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Planning Application no. SL/2021/0495

Sandgate School at Queen Katherine  
School site, Appleby Road, KENDAL,  
LA9 6PJ

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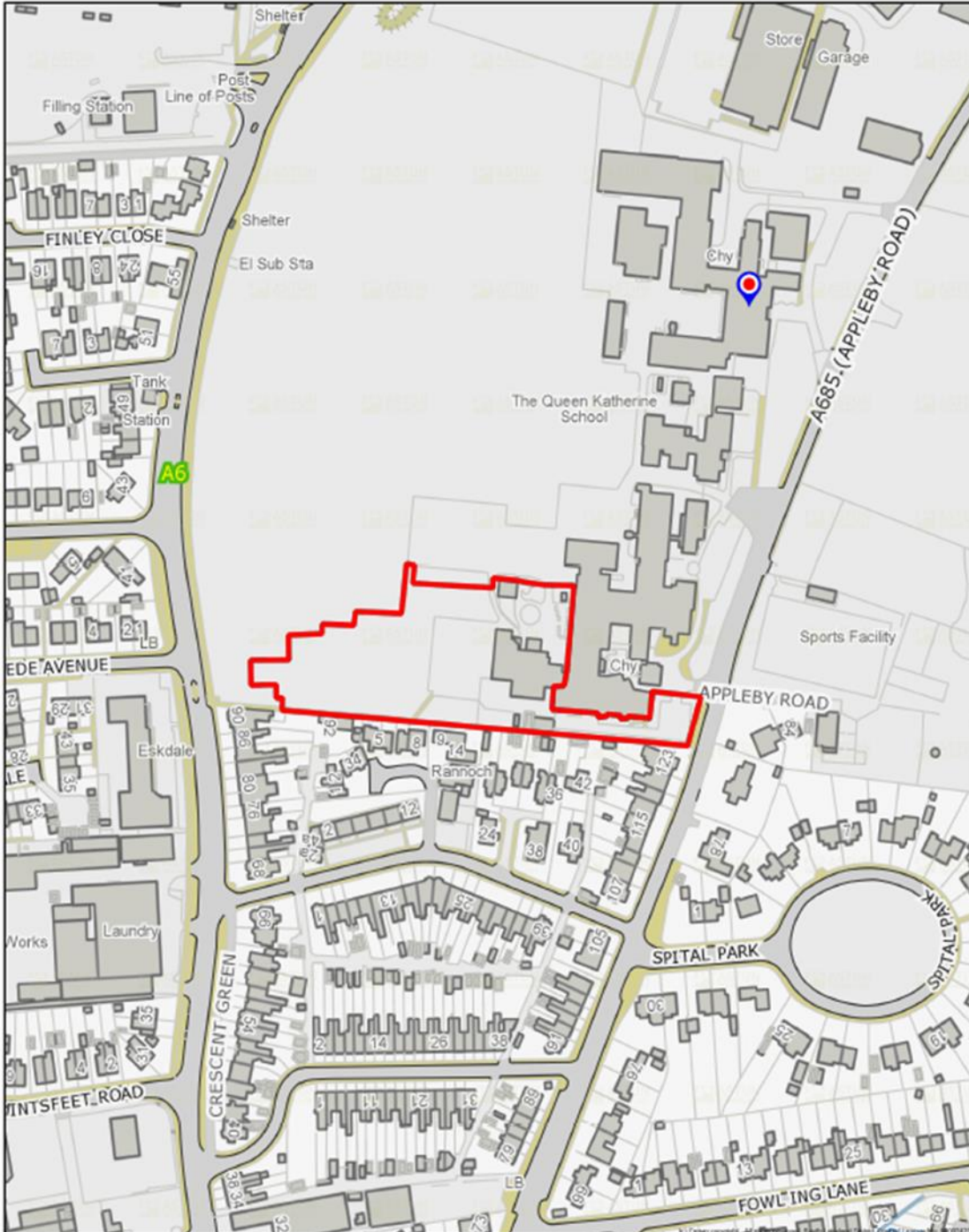
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**SL/2021/0495**

Queen Katherine School, Appleby Road, KENDAL LA9 6PJ



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## Summary

SL/2021/00495

PARISH: Kendal

Sandgate School at Queen Katherine School site, Appleby Road, Kendal, LA9 9PJ

PROPOSAL: Extension of Sandgate SEN school comprising of new educational classrooms, multi-purpose hall with pupil facilities, teaching facilities and external works

APPLICANT: Mr Brian Durham, Cumbria County Council

Grid Ref: E: 352157 N: 493824

Committee date: 16<sup>th</sup> June 2022

Case Officer: Sonja Swift

The proposal is for the extension of Sandgate SEN school comprising of new educational classrooms, multi-purpose hall with pupil facilities, teaching facilities and external works. The current application has been referred to Planning Committee as it is a County Council application, which has received public objections and an objection from Sport England.

The key issues are the effect of the development proposals on residential amenity and the loss of playing field.

The application is being presented to committee on the grounds that the proposal has attracted a number of objections and Sport England object.

## Recommendation

The recommendation is to **REFUSE** the application.

## 1.0 Description and proposal

### Site Description

- 1.1. The site is located approximately 0.5 miles to the north of Kendal town centre and to the north of residential properties at Crescent Gardens and Ash Meadow. The site is within the existing Queen Katherine school site, which comprises a number of school

buildings, access and car parking along the A685 Appleby Road. Playing fields are located to the rear of the school buildings facing the A6 Shap Road and from which pedestrian access to the school site is available during school hours. Sandgate SEN School is currently accessed through the drama building of Queen Katherine school located at the southern boundary

- 1.2. Staff parking is located to the front of the site off Appleby Road which is included in the site area together with the existing tarmac access road and storage buildings running roughly parallel with residential properties with small garage and storage buildings and the car park to the rear of the building and an area of playing field which includes a fairly mature oak tree to the north of the proposed new building.
- 1.3. The application site is to the southern boundary of the site and includes works to the existing access at Appleby Road area together with the existing tarmac access road and storage buildings running roughly parallel with the residential properties together with the car park to the rear of the building and an area of playing field.

## Proposal

- 1.4. The proposal is for the extension of Sandgate Special Education Needs School which currently uses part of the Queen Katherine school building and outdoor area at the southern part of the site. This is to provide an extension to the school to provide new educational classrooms, a multi-purpose hall with pupil facilities and teaching facilities and external works which include an extended and altered access, car parking, dropping off and delivery space, car parking and a new replacement storage building. The site will be served by the existing access on Appleby Road.
- 1.5. The new school building is proposed at the rear of the existing school building on an existing car park with new car parking and turning space proposed on the existing playing field space, again adjacent to the southern boundary towards Shap Road which is currently used as outdoor space by children attending Sandgate SEN school.
- 1.6. The proposal was revised in February 2022 to take account of comments made regarding design and amenity issues and the representations made by members of the public.
- 1.7. The proposal is put forward by Cumbria County Council and information provided describes the extension of the existing Sandgate Special Education Needs (SEN) School forms part of the County education strategy for which a facility is necessary to provide a central school for those with SEN needs between the ages of 3 to 19. There is an identified need for additional capacity for Special Educational Needs for

Sandgate school to increase the overall pupils on roll and for which there is a growth in demand in Cumbria.

