

## **Report to Area Plans Sub-Committee**

**Date of meeting: South**



**Epping Forest  
District Council**

**Subject: Application EPF/1325/17 to modify the S106 agreement linked to planning permission reference EPF/1097/09. The proposed modification is to restrict pupil numbers at Oaklands School, 8, Albion Hill, Loughton to 273 following the completion of the car park and dropping off area approved, on appeal, under planning permission reference EPF/2774/15 (an increase of 30 pupils above the current restriction of 243).**

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### **Recommendation:**

**That the S106 legal agreement be modified to allow for a maximum of 273 children to be registered on the school roll but that this increase of 30 pupils can only be commenced when the Warren Hill drop off facility and car park, approved under EPF/2774/15, has been completed and is available for use.**

### **Report**

#### **Relevant Planning history:**

EPF/1474/83 gave planning permission to a single storey front extension to the school but was subject to a S.52 legal agreement which restricted the school roll to 243.

EPF/1097/09 gave planning permission for the change of use of the house at 6, Albion Hill for additional school classrooms - with a new S.106 agreement being signed restricting the school roll to the same figure of 243 pupils that was included in the 1983 S.52 agreement together with the preparation and maintenance of a travel plan in order to discourage car users.

EPF/2774/15 was a refusal for the provision of 34 space car park and dropping off area - near the foot of Warren Hill - for use by Oaklands School only, including the formation of related vehicular access from Warren Hill, provision of associated landscaping and increase in school roll from 243 to 273 pupils. The reason for refusal was based on the harm that building the car park would cause to the open and semi rural character of the area, and that the proposal did not properly address the problem of parking stress created by the school and therefore an increase in the school roll was not justified. An appeal was lodged against this refusal and the inspector upheld the appeal and granted planning permission for the car park (see below). However the inspector confirmed that he had no jurisdiction to modify the S106 agreement limiting the school roll.

#### **Summary of representations received:**

LOUGHTON TOWN COUNCIL – objected to this application as there were highway safety concerns from the additional traffic movements that any increase in the school roll would create. Members were concerned for the safety of pedestrians and other road users in

Albion Hill and Albion Park. The Committee asked for the car parking scheme as detailed under EPF/2774/15 and allowed on appeal, to be fully evaluated before any consideration should be given to increasing pupil numbers at the school.

LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP - We object to this application. We have serious doubts about whether the proposed arrangements will have the effect envisaged by the applicant, particularly at picking-up time. Once an increase in pupil numbers is granted, it will not be possible to go back to the earlier limit should the new arrangements prove unsatisfactory in practice. If the applicant is not prepared to withdraw this application until the working of the new (car park and drop off) arrangement can be properly evaluated in the Autumn term, then we urge the Council to turn down this application. After a refusal, or withdrawal, we suggest that the Council and the applicant should agree a suitable way of evaluating whether the scheme has the effects envisaged by the applicant, and that there should then be a further application, on which residents can give their views in the light of their experience of the operation of the new arrangements. However, if the District Council is minded to approve the application, we ask for conditions as follows :a) to provide suitable landscaping b) to restrict demolition and building work hours to the Council's usual standard hours, and c) to require wheel-washing equipment on-site.

NEIGHBOURS – 129 properties were consulted, including properties in Albion Hill, Albion Park, Warren Hill and the top of Spring Grove.

One letter of SUPPORT has been received from 15, ALBION HILL.

Some 17 OBJECTIONS have been received from the following addresses:-

ALBION PARK – nos. 1, 7, 5, 22,17,12; ALBION HILL nos. 35, 20, 16, 11, 14, 38; from 22 NEWNHAM CLOSE, 17 LONGFIELD, 79 SPRING GROVE, and TALLIS HALL WARREN HEIGHTS. The objections received make the following points:

An increase in school pupils numbers will exacerbate congestion in Albion Hill, and also at the junction with Albion Hill, and in Spring Grove at the mouth of Newnham Close. Cars are inconsiderately are parked on the pavements, they block drives, park illegally on zig zag lines, and block the passage of service and delivery vehicles, and could block emergency vehicles. Small children often have to walk dangerously around cars parked on pavements.

Overall the schools location, and impact on local traffic, makes it inappropriate for further expansion – in the 1960's there were just 80 pupils now there are 243. The parking and access difficulties described above have caused considerable and persistent stress to residents.

Siblings are already given preference - so 30 more spaces will lead to a proportionate increase in traffic movements to the school.

What guarantees are there to ensure parents will use the car park and drop off point off Warren Hill – it may just be used by teachers to park their cars. Previously the school have admitted they cannot compel parents to park/not to park in certain areas.

