peak times. The proposed car park will provide an additional 22 car parking spaces and will only be used at the peak times. When not being used for a car park the site will be utilised as a playground for the school.

**THE SITE AND ITS LOCATION**

Crackley Hall School is located off Littleton Close which is a predominantly residential area. There is a car parking area to the front of the existing school building with play areas to the east. Immediately adjacent the eastern boundary of the school are residential properties located within Fennyland Lane.

## **PLANNING HISTORY**

There are a number of applications relating to the site however, there are none which are relevant in the determination of this application.

## **RELEVANT POLICIES**

- DP6 - Access (Warwick District Local Plan 1996 - 2011)
  - DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
  - DP8 - Parking (Warwick District Local Plan 1996 - 2011)
  - DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
  - DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
  - DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
  - DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011).
- The emerging Warwick District Local Plan 2011 – 2029 particularly policies TR1: access and choice; TR4: parking and BE3: amenity.

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council** - COMMENTED that they sought reassurance in relation to the safety of manoeuvrability, and hoped that a proper safety audit had been carried out in relation to the movement of children and vehicles.

**Ecology (WCC)** - No objection.

**Highways** - No objection.

**Public Responses** - objections on the grounds of congestion problems at peak times especially in the mornings and afternoons with cars parking in Fennyland Lane which could cause the restriction of emergency vehicles; restricting access to the properties on Fennyland Lane for emergency vehicles; noise and disturbance to the properties located immediately adjacent to the proposed site.

**Civil Parking Enforcement** - No objection: it is not considered to be appropriate to introduce any parking restrictions in the area.

## **ASSESSMENT**

The main issues in this application are:-

- the impact on highways
- the impact on the amenity of neighbouring residents; and
- the effect on ecology.

## The impact on Highways

Policy DP6 of the Warwick District Local Plan 1996-2011 and emerging policy TR1 states development will only be permitted which provides safe access routes which do not cause harm to highway safety.

The Highway Authority does not object to the principle of the proposed development. The level of visibility from the proposed access is acceptable and as there are no plans to increase the student numbers in association with this application the Highway Authority considers that the proposed development may assist in better managing pick-up and drop-off of pupils during the peak school times. It is noted that several residents have raised concerns about the proposals leading to congestion along Fennyland Lane. There are currently no restrictions on Fennyland Lane that would prevent pick-up and drop-off during the existing peak school times and the Highway Authority therefore considers that what is proposed has the potential to alleviate on-street parking issues. The creation of the new access will not extinguish a significant amount of on-street parking currently available for use by residents. Although the imposition of double-yellow lines could be considered to prevent parking on Fennyland Lane and alleviate any congestion that could be experienced currently or in the future, the Highway Authority considers this to be an unnecessary measure at the present time. Highway officers have not raised any concerns with regards to the principle of the new access and have suggested conditions securing an amended layout plan for the car park. The residents are in support in principle but think that the proposals do not go far enough and feel the Highway Authority have not undertaken proper surveys. The residents feel that the only way to prevent this is to restrict parking down the road.

The Highway Authority response is that they have fully considered the proposed application. While they appreciate the concerns of residents, the issues associated with on-street parking are associated with the existing, lawfully permitted site. This is not to be dismissive of the concerns but in considering the application presented here, a 22 bay car park, the Highway Authority considers that the proposal is unlikely to make an existing situation worse or be of detriment to highway safety. As previously stated, they would anticipate that the proposed development may alleviate some of the existing on-street parking problems.

The width of Fennyland Lane should allow for on-street parking and the passing of an ambulance or fire engine however, if vehicles are parked in such a way that would cause an obstruction this matter should be drawn to the attention of the Police.

The applicant shall submit a Green Travel Plan to promote sustainable transport choices to the site, the measures proposed to be carried out within the plan to be approved by the Planning Authority in writing, in consultation with the County

Since the application was deferred, a response has been received from the Civil Enforcement Team which states that they receive numerous requests for restrictions to be looked at in and around school premises, due to high levels of

vehicles using the highway at peak times. Unfortunately the majority of cases are rejected as it would be impossible to enforce all restrictions in every location at the peak times, leaving the restrictions redundant. The school is some distance from any other restrictions in the area, meaning it is not efficient for the Civil Enforcement Officers to include this area in their routes through Warwickshire. Therefore it is not considered appropriate to introduce any parking restrictions in the area.

The proposals are in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011 and emerging policies TR1 and TR4.

#### The impact on the amenity of neighbouring residents

Policy DP2 of the Warwick District Local Plan 1996-2011 and emerging policy BE3 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

Policy DP9 of the Warwick District Local Plan 1996 - 2011 states that development will only be permitted which does not give rise to noise or air pollution.

There have been concerns with regards to the use of the land as a playground in relation to the residential properties located immediately adjacent to the boundary, however, the site is currently used as a playground. Also, concerns have been expressed regarding the unpleasant environment which will be created surrounding the car park element, however, Environmental Health conclude that due to the limited hours of use as a car park and the small number of spaces it is considered that there will not be any significant nuisance issues associated with the use as a car park.

It is considered that subject to the conditions listed at the end of this report the proposals are in accordance with the policies referred to above.

#### The impact on ecological issues

The existing site consists of amenity grassland with hard boundary treatment to its perimeter. A mature tree is present to the south, however, this is located outside the site area. A condition is required to safe guard the root area of this tree. Ecology have raised no objections to the proposal subject to notes relating to protected species,

It is considered that subject to conditions the proposals are in accordance with Policy DP3 and emerging policy NE3 of the Warwick District Local Plan 1996-2013 and the aims and objectives of the NPPF 2012.

## **SUMMARY/CONCLUSION**

The proposed new access achieves the highway authority's visibility splays, and is considered to be an improvement to the existing situation which will alleviate concerns expressed previously regarding dropping off and picking up times.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 713D-A3-0501 & 0713D-A1-011 , and specification contained therein, submitted on 14th April 2014, except as required by other conditions below. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 No development shall commence on the site unless and until details of the car parking layout have been submitted to and approved in writing by the local planning authority. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 4 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the

Warwick District Local Plan 1996-2011.

- 5 The Playground use for the land contained by the red boundary line on Drawing 0713D-A1-011 (dated 10/04/14) shall be restricted to 09:00 – 18:00, Monday to Friday. For any other school function, the hours of the use for the land shown on drawing 0713D-A1-011 (dated 10/04/14) shall be restricted to 07:30 – 22:30, Monday to Sunday'. **REASON:** To ensure that the site is not used at times which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

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