- 1.8. Sandgate is one of two existing SEN schools in the county (the other being located at Ulverston) catering for ages 3 to 19 and currently has around 117 students on two sites. Sandgate Sandyland Road School located opposite Queen Katherine School site broadly provides nursery, reception and primary education with Sandgate School operating within classrooms at the Queen Katherine school site broadly for pupils at secondary school level with close connections between the two SEN school sites.
- 1.9. Sandgate SEN School has been present on the Queen Katherine's school site for over ten years as the Sandylands Road site became too small to accommodate the different age groups and increases in secondary school SEN pupils. It currently occupies a series of existing classrooms towards the southern area of the Queen Katherine school site adjacent to the Upper School buildings and drama block.
- 1.10. The applicants information states that the proposed extension is needed to provide space for additional SEN children based on projected needs. They also state that many options have been considered to provide the increased SEN provision required including provision within Queen Katherine school buildings but that this process has been exhausted and it has been determined that an extension of the existing SEN school utilising the existing many specialist staff resources is the only feasible and realistic option. Through the location of the SEN school alongside the separate Queen Katherine's Academy school also allows for integration of pupils who, when educationally possible, attend lessons and sports in the larger school and formalise the future permanence of the Sandgate SEN school and the leasing arrangements for the site.
- 1.11. The proposals include:
  - Extension to the existing building to provide four new classrooms, assisted pupil and staff changing areas, small group rooms, WC facilities, new entrance, reception, staff areas, sensory room, physiotherapy room storage rooms and a multi-purpose hall for sports hall and for dining and assembly purposes with kitchen/servery facilities;
  - Minor cosmetic upgrade and alteration of existing classrooms and WC facilities;
  - Alterations and extension of existing access road including revised sightlines with loss of one existing car parking space, new pedestrian footpaths, new turning area, dedicated SEN new drop off and pick up area, provision of new car park for 40 parking spaces, including disabled spaces, and three minibus

parking spaces and turning loop to prevent reversing of larger vehicles including refuse vehicles;

- Removal of existing storage containers and outbuildings and construction of new storage building to the rear of existing Queen Katherine school building
- New substation and external bin stores
- Installation of plant on roof of building
- Installation of external lighting
- Fencing around an area of the existing playing field to provide a secure grassed play space for pupils
- Revisions to the proposals also increase the landscape buffer to residential properties with a detailed landscaping/management scheme and revised design of the sport hall roof

## 2.0 Consultations

### Kendal Town Council

- 2.1. Comments provided on the original submission were that the Committee welcomed the extension of provision that this represents, but added cautionary notes that the development should be compliant with current thinking on dark skies, the provision of 'swift bricks', the required contributions to biodiversity, the reports from the arboriculture officer and adequate provision for recycling facilities. Assuming there were no material adverse comments from neighbours, the Committee had No Material Objections.
- 2.2. Further comments to the revised proposals have been received and these state there is No Material Objections. However, the committee supports the letters from Friends of the Lake District regarding light and Kendal Swifts. The impact of increased traffic and evening activities on residents should be seriously addressed in any decision.

### Cumbria County Council Highways/LLFA

- 2.3. With regard to highways issues, Cumbria Local Highway Authority recommend that the proposal can be approved with conditions. A Transport Assessment has been provided which demonstrates that the increase in trips due to the development will be slight with no significant effect on the surrounding transport network (a reasonable estimate is that 23 additional journeys will take place to the site which will be staggered and not all in the peak hour). Most of the increase in student numbers are likely to travel in a shared taxi or minibus. Pedestrian access is to be maintained



from Shap Road. Adequate cycle storage is to be provided and parking is in accordance with Cumbria Developer Design Guide standards.

- 2.4. The Lead Local Flood Authority response is that they recommend that this proposal can be approved with conditions. A Flood Risk Assessment and Drainage Strategy has been provided. Flood risk from all sources is considered to be low. We welcome the proposal to drain the development 100% by use of infiltration. However, the proposed non pervious surfacing means that infiltration is indirect and requires runoff to be piped to the proposed soakaway which is located close to the foundation of the new building. The technique employed means a concentration of flow below ground which is a concern regarding subsidence. We would seek a more evenly distributed proposal such as the use of permeable paving for the majority of any new surfaces. This would also negate the need for a petrol interceptor as permeable paving provides two stage treatment. The development is required to provide sustainable drainage (SuDS). We note that the Flood Risk Assessments states that "the external hardstanding areas could incorporate permeable paving" which can "be reassessed in more detail at a later stage of the project". We recommend that the development can be approved only on condition that permeable paving is incorporated into the design to provide the benefits of sustainable drainage. Use of bio-retention planters at the base of roof downspouts could also be incorporated into the SuDS design.
- 2.5. It is recommended that the proposal is acceptable subject to conditions for details of a sustainable drainage system including maintenance are submitted and provided and that access, parking and turning areas are substantially completed before building work commences so that construction traffic can park and turn of the site clear of the highway.

## South Lakeland Council Arboriculturalist

- 2.6. Comments received are that providing the development is carried out in accordance with the submitted Arboricultural reports recommendation, the impact of the proposal upon the tree should be minimal. A suitable planning condition should be attached if the development is approved requiring compliance with the recommendations within the Arboricultural report.

## Sports England

- 2.7. Sport England objects to the application because there is insufficient information to demonstrate that the development accords with any of the exceptions to Sport England Playing Fields Policy or with the National Planning Policy Framework. The

detailed objection and the reasons for this are set out in more detail in the assessment of the proposal in section 5 of this report.

- 2.8. A further consultation has been undertaken with Sport England following the submission of the revised scheme. Sport England do not consider that the information provided demonstrates compliance with any of the exceptions of Sport England's Playing Fields Policy or paragraph 99 of the NPPF and therefore maintains its objection. The development proposed is development on a playing field involving a loss and no alternative replacement playing field has been offered to mitigate for that loss. The 2009 consultation Direction referred to in the earlier consultation has been replaced by the Town and Country Planning (Consultation) (England) Direction 2021. For members information if the Council does not recommend refusal of the planning application then the application must be referred to the Secretary of State via the Ministry of Housing Communities and Local Government Planning Casework Unit.

## United Utilities

- 2.9. The consultation response recommends that the development is acceptable subject to the submission and approval of a sustainable surface water drainage scheme has been submitted and foul drainage is connected to the public sewer. A copy of the letter should also be provided to the applicant.

## SLDC Public Protection

- 2.10. Environmental Health has no objection in principle to the proposal, however the following matters must be considered and suitable conditions attached to any approval of the development:

Unexpected contamination - If during development, any visible contaminated or odorous material is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s) and the local authority informed.

Electric Vehicle Charging points - Prior to first use of the development, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved development shall be submitted to the local planning authority for approval and implementation and retention.

Construction Method Statement – to be submitted to, and approved in writing by the Local Planning Authority with no demolition/construction activities shall take place

other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Fixed Plant Noise - Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) and/or ducting system to be used and the method of control of noise and vibration of this plant shall be submitted and approved by the Local Planning Authority and carried out in accordance with the approved details. The scheme shall ensure that the noise and vibration generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve: NR35 as defined within Table B.1: Noise Rating Values of BS 8233:2014, and installed and maintained in a condition/operated in compliance to the approved scheme so that it does not exceed NR35.

## Natural England

- 2.11. Comments provided by Natural England are that they support the representation made by Kendal Swift Group and advise that swift bricks be incorporated into the design to provide a biodiversity enhancement to the proposal.
- 2.12. A further consultation was carried out on the revised plans and the response reiterates their previous comments and support the advice that swift bricks are incorporated into the development to provide biodiversity enhancement of the proposal.