Parents picking up children in the afternoon in Warren Hill will arrive at different times and if this new pick up point in Warren Hill is full of waiting vehicles then there will be an overflow of cars onto Warren Hill causing congestion. assurance is there that the proposed car park will be implemented if the school roll increases?

The Warren Hill car park and drop down facility should be built first so as to accurately assess whether or not it genuinely reduces longstanding problems cited above. If there is a genuine improvement then that would be the time to consider an possible increase in numbers of children attending the school.

An increase in the school roll will encourage the addition of more classrooms for the school. Also previously the applicant has stated that the school roll would not be increased but this assurance has not been kept.

ESSEX COUNTY COUNCIL HIGHWAYS – from a highway and transportation perspective the Highway Authority has no comments to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies ST4 & ST6 of the Local Plan. The reasons for this are as follows. The previous application was approved at Appeal with no highway issues being sited; indeed it was recognised that the new car park etc. will greatly improve road safety along Albion Hill and within the vicinity. The impact of an additional 30 pupils will be negligible in highway terms and consequently the Highway Authority is satisfied that there are no highway safety or capacity issues associated with this proposal. The Highway Authority note that the applicant does not intend to increase the pupil numbers until the car park works etc. are in and operating; this approach is encouraged and supported.

## **Issues and Considerations**

### Background

Oaklands School provides teaching and other services for an age range between 2 and a half years and 11 years of age. However, because of its primarily residential nature, narrow width, and gradient, Albion Hill is not a suitable road for parking and setting down and picking up school children. The school also has very limited off street spaces and hence most staff that travels by car has to park in nearby streets. It is for these highway and parking reasons that a legal agreement was entered in to (alongside the planning approval EPF/174/83) to restrict the school roll to 243, and this was repeated in the modified legal agreement drawn up in conjunction with EPF/1097/09.

The school has tried to reduce congestion and parking problems by introducing an informal one way system whereby parents drive up Warren hill or Upper Park, then along Nursery Road, and then drive down Albion Hill. A caretaker assists in helping children out of cars as they park in the roadway. Up to 7 cars can be backed up in this manoeuvre in the peak period of 8.30am to 8.45 am, and clearly movements of residents' cars, and service /delivery vehicles is hampered in this period. Staggered school opening and closing times have also been introduced in order to reduce congestion, and for some years a second pedestrian access to the school has been created from the High Road facilitated by an Essex CC funded road crossing officer. This secondary access has facilitated parents and children accessing the school by foot, although it is apparent that some parents park their cars at the top of Spring Grove, or in Warren Hill, and then accompany their children to the school via this secondary side access. The school also provides a caretaker at this secondary side entrance to assist children entering the school grounds.

The school has not increased its school roll for more than 30 years and currently it is at full capacity - and even some siblings of existing pupils have to be denied a place because of the legal agreement requiring a maximum school role of 243 pupils.

Against this background the school submitted the planning application EPF/2774/15 in which it was proposed to construct a new off street drop off point in Warren Hill with a 34 space car park, together with a proposal to modify the legal agreement and expand the school roll from

243 to 273. The main thrust of the school's argument was that a purpose built drop off point and car park in Warren Hill would considerably reduce congestion and drop off parking in Albion Hill (and also at the High Road end of Spring Grove), and allow teachers and staff cars to be parked in the new car park and not on nearby roads – and the benefit of these new facilities would considerably outweigh a relatively modest increase of 30 pupils on the school role.

As mentioned above the Council's refusal of EPF/2774/15 was taken to appeal and the Inspector granted planning permission and the following is an extract from his decision letter:-

*18. The car park scheme would provide staff parking spaces, some short term parking spaces and a well-planned dropping-off/collection facility that could accommodate up to fifteen vehicles clear of the highway and entrance point on Warren Hill. It would provide a very much safer place within the school grounds for dropping-off and collecting children, thereby also reducing hazards more generally on Albion Hill, the High Road and, to a lesser extent, other nearby streets. That would be the case even though it is likely that some of the youngest children would still be dropped off in Albion Hill. Any queuing at the car park at the staggered collection times is unlikely to be any more problematic than currently occurs in the school environs.*

*19. Some local residents' responses suggest the distance between car park and school buildings, and/or adverse weather would discourage use of the drop-off facility. However I find that unlikely, given the improved safety, the distances children already walk from cars parked in nearby streets and the school's well-organised approach to managing arrivals and departures. With regard to concerns about traffic movements in Warren Hill, this road is part of the route already used to drop children off in Albion Hill. Moreover, as the Highway Authority noted in its consultation response, Warren Hill is wider than Albion Hill and has better capacity, and there is nothing of substance to indicate that the Warren Hill/High Road junction is inadequate in any way.*