## Public Responses

- 2.13. Representations were received to the original submission received from 84, 86 and 92 Shap Rd, 111, 117, 121 and 123 Appleby Road and 5, 6, 7 and 8 Ash Meadow. These are summarised below:
  - Proposal is too close to properties and neighbourhood. The development does not sit with the character of the residential area and will reduce the quality, experience and nature of the outlook to occupants resulting in a negative impact on the amenity of properties. Location blurs the lines and boundaries between school and residential properties
  - Whilst development is to the north of housing and there cannot be overshadowing the scale of development will be overbearing.
  - Open fields allow daylight into rear gardens, windows and conservatories; these will be affected by proximity to proposed vehicle access and buildings.

- Two storey extension will deprive houses of sight, views and air and just consists of double height corridors. Lighting to ground floor rooms of the new building can be obtained by other means.
- Loss of privacy, space, light, quietness in the area and ability to enjoy rear gardens. People parking and students will be able to see directly into rear windows, this is a big difference from the current situation as although children use the fields they do not play close to the wall, are spread out over the field and the school encourage respectful behaviour. Some students already look into windows (accepted as a downside of living next to a school) but location of car parking and new building will mean there will be a total loss of privacy on the north facing side of the ground floor of the house
- Properties will lose attractiveness and market value as bedrooms will overlook directly to brick walls, large mini buses and car parks, vehicles, building entrance, substations and large bins storage and not the fields and open spaces.
- School children pass houses in the morning and afternoon and there are sports activities on the field, the new proposal will remove any privacy outside of those times.
- Not necessary to have traffic so close to residential housing and the proposal is encouraging more car/vehicle journeys and directing it closer to residential properties
- The use of entrances from Appleby Road, new access, car park and drop off area on the southern boundary will become the primary access into the new building for teachers and parents. This will be a huge increase in vehicle movements right up to the residential properties and gardens and increase in fumes and noise pollution including car doors slamming, car audio's, people talking or shouting at each other and lack of privacy. Other areas, including on parts of the playing fields should be considered for alternative parking.
- A review of the traffic plan in front of the school should take place as part of the application to consider increasing yellow line and parking restrictions including preventing cars parking on the pavements/introduction of bollards and safety railings so that pavements are available for children and pedestrians and traffic calming measures should be introduced; vehicles currently speed along the road

- The existing car park on the east side of Appleby Road should be made into a designated pick up and drop off area with a zebra crossing to relieve the issue of staff parking. Cars should be kept away from children
- School is being built in the wrong place and is very un-neighbourly. Previous plans were in a better location. Application 2016/1170 was to extend Sandgate but not implemented. This proposal was set away from the boundaries thereby minimizing any impact on surrounding residents. The lapsed application should be refreshed thereby minimizing any impact on surrounding residential properties and negating the vast majority of any possible objections. A comparison should be carried out between the 2016 application and the current one to justify the need to build so extensively along the southern boundary of the school boundary or a new proposal located far away from residential properties and which respects privacy and quality of life to local residents.
- A boundary plan should be established to require a 2.5m high permanent boundary between 123 Appleby Road and the school through further consultation. The boundary owned by properties on Appleby Road would be exposed when bushes are removed and if a road was built there a carelessly driven car would generate a risk of impact with private property. The current distance between the southern boundary wall and the access road kerbside should be maintained to provide an essential space between vehicle movements and the current boundary wall.
- New planting will either be so low as to offer no privacy or so large they will block out light from ground floor windows. The boundary wall is low and the removal of bushes introduces a privacy issue for both parties. Removal of shrubs and bushes on the boundary is detrimental to wildlife and access should be moved 1m away so these are retained.
- All the soft landscaping (adjacent to residential properties) will be lost making the area unattractive and all the hard landscaping will be unpleasant and overwhelming to residents immediately adjacent this area.
- Lighting is located close to the backs of houses and bedroom windows causing loss of privacy, light pollution and disrupting sleep.
- Will be less able to open windows due to above and increased pollution. Health issues (particularly in children) regarding vehicle pollution are well documented and the plans place a road close to the boundary. No 92 Shap Road does not have a back garden separating it from the boundary wall.

Daily quality of life will be negatively affected and could have an impact on health and wellbeing as well as on residential properties.

- Concern about flooding and that increased coverage in tarmac affects water drainage and run off and potential damage to property.
- Location of bin store is right next to garden/houses with potential for vermin, smell and noise from use and refuse collection from lorries
- Substation is located next to garden and house, they are not silent, it will affect ability to enjoy private space indoors, outdoors, sleep and concern about potential electromagnetic fields. This should be re-sited away from residential properties
- New building should be closer to existing utilities and the resulting gap could become future applications for the future.
- Cumbria education authority own land adjacent to Appleby Road
- New car park could be used in future for more buildings
- Not all residents are aware of the plans due to timeframes given.

2.14. The revised proposal was publicised and further representations have been received from 5 of the properties that previously made representations. Additional comments to those previously received and summarised above are:

- The proposed planting may affect a garage wall which forms part of the school boundary wall and planting, especially trees, must not affect the structural integrity or access for maintenance to their property (111 Appleby Road)
- The school intend to use the site at evenings and weekends which may affect children sleeping, ability to open windows and enjoy outside space, causing noise, disturbance and loss of privacy
- Greener transport is being encouraged yet the proposal seems to be encouraging more car/vehicle movements, should sit new road/drop off away from people's properties, car park reserved for staff could be provided on the area used for car parking on the area on the opposite side of Appleby Road and it contrary to the Council's efforts to promote cycling
- Appreciate the re-siting of the substation and bin store but still feel these are too close to residential properties

- Queen Katherine school figures show it is at under capacity (by 474 pupils) – could it not donate some of its current buildings instead
- The boundary wall of 92 Shap Road (which forms the boundary to the site) requires access for maintenance; will the proposed planting provide privacy whilst not obscuring windows and light; protect foundations from roots; who will maintain this over the initial 10 year period; if the path were to be dug up how can it be ensured there is no damage to their property and believe there is a drain in this area
- Concern that some owners of properties may not have time to review the revised plans as several are leased and have received no communication from the Council regarding the application
- Increased flood risk if the grassed area is concreted over; in the 2015 floods water reached the perimeter of Ash Meadow and removal of the grassed area would allow for greater incursion of water; drains on Ash Meadow have also been an issue
- The planting is still a thin strip leaving the new road only a few feet from properties with a lot of car, pedestrian and pick up and drop off point activity a few feet from the back of houses and will not be diminished by planting and cause a loss of privacy. The soft landscaping will be lost and the hard landscaping will be unpleasant and overwhelming for residents immediately viewing this area
- Staff and students will be able to look into the backs of houses, overhear conversations and unlikely the planting will form a screen; if it were to provide a complete screen it would result in a huge loss of light and hem in residents
- Is a less invasive option to build on the tennis courts opposite the school on Appleby Road and the viability of other parking areas has not been considered such as at the grassed areas to the front of the school, or adjacent the tennis courts
- Building is two storey and the upper floor directly overlooks bedroom windows creating an unacceptable loss of privacy
- In 14 years there has been no problems with invasion of privacy with children spread out over the field; in contrast with the new development there would be people frequently being able to view us from inside the new building

- People leave their vehicle engines idling and a few plants will not mitigate the effect and may make it unsafe for children to play in the backyard and may have to keep windows shut to prevent petrol fumes coming in with concerns on their and their children's health
- Impact on wildlife, rabbits, bats, hedgehogs, curlews and oystercatchers seen in the area will be disrupted and displaced
- Loss of daylight to the north facing windows from the large two storey extension is a concern and the whole development is unacceptably close to an existing residential development
- Smell and increased vermin from the bin store
- Loss of playing field area; children and community groups enjoy playing on the field outside of school hours for running clubs and rugby. The development will result in a loss of this outdoor space potentially detrimental to the health and development of pupils and other community users of the field
- The development will block views from the rear of properties to the fells and beautiful views over the open playing fields and unhindered natural daylight into the property; one of the main reasons for buying the house
- The new road is still too close to properties with only about 8 feet separating a conservatory from the boundary wall and a further 6 feet to having cars passing
- Envisage hundreds of cars passing daily to the drop off point with minibuses and cause even more disturbance and privacy issues
- Reconsider the size/plans and take the views of residents seriously

2.15. Kendal Swift Group have commented that ten internal swift boxes should be installed on the northern elevation and Natural England support their comments. On the revised plans comments were received that they are disappointed that there is no indication that swift bricks are to be used despite their earlier letter. Swifts are present in the area with at least one nesting site at the school and there is an opportunity to develop a colony which would also be of interest to the school children. Integrated nesting bricks are recommended and present a cheap and easy way to provide permanent biodiversity net gain. Information is also presented about the importance of swifts and other ways the development could contribute to biodiversity net gain such as wildflower planting areas, hedgerows and ponds.



- 2.16. The Campaign for Rural England- Cumbria Association (CPRE) have commented on the application. Comments include the importance of protection of the night sky as part of the Cumbria Dark Skies Project which includes Kendal. National planning policy para. 180 and SLDC policy DM2 support the use of lighting which protects the health, living conditions and natural environment from inappropriate external lighting/light pollution in development projects. The applicant approached the Dark Skies Officer for informal comments but they have not had sight of any draft plans but that plans submitted look broadly acceptable although they have not indicated the Kelvin rating or lighting curfews/hours of use. They also support the response of Kendal Swifts to the application.
- 2.17. With regard to the revised scheme the CPRE state that they are disappointed there is no new information relating to lighting. Whilst they welcome the reduced amount of lighting they still consider; there is a lack of information regarding the Kelvin levels to ensure the lighting is dark sky friendly; that Kelvin levels are reduced and produced for all the lighting types proposed with no upward lighting; and hours of use recommended not to be between midnight and 6am with the exception of security lighting. They also share the disappointment of Kendal Swifts that no swift bricks are included as these would represent appropriate biodiversity net gain and complement other developments in the area which have provided these and presents a lost opportunity.

## 3.0 Relevant planning history

- 3.1. There are numerous planning applications relating to Queen Katherine's school. Relevant applications to Sandgate SEN school or near the southern boundary are as follows:
- SL/2016/1170 New Key stage 3 building and new parking area ( this included wo additional SEN classrooms, new (shared) hall and associated spaces. Approved 10 March 2017. The site was some 100m from the existing area used by Sandgate SEN school. This scheme has not gone ahead according to the submitted information as it was realised the scheme was too small for the projected numbers of Sandgate pupil numbers; the location has also reconsidered to reflect operations and to ensure the most efficient use of staff resources and provide these on one area.
  - SL/2016/1170 Non Material amendment for the increase in height of the changing room to the SEN facility and parking. Approved 8/12/2017
  - SL/2010/0632 Alterations and extensions Approved 4/11/20

- SL/2003/2177 Music room suite and 6<sup>th</sup> form extension and substation  
12/01/2004

## 4.0 Assessment

### National Planning Policy Framework

Chapter 4: Decision Making

Chapter 8: Promoting healthy and safe communities

Chapter 9: Promoting sustainable transport

Chapter 12: Achieving well designed places

Chapter 15: Conserving and enhancing the natural environment

Chapter 16: Conserving and enhancing the historic environment

### Local Development Policies

#### South Lakeland Core Strategy Policies (CS)

CS1.1 Sustainable development principles

CS2 Kendal Strategy

CS8.2 Protection and enhancement of landscape and settlement character

CS8.3a Accessing open space, sport and recreation

CS8.4b Quantity of open space, sport and recreation

CS8.4 Bio-diversity and geo-diversity

CS8.7 Sustainable construction, energy efficiency and renewable energy

CS8.8 Development and flood risk

CS8.10 Design

CS9.1 Social and community infrastructure

CS10.2 Transport Impact of New Development

#### South Lakeland Development Plan Document Policies (DPD) Local Plan Land Allocations

LA1.11 Existing Outdoor Formal Sports Facilities

## South Lakeland Development Plan Management Development Plan Policies (Development Management DPD)

DM1 General Requirements for all development

DM2 Achieving Sustainable High Quality Design

DM4 Green and Blue Infrastructure, Open Space, Trees and Landscaping

DM6 Flood Risk Management and Sustainable Drainage Systems

DM7 Addressing pollution, contamination impact and water quality

DM9 Parking provision, new and loss of car parks

## 5.0 Assessment

### Principle of Development and Local Plan Policy

- 5.1. The proposed development raises a number of issues for consideration, these are set out below and include:
- Loss of playing field, local and national planning policies
  - Design and materials
  - Impact of residential amenity
  - Trees, Landscaping and Biodiversity
  - Highway Safety
  - Flood Risk and Drainage

### Loss of playing field

- 5.2. Part of the development is located on an area of playing field within the wider school site. The loss of this playing field is a key aspect of the principle of development.
- 5.3. The area of the proposed development part of the playing field is designated in the South Lakeland local plan as Amenity Open Space and an Outdoor Sports Facility. Paragraph 2.73 of the Land Allocations DPD defines designated Amenity Open

Space as land “which is not accessible to the public but which nonetheless, has amenity value because of its openness, appearance or landscape quality”.

- 5.4. Paragraph 2.73 defines Outdoor Sports Facilities as “including formal sports pitches, golf courses and other formal sports facilities”. Paragraph 2.74 states that “there is a presumption that these spaces will not be developed except in very exceptional circumstances”.
- 5.5. Policy LA1.11 of the Land Allocations DPD states that “the outdoor formal sports facilities identified on the policies map will be safeguarded from development unless a suitable replacement facility is provided in an accessible location within the same area of need or demand”.
- 5.6. The Council are due to update the evidence base on outdoor sports facility needs as part of the Local Plan Review, including a Playing Pitch Strategy but this has not yet been commissioned.
- 5.7. Paragraph 99 of the NPPF states that “existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
  - a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use”.
- 5.8. The applicant’s agent have carried out and submitted a playing field assessment as part of the application both as part of the requirements of the Department of Education and as required by Sport England as part of the planning application process and considerations.
- 5.9. The applicant’s agent has provided information including in a Supplementary Planning Statement, that a number of different options were considered in order to provide the facilities required. They state that there are no areas on the Queen Katherine school site that can accommodate the size of the new building and that would not have a significant impact on the existing playing field provision. Options included a new school on the existing site and playing fields, several different buildings around the site, considerations of areas of the playing field that are not in active use/marked out as pitches, and the location of the large mature oak tree. For operational and size reasons the previous scheme that obtained planning permission in 2017 has been found to not be suitable to meet the needs of the school, pupils or staff. Queen Katherine school is also the owner of the land and areas are in active use by the school and who would not want to lose their existing hard court play

facility and actively used sports field; the two schools are in reality two different businesses that through agreement share their facilities with Sandgate SEN school.