*20. In the light of all the above points, I concur with the Highway Authority's conclusion that the scheme "will be highly beneficial to highway safety and efficiency on Albion Hill and will not cause any detriment to highway safety or efficiency on Warren Hill". I find also that it is likely to be beneficial to safety on the High Road and other local streets and to reduce the demand for parking associated with the school in streets around the school.*

#### Proposed modification to S106 agreement

The applicants have submitted a detailed Transport Assessment to support their proposal to increase the school roll by 30 pupils. Surveys carried out conclude that without the new car park and drop off point in Warren Hill the additional 30 pupils would generate 9 additional drop offs in the peak period of 8.30 to 8.45am near the Albion Hill school entrance. The applicants contend therefore that if 10 cars were to drop off children in the proposed Warren Hill car park then there would be a net reduction of cars dropping off in Albion Hill - and that therefore the purpose of the legal agreement would be better served. However, they state that that many more parents will be likely to use the Warren Hill drop off and car park. In the travel plan submitted with this application this would be achieved in two ways. Firstly, parent of 84 children living to the south of the school, e.g. in Buckhurst Hill would be requested to use Warren Hill and given that they approach the site from the south along the High Road it will be easier and quicker for them to use this Warren Hill drop off facility. Secondly, they would request that parents of 88 older children (from age 7 to 11) will be requested to use

Warren Hill – with these older children being generally more able than 2-7 year olds to walk a little further across the school grounds to the school buildings. It is estimated therefore that up to nearly 50% of trips to the school would be made to Warren Hill, and this would clearly significantly reduce drop offs and parking congestion on Albion Hill, Albion Park and in Spring Gove.

As has been pointed out by some objectors it is acknowledged that the school cannot compel parents to use the Warren Hill drop off and car park. Nevertheless, officers are of the opinion, in concert with Essex CC Highways Authority and the Planning Inspector that the new drop off and pick up facility will provide a significant reduction in on street congestion and parking. In addition teachers and non teaching staff, who number about 35 working on the site at any one time, will also be told to park their cars in the Warren Hill car park, and this will further reduce on street parking stress in Albion Hill, Albion Park, Spring Grove, and the lower part of Warren Hill. For these reasons it is considered that the benefits flowing from the new drop off facility and car park would far outweigh any problems caused by additional trips generated by the proposed increase in the school roll. Consequently, the original purpose of the legal agreement, to protect Albion Hill from additional parking and congestion, will be well served.

The applicants have proposed additional clauses to be added to a modified legal agreement, most importantly, inter alia, that the car park and dropping off area must be completed and brought into use before the increase in the school roll is implemented.

The Town Council, the LRA Plans Group, and several objectors argue that any increase in the school roll should only be considered after the new drop off facility and car park has been built and in use, i.e. when it can be objectively evaluated whether it has actually brought about any lessening of on street car parking and congestion. While this argument has some logic it is the case that this application has been accompanied by a detailed traffic plan and travel plan, and that the Highways Authority support the findings submitted. In this context officers feel that the proposed drop off facility and car park will bring about significant improvement and that therefore there is little justification to insist that an increase in the school roll can only be contemplated once the new facility is built and is in use.

#### Role of the school in the area and demand for school places.

43% of children attending Oaklands school come from the IG10 Loughton postcode, and 30% live within a one mile radius of the school. Therefore the school does provide for local need – and demand for school places in Loughton has increased in recent years as evidenced by the planned expansion of schools in Staples Road and Alderton Hall Lane schools. The Draft Infrastructure Delivery Plan, produced as part of the Local Plan evidence base, also predicts that nearly two primary schools (providing 412 spaces for 4-11 year olds) will be required in the Loughton and Theydon Bois area to match housing growth in the Plan period to 2033. In this context the expansion of Oaklands school, but only complemented by the provision of an off street drop off facility and car park, would be a welcome development.

#### **Conclusions**

It is fully acknowledged that the operation of Oaklands school has caused significant on street parking and congestion over many years. This has disrupted the amenity and movement of local residents and given rise to considerable stress. In this context it is not surprising that some residents argue vociferously that any increase in the school roll should be rejected. However, the provision of an off street drop off facility and car park provides for a significant infrastructure improvement for the school which will divert many parents cars away from Albion Hill and other roads into Warren Hill - where parents will be able to use a much safer off street drop off and pick up facility and car park. Provided that this

infrastructure improvement is built and available for use it is considered that an increase in the school role can then be supported.