- 5.10. The applicant's agent has also provided their justification of the loss of amenity open space and put forward that the proposal does include a proposed multi-purpose sports hall and is on an area of playing field that is generally unused for outdoor PE or a formally marked out pitch. Sandgate School will also remain able to use Queen Katherine School playing field and sports pitch facilities and that the area of ground to be built on is remote from the main sports pitches and is not an ancillary area that supports the use of the main sports field. When viewed from Shap Road the supporting statement considers that the development would be within the context of the school buildings and the general characteristics of the playing field would not be significantly altered.
- 5.11. An application has been made to the Department of Education regarding the loss of playing field area. Plans included with the application show the existing play field provision and the area of loss. These calculations based on the DfE guidance calculate that the area of playing field space after the loss of the area of playing field to be built on would still provide 81,414 square metres of playing field which is in excess of the 81,300 square metres calculated as being required and the loss represents some 3.5% of the total area of playing field. The justification states these have quantified the existing and proposed provision and demonstrates that there is an excess of playing field allocation as defined by Section 77 of School Standards and Framework Act 1998.
- 5.12. The existing playing fields/larger sports pitches including rugby pitches are located centrally on the school playing fields are also used by England Athletics. These areas are not affected by the proposals.
- 5.13. Sport England are a statutory consultee on developments involving playing fields with a specific policy remit to oppose the granting of planning permission for any development that would lead to the loss of, or prejudice the use of all, or part of, a playing field unless one or more of the five exceptions stated in its policy apply.
- 5.14. Sport England object to the proposed development as it is on the school playing field and no mitigation for the loss of playing field is currently proposed and they do not consider that the information provided demonstrates compliance with any of the exceptions of Sport England's Playing Fields Policy.
- 5.15. The Sport England consultation response sets out that the Town and Country Planning (Development Management Procedure) (England) Order 2015 defines a playing field as 'the whole of a site which encompasses at least one playing pitch'. This definition is also provided within the glossary to the Government's National

Planning Policy Framework. The definition refers to the whole of a site and therefore does not just cover land which is currently laid out as pitches. It also does not differentiate between different types of ownership e.g. public, private or educational ownership.

5.16. Sport England considers proposals affecting playing fields in light of the National Planning Policy Framework (NPPF) in particular paragraph 99, and against its own Playing Fields Policy, which states: “Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.”

5.17. The Sport England Policy Exceptions are set out as:

Sport England Policy Exceptions	
E1	A robust and up to date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.
E2	The proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.
E3	The proposed development affects only land incapable of forming part of a playing pitch and does not: <ul style="list-style-type: none"> <li>• reduce the size of any playing pitch;</li> <li>• result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);</li> <li>• reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;</li> <li>• result in the loss of other sporting provision or ancillary facilities on the site; or prejudice the use of any remaining areas of playing field on the site.</li> </ul>
E4	The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field: <ul style="list-style-type: none"> <li>• of equivalent or better quality, and</li> <li>• of equivalent or greater quantity, and</li> <li>• in a suitable location, and</li> </ul> subject to equivalent or better accessibility and management arrangements
E5	The proposed development is for ancillary facilities supporting the principal use of

the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.
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- 5.18. Sport England has considered the proposals with regard to the specific exception criteria identified in the above policy and has made the following assessment:
- E1: Does not apply, it has not been demonstrated that there is an excess of playing pitches in terms of school or community playing pitch provision, there is no evidence to suggest that the playing field is not needed.
- E2: Does not apply, the proposal does not propose ancillary facilities supporting the use of the site as a playing field.
- E3: Does not apply, the development affects land marked out as pitches.
- E4: Does not apply, the playing field lost is not going to be replaced.
- E5: Does not apply, the proposed development is not for a sport facility.
- 5.19. The Sport England objection letter continues to explain that “Government policy and Sport England’s playing fields policy protects playing fields for meeting both current and future playing pitch needs for both potential educational and community use. The position of community use on the playing fields is not clear. Although the playing field may no longer be required for meeting Queen Katherine or Sandgate School’s needs, its loss would still prejudice the potential for the area to be used for meeting community needs now or in the future. Sport England’s Playing Fields Policy and the Government planning policy on playing fields does not distinguish between public and school playing fields and whether playing fields are currently in community use or not. The policy approach that is applied is the same and this is the approach established through planning case law. It should be emphasised that Sport England’s role is to safeguard playing fields for meeting the needs of current and future users. While this part of the playing field may not be needed for educational use now or in the future, safeguarding it is justified for meeting current or future community playing pitch needs as set out above”.
- 5.20. Sport England state that under the terms of a Memorandum of Agreement that Sport England has with the National Governing Bodies for Sport on planning applications, Sport England have consulted with the Rugby Football Union (RFU) and the Football Foundation (FF). The RFU are not aware of any community use of the school playing field by local community rugby clubs. Football Foundation (who represent the Football Association (FA) and Westmorland County FA) are not aware of any community use for football although Westmorland FA rent the pitch for their annual

community football event and that Kendal Athletics club may use the field in the spring and summer time.

- 5.21. The Sport England consultation response also includes that the applicant is not proposing to mitigate the loss of the playing field, but also the evidence is not up to date to justify the loss. The South Lakeland Core Strategy advises that in Kendal “There is also a need to increase the capacity of playing pitch sites to meet current demand.” South Lakeland does not have an up to date Playing Pitch Strategy (PPS), therefore there is no strategic evidence to demonstrate that the playing fields are not needed.
- 5.22. The applicant has engaged a consultant to advise on the Sport England objection and to try to find a suitable site to provide alternative playing field facilities to meet Sport England requirements and for which they have sought advice from SLDC Officers. This process is still ongoing and at the present time no alternative provision has been put forward for consideration as part of this application or as a separate planning application which may be needed for a new playing field/sports pitch on a new site. As such, the application has to be considered on the basis of the information submitted.
- 5.23. It should also be noted that the remit and criteria of Sport England is different from the criteria applied by the Department of Education. Sport England remit is to prevent the loss of playing fields unless the exceptions set out above apply whereas the Department of Education criteria considers the ratio of available playing fields to the numbers of pupils.
- 5.24. Photographic evidence shows that this area has been marked out as a sports pitch and therefore falls within the definition of a playing field as part of the whole site and within the remit of Sport England as a statutory consultee.
- 5.25. Whilst a multi-use sports hall is to be provided this does not fulfil the criteria applied by Sport England under E5 of the above table. It is designed also for use as a dining area and school hall with windows at a low level and is not designed purposely for sports hall uses - these have specific requirements dependent on the sports use regarding height and usually with no lower level windows in such a building other than entrances or office/staff accommodation.
- 5.26. On the basis of the information submitted, the objection from Sport England, a statutory consultee, the proposal does not meet any of the policy exceptions in Sport England’s Playing Fields Policy or paragraph 99 of the NPPF because the area of playing field lost would not be replaced. As such the proposal is also contrary to the policy LA1.11 of the Land Allocations DPD.



## Design and Materials

- 5.27. Core Strategy Policy CS1.1, CS8.10, Development Management DPD Policy DM1 and DM2, in addition to the revised NPPF all require development to be of a high quality that maintains or enhances the quality of the existing character and distinctiveness and makes an overall positive contribution to the locality.
- 5.28. The proposal is for a large extension to the existing building used by Sandgate SEN School along the southern boundary and follows Government requirements for SEN pupil room space requirements. The gross external area of the existing Sandgate School is 706 square metres. The proposed gross external area of the new extension is 1382 square metres.
- 5.29. The accompanying Design and Access Statement sets out how the site proposals were developed. This includes the operational perspective of extending the existing Sandgate SEN school at the southern boundary and onto an area partly used as car parking and partly on an area of school playing field. This area would provide a direct physical link to the existing Sandgate School and also allow dedicated and secure pupil drop off and pick up areas and allow pupils direct and supervised access into the school rather than through the building used by Queen Katherine's School. It is also stated in the Design and Access statement that the proposal minimises the loss of existing school sports pitches and takes into account the potential for overlooking on the residential properties on the southern boundary together with the choice of materials proposed to be used on the building to soften the appearance
- 5.30. The revised proposals include changes to the access, car parking and increased landscape buffer along the southern boundary and are stated by the applicant's agent to help address residents' concerns and to lessen some of the potentially noisier vehicular activities by positioning these further away from the residential area and intended to offer some level of screening and be attractive in nature.
- 5.31. The proposed extension varies in height from the single storey element of some 4.3m with a higher two storey glazed atrium set back from the main walls of 7.2m high. The sports hall building itself uses a sloping roof which towards the southern boundary is 9.5m at its highest point and 8.4m at its lowest.
- 5.32. The proposed multi-purpose sports hall will provide for indoor sports use and includes facilities for badminton, basketball, trampolining (which are part of the SEN requirement for rebound therapy) and a climbing wall and require a building of a certain height in which to accommodate those sports and needs. The hall will also provide dining and assembly purposes and combining this with the sports hall reduces the amount of space needed for the school extension. The applicants

statement also includes that the sports hall provides accessible changing facilities and will significantly enhance the existing sports facilities available for disabled people in the community.

- 5.33. The Design and Access Statement states that the size of the building is not intended to be imposing in scale and to not over dominate the adjacent housing. The use of projecting canopies and parapets is intended to step up the scale of buildings towards the existing residential properties and the ground levels of the dwellings are slightly elevated from the level of the playing fields which helps to reduce scale and massing. The use and size of windows on the south elevation are intended to be modest and certain windows will be fitted with blinds.
- 5.34. The proposed materials are light buff coloured brick to complement the existing rendered buildings and slightly metallic finished grey cladding to the sports hall to assist in blending the building into the skyline rather than a darker colour in front of a brighter sky background and reflect some natural light. The Design and Access Statement also includes that the use of grey window frames will also blend with the glass and the building to help reduce the overall building scale
- 5.35. The roof finish is in aluminium sheets with rainwater goods in galvanized steel. The revised proposals include removal of the previously shown parapet roof to the sports hall building to slightly lower this in height.
- 5.36. In addition, a new electricity substation (to ensure capacity) and bin store area are proposed and these are now shown re-sited away from residential properties and some 25m to the north of 92 Shap Road. Due to the distance and hours of use of the site it is considered the location of the bin store and substation are acceptable and would not adversely affect residential amenity.
- 5.37. A single storey storage building in cladding to replace existing garage and sheds used to store grounds maintenance, school and sports equipment is proposed to the rear of the main Queen Katherine School art block buildings to the north of the proposed new school extension. This is considered acceptable and has no effect on residential properties.
- 5.38. The proposed design, location, height and materials are therefore considered acceptable and in line with local and national planning policies subject to conditions requiring prior approval of the materials including hard surfaced areas.

## Impact on residential amenity

- 5.39. DMDPD policy DM1 requires that all development ensures the delivery of acceptable levels of amenity, privacy and overshadowing for existing, neighbouring and future

users and occupants. Paragraph 130 of the NPPF requires that developments should create a high standard of amenity for existing and future users.

- 5.40. Residential properties, including properties at Ash Meadows, Shap Road and Appleby Road are located on the southern boundary of the school and the proposed development which adjacent to the boundary proposed an altered and extended access road leading to the new car parking, turning area with the new school buildings located behind the access road.
- 5.41. One property, 92 Shap Road has its rear back wall and windows directly onto the boundary with what are currently the playing fields. Several properties also have gardens and rear extensions towards the boundary with the school site which is delineated by a stone boundary wall. Currently the area directly to the rear of residential properties is used for outdoor play area by children and car parking with part of the site already being in use for access and car parking. Removal of a storage building on the boundary near the existing access will also open up more of the rear area of a residential property directly onto the school site and the revised access.
- 5.42. The primary concerns from the public representations relate to the amenity of the dwellings along the southern boundary of the site. The issues raised include a lack of privacy from the proposed buildings and from users of the proposed road, noise and pollution from the additional traffic of the proposed road and parking area, overshadowing from the proposed buildings and the proposed buildings being overbearing due to their size and proximity. Many of the public representations request that the proposal reflect the previously approved scheme further north into the site; this latter aspect is included in the assessment at para.5.7 above.
- 5.43. The nearest property, 92 Shap Road, would be some 2.2 m away from the nearest proposed car parking spaces and 14 Ash Meadows some 12m from car parking spaces at the front of the site to the southern boundary. The property at 92 Shap Road would be some 16.2m from the main car parking spaces. A landscaping strip is proposed of between 2.4m (adjacent 123 Appleby Road) and 8.6m depth adjacent 92 Shap Road is proposed which has windows directly on the boundary.
- 5.44. The proposed extension varies in height from the single storey element of some 4.3m with a higher two storey glazed atrium set back by some 4.5m from the main walls and 7.2m high. The sports hall building itself uses a sloping roof which towards the southern boundary is 9.5m at its highest point and 8.4m at its lowest. By way of example a traditional two storey house is about 7 to 8m high.

- 5.45. The single storey part of the extension is some 22m away from the nearest residential property with the highest part of the sports hall building being 24.8m away from 5 Ash Meadows and the corner being some 19m away from 92 Shap Road.
- 5.46. With regard to 92 Shap Road this has secondary windows directly facing into the school playing field. The proposed bin store and electricity sub-station have now been relocated and are some 21m away from the rear of the dwelling. No fencing or screening of the windows could take place on the boundary without blocking the ground floor windows to this property.
- 5.47. With regard to the potential for overshadowing, the housing is situated to the south and any new overshadowing is not anticipated. Sun path diagrams have been submitted with the application and demonstrate that due to the location of the development to the north of the residential properties there would be no adverse overshadowing to the existing houses and gardens.
- 5.48. Several residential properties have overlooked the school playing fields and the extension represents a significant change for their outlook and views through the extension of built development towards Shap Road. In terms of the impact of the buildings on residential amenity it is considered that the separation distances proposed between the new school buildings and residential development are acceptable and comply with the requirements of local plan policies.
- 5.49. The design of the building uses is cotemporary in nature and materials are proposed to blend this with the existing school building and use light coloured cladding on the sports building to prevent this looking over dominant when viewed from residential properties and from more open view along Shap Road into the school site.
- 5.50. With regard to the issues raised through the public comments received regarding noise, pollution and disturbance including the proposed road and parking area and increase in traffic, the applicant's agent states that it is not envisaged there will be a substantial increase in the volume of traffic and will be limited to the same school hours, e.g. 7.30am to 9am and 4pm to 6pm. Automatic gates are proposed which will deter other road users from accessing the site and for safeguarding reasons.
- 5.51. The school state they require some scope for weekend use for inter-school activities and evening use for parents evenings and school events but ordinarily do not require wider use of the school premises for wider community use or financial reasons.
- 5.52. A letter received from the applicant's agent (dated 22<sup>nd</sup> February 2022) states that
- Core teaching hours are between 8.45am and 3.15 pm
  - Most activity around the school is between 8 to 9 am and from 3.15 to 5pm Monday to Friday

- The school requires unrestricted access between the hours of 7am and 8pm Monday to Friday all year round
  - Exceptionally there may be up to 10 weekend inter- school events on either Saturdays or Sundays between the hours of 8.30am and 4.30pm
  - Exceptionally there may be up to 15 evening school events (parents evenings, school theatrical productions) between the hours of 4.30pm and 9.30pm.
- 5.53. Part of the boundary towards Shap Road is used by pupils accessing the Queen Katherine school site during opening hours and traffic can already access the site along part of the southern boundary to the existing school car park. Part of the proposed site is also used by pupils for outdoor play area. The proposed building however does bring built development further into the site at the rear of residential properties and access/parking areas on to land that is currently open field behind existing properties.
- 5.54. The development proposals will involve more traffic using the access and extending this along the southern boundary and which is envisaged to be used mainly during morning arrival and afternoon to early evening departures. Whilst some evening and weekend use is required to allow for school activities, it is considered that this can be dealt with by a condition to limit the hours of use of the Sandgate school site and can be subject to agreement with the school. The hours of 7.00am to 8pm Monday to Friday, except for up to 15 evening school events by each academic year to be permitted up to 9.30pm and for up to 10 school events each academic year 8.30 am to 4.30pm Saturday and Sundays and no time on bank holidays are suggested in line with the information submitted to recognise the arrival and departure times of staff and allow the out of hours use for use only by Sandgate SEN school for the avoidance of doubt and in the interests of residential amenity.
- 5.55. An area of land adjacent the boundary to the west of 92 Shap Road is proposed for 5 car parking spaces. Whilst this is orientated away from residential windows if it close to the boundary and landscaping is minimal to the rear of the area. It is considered that the addition of fencing may help to mitigate for any noise and glare from headlights in this area and a condition is recommended for boundary treatment and /or means of screening and this is further examined in paragraph 5.84 below. A further alternative would be to use a condition to remove this area of car parking with a subsequent reduction in the numbers of car parking space but which may assist in striking a balance between the parking needs of the school and residential amenity.
- 5.56. An automated barrier is also proposed on the driveway to the school just before the start of the car parking area. Vehicles will have to activate the barrier in order to access the site and this will necessitate vehicles sitting on the drive gaining access

to the site. The area where the vehicles wait is near to a residential property. It is recommended that if the application is approved, the barrier is made the subject of a condition to ensure the location of this is the most appropriate in terms of residential amenity and potentially re-sited such that waiting vehicles are behind the existing garages.

- 5.57. External lighting will be necessary in the interests of health and safety during hours of use. A detailed lighting plan is submitted with the application that showed the use of low level lighting and prevention of upward glow. A lighting statement has also been received (latter dated 22<sup>nd</sup> February 2022) which states:
- Generally lighting when switched on will be set to 10% of maximum illuminance, temporarily increased to 100% total illuminance when proximity sensors linked to each lamp detects pedestrian or vehicle movement.
  - Lighting will be linked via a daylight sensor and set to switch on and off to suit the times of darkness as it changes through the year.
  - Lighting will be timed to switch on no earlier than 7.30am and to switch off no later than 8pm Monday to Friday and generally off during weekends unless there is an exceptional school event.
  - During an exceptional school event the timing for external lighting will be temporarily changed to suit the opening time requirements of the event.
- 5.58. The submitted lighting scheme shows a number of lighting columns around the perimeter of the school site and the access road and bulkhead lights to the school building. Lux plots have been provided showing the lighting spill and luminance at both 10% and full power. These do however seem to illustrate some illumination of part of the rear of the gardens to some properties and the use of lighting columns and further consideration of a lighting scheme is required.
- 5.59. In terms of local and national planning policies, and the representations made including the need to protect dark skies and residential properties from excessive or inappropriate lighting, it is recommended that the submitted external lighting scheme should be subject to a condition requiring a further lighting scheme that is appropriate to the area and residential amenity.
- 5.60. Subject to conditions to deal with the matters raised above and to ensure evening and weekend activities are not excessive in their frequency and/or duration the proposal is considered acceptable.

## Trees, landscaping and biodiversity

- 5.61. Policy DM4 of the Development Management DPD and para 131 of the NPPF requires that new development should protect and enhance existing trees unless there are clear reasons why their removal would aid delivery of a better development overall, and that biodiversity of sites are retained and enhanced.
- 5.62. The National Planning Policy Framework paragraph 170 (d) requires that proposals minimise impacts on and provide net gains for biodiversity this is echoed through Local Plan Policies DM1 and DM4 of the Development Management Policies. Development Plan Document which require that unless it can be demonstrated that this is not possible, all development proposals should result in net gains for biodiversity. The Environment Act 2021 became enshrined in law on the 9 November which makes a legal requirement for all development to achieve biodiversity net gain
- 5.63. There is a single oak at the north/rear of the site between the proposed development and the retained multi use games area court. This tree is retained but forms a constraint to further development taking place in this area.
- 5.64. The submitted arboricultural report states that Oak tree is a “specimen of good shape and form with no structural defects. Roots coming to surface at base of the main stem. Specimen in good health and physiological condition forking to two stems at 3 metres with even crown spread” and recommends root protection measures including protective fencing during construction together with crown pruning.
- 5.65. A new landscaping area is proposed between the extended access to the southern boundary and the adjacent residential properties. This has been revised to provide a larger area of landscaping than originally put forward to allow more space for planting to provide a buffer strip.
- 5.66. The landscape area runs parallel to the existing boundary wall at the southern boundary and provides an area of between 2.4m and 8.4m and sets back the pedestrian footpath away from residential properties. An area of landscaped planting is shown to the rear of 92 Shap Road of some 7m depth which has windows directly on the boundary.
- 5.67. The proposed landscaping scheme shows a number of shrub and tree species to form screening along the boundary and to assist in prevention of headlight glare from vehicles during winter months directly shining into rear gardens and windows whilst separating the pedestrian and vehicular access from the residential properties.
- 5.68. More appropriate boundary treatment would be the use of a screen or acoustic fence however it is considered that this would be over dominant on the rear boundaries of

the dwellings and therefore the compromise of the boundary planting is considered to be acceptable subject to conditions to ensure it's implementation and management. A further alternative would be, via a planning condition, to require a small screen fence to the front of the landscape areas but which would still allow maintenance.

- 5.69. Several representations have raised the issue that internal swift bricks should be installed on the building through which to increase biodiversity net gains. These are indicated on the building but to ensure the location and numbers of these a condition would be recommended and also to obtain further biodiversity net gains through further additional bat/bird boxes.
- 5.70. Conditions can be imposed on a planning permission relating to the submitted landscaping scheme, management plan, and construction works and protection measures around the Oak tree on the north edge of the application site and to obtain biodiversity net gains.

## Highway safety

- 5.71. The proposals include extension of the existing access road on the southern boundary to serve a new dedicated access into the Sandgate SEN School site and the proposed new dedicated and secure parking area, pupil drop off and pick up area, including use by minibus/school transport/taxi which is predominantly used by pupils.
- 5.72. The NPPF requires that (para 104) that development proposals should make parking and other transport considerations an integral part of the design of schemes, and contribute to high quality places, safe and suitable access to the site can be achieved by all users (para 110b), minimise the scope of conflicts between road/pavement users, is responsive to local character and design, and enables electrical vehicle charging points in safe and accessible locations (para 112 c and d).
- 5.73. Policy DM1 of the Development Management DPD requires that development proposals must ensure adequate and safe movement of pedestrians, cyclists and motor vehicles.
- 5.74. Policy CS10.2 of the South Lakeland Core Strategy requires development to create safe access to the highways network
- 5.75. The application is accompanied by a Transport Statement. This considers the local and national planning policies relating to transport, current accident record in the area and concludes there is no underlying trends in contributory factors or inherent road design problems that would appear to affect overall road safety. The Transport



Statement considers the mode share profile of existing and proposed staff, with 40 staff currently working at the school and this is not expected to increase despite the proposed increase in pupil numbers. It considers proposed student numbers and how students arrive on site from a wide catchment area (approx.270 square miles) predominantly by taxi and mini bus with existing arrangements leading to taxis queuing within the site.

- 5.76. The existing student transport modes are provided in the Transport Statement which provides the following information:

Overall, 14 taxis / minibuses are required to transport 39 pupils. From the information provided by Sandgate it was possible to develop a mode share profile. This profile was then applied to the increased student numbers thereby estimating the likely number of additional taxi / minibuses required to transport the additional 32 students over the likely 3 year period.

Table 4: Student Mode Share

Mode of Transport	Mode Share	Number of Students
Taxis	24%	8
Mini Bus	62%	20
On Foot	11%	4
Parent Pick up	2%	1
TOTAL	100%	32

The results in Table 4 show that following the existing profile once the school reaches full capacity, in approximately 3 years' time, an additional 28 pupils are likely to travel by taxi and minibus. Based on the maximum 3 to 4 capacity per vehicle an additional 7 to 9 vehicles will be required during the morning drop off and afternoon pick up periods.

Arrangements will continue to be staggered; the system ensures the first drop-off / collection vehicles have left before the next time slot arrives. Additionally, passing places have been introduced on the access road allowing the safe operation of vehicles in and out of the school. The formalised facilities will allow vehicles to pull in off the internal road layout helping to maintain the free-flow of vehicles.

A total of 11 drop-off and pick-up bays are provided within the layout with 3 separate spaces provided for minibuses. The additional provision together with the staggered approach will adequately support the arrangements and the potential increase in vehicle movements as the school reaches its maximum capacity.

It should be noted that vehicle movements associated with drop and pick up times will all occur outside the likely network peak periods.

- 5.77. A new car park is provided which meets the requirement of Cumbria car parking standards for special schools.
- 5.78. The Transport Statement concludes that the school campus is located close to sustainable modes of transport offering a choice of travel modes for staff and visitors and it is not expected the development proposals would materially affect the overall operation of the highway network.

- 5.79. The Local Highway Authority comments are that the development is acceptable. The submitted Transport Assessment which demonstrates that the increase in trips due to the development will be slight with no significant effect on the surrounding transport network (a reasonable estimate is that 23 additional journeys will take place to the site which will be staggered and not all in the peak hour). Most of the increase in student numbers are likely to travel in a shared taxi or minibus. Pedestrian access is to be maintained from Shap Road. Adequate cycle storage is to be provided and parking is in accordance with Cumbria Developer Design Guide standards.
- 5.80. The school wish to have a turning circle rather than turning head so that refuse and other vehicles do not have to reverse to ensure the safety of children and to provide drop-off space as due to the nature of the school, many of the pupils arrive by mini-bus from a wide catchment. The Highway Authority recommend a planning condition to secure substantive access, parking and turning facilities before construction on the main works commences for use by construction traffic in the interests of highway safety.
- 5.81. The applicant's agent has raised the possibility of the creation of a temporary access from Appleby Road for construction vehicles so that the main entrance and egress to the two schools are safely maintained. This could further be considered through submission of details as part of a Construction Management Plan imposed as a planning condition and would need to be agreed with Cumbria County Council Highways.
- 5.82. Public representations received are concerned about the impact on residential amenity, noise, pollution from the proposed development, extended access, parking and hours of use as well as to existing traffic and highway issues which already exist and will be exacerbated by the additional development.
- 5.83. In respect of highway issues, the development proposals include an extended access with dedicated parking and turning facilities to ensure that Sandgate school operates safely for existing highway users and for the safety of pupils entering the site. The proposed development has been assessed as complying with highway requirements including that adequate car parking facilities are provided based on the size of the extension and pupil transport arrangements.
- 5.84. The development proposal in respect of highway matters is considered to meet the requirements of local planning policies and to accord with paragraph 111 of the NPPF which states that; "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe."

- 5.85. In terms of effect of the proposed development on highway safety the proposal is therefore considered to meet the requirements of national and local planning policies and would be acceptable subject to planning conditions requiring implementation with the approved plans, construction management plan and hours of use.

## Flood Risk and drainage

- 5.86. Policy DM6 of the DMDPD requires all development to include measures to control surface water drainage following the drainage hierarchy to ensure a reduce discharge elsewhere.
- 5.87. A Flood Risk Assessment and Drainage Strategy has been submitted together with percolation tests. The majority of the site is identified as being within flood risk zone 1 (low risk) but with parts of the car park and vehicle turning area within flood risk zone 2 (medium risk) with potential depths of 0.03 and 0.05m (and therefore stated to be relatively shallow). The site is also identified at being at risk from groundwater with groundwater flooding considered to be as a result of low level ground levels. No risk of sewer flooding has been identified. The overall risks of flooding to the site are classed in the submitted report as low with the drainage strategy and floor levels mitigate against remaining flood risk including an allowance for climate change.
- 5.88. The Flood Risk Assessment and Drainage Strategy has report recommends attenuation of surface water run off to greenfield rates and following the surface water drainage hierarchy which identifies that surface water infiltration is suitable on the site with underground attenuated storage and infiltration/separation devices. On site open water storage through swales or open ponds are not considered suitable due to the constrained and open nature of the site. Permeable paving is considered suitable for the site and is proposed. Foul drainage is proposed to connect to the existing foul sewer in the vicinity.
- 5.89. LLFA comments are that the proposals to drain the development 100% by means of infiltration is welcome but that the proposals should more evenly include the use of permeable paving and bio-retention planters at the base of roof downspouts. Full details of the sustainable drainage system, implementation and management prior to the commencement of the development must be included as a planning condition. United Utilities also request a condition requiring submission of these details.
- 5.90. Having regard to the nature of the proposals, comments from local residents and the comments from the LLFA and United Utilities is it considered that the proposal would meet the requirements of local planning policies subject to conditions.

## 6.0 Recommendation

- 6.1 This application is finely balanced between the need to provide education facilities; in this case of a specialist nature for Special Educational Needs provision where there is a proven demand and has an existing on-site provision, consideration of the amenities of local residents and the need to protect playing fields being lost by the development under the requirements of local and national planning policy.
- 6.2 Having regard to the issues identified above and that the Sport England objection has not been overcome, it is recommended that the application is refused on this basis for the reason set out below:

The proposed development is located on an area of playing field as defined by the National Planning Policy Framework and for which no alternative provision has been made to offset the loss of this playing field which is contrary to the policies of the National Planning Policy Framework and to the policy LA1.11 of the South Lakeland Land Allocations DPD

Note: For Members information, due to the Sport England objection, if the Council does not recommend refusal of the planning application then the application must be referred to the Secretary of State via the Ministry of Housing Communities and Local Government Planning Casework Unit.