

**Planning and Rights of Way Panel 14 January 2020**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> Banister Primary School, Archers Road, Southampton			
<b>Proposed development:</b> Variation of condition 21 (Pedestrian Access) of planning permission 12/00489/R3CFL to allow use of pedestrian gate on Banister Gardens - temporary 6 month application.			
<b>Application number</b>	19/01537/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Andrew Gregory	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	17 January 2020 (ETA)	<b>Ward</b>	Freemantle
<b>Reason for Panel Referral:</b>	Five or more letters of support received contrary to the officer recommendation to refuse	<b>Ward Councillors</b>	Cllr Vivienne Windle Cllr David Shields Cllr Stephen Leggett
<b>Referred to Panel by:</b>	N/A	<b>Reason:</b>	N/A

<b>Applicant:</b> Banister Primary School	<b>Agent:</b> N/A
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<b>Recommendation Summary</b>	<b>Refuse</b>
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<b>Community Infrastructure Levy Liable</b>	<b>No</b>
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<b>Appendix attached</b>	
1	Development Plan Policies
2	PROW Panel minutes for application ref 12/00489/R3CFL

**Recommendation in Full**

**Refuse**

Reason for refusal

The proposal to vary condition 21 of planning permission 12/00489/R3CFL to allow the use of the pedestrian gate in Banister Gardens for general school access, including for a temporary trial period of 6 months, is not supported. The proposed control measures, including the use of school staff to prevent vehicles from entering Banister Gardens to drop-off/collect pupils is not enforceable because such measures would not override existing highway rights which the public have to access Banister Gardens.

Pedestrian school access from Banister Gardens would likely lead to a significant increase in parents parking within this narrow cul-de-sac which would have an adverse impact on the residential amenities of the area arising from increased noise, disturbance, increased on-street parking pressures, congestion and obstruction to access/traffic flow at drop-off and collection times.

Furthermore the likely increase in the number of vehicles parking within Banister Gardens during school drop off/collection times would adversely impact on the safe manoeuvrability of vehicles and pedestrians within this cul-de-sac because of the narrow width of the carriageway and likelihood that vehicles will park in the turning head close to the school gate. The proposal is therefore contrary to policy SDP1 (i) of the Local Plan Review (2015).

### Background

In 2012 Planning Permission (ref 12/00489/R3CFL) was granted for a new school building with Banister Infant School becoming an all through primary school (4-11 years). As a consequence the school capacity was increased from 135 to 450 pupils (including 30 pre-school places). Historically the school had dual pedestrian access from both Archers Road and Banister Gardens and the application for the all through primary school sought to maintain this arrangement.

This application was heard by the Planning and Rights of Way Panel on 26.06.2012. At the Panel meeting deputations were provided which raised concerns regarding the increase in school capacity and associated increase in school traffic into Banister Gardens. The Panel agreed that an increase in school traffic into Banister Gardens would prejudice highway safety and would have an adverse impact on the residential amenities of Banister Gardens. Therefore the Panel resolved to amend condition 21 to prevent school access from Banister Gardens, except for emergency vehicle access, with pupils/parents/guardians/teachers only to enter the site from Archers Road.

Condition 21 of planning permission ref 12/00489/R3CFL reads as follows:

#### *APPROVAL/PERFORMANCE CONDITION - Construction access and routeing and pedestrian access*

*All traffic associated with the construction and demolition works hereby approved shall enter and leave the site via Archers Road and Banister Gardens in accordance with the submitted phasing plan only, and shall be subject to a construction vehicle routing agreement to be submitted to and approved by the local planning authority before the development commences. Once approved, that routing agreement shall be observed throughout the construction period. For the period of construction, pupils/parents/guardians/teachers shall continue to be permitted to enter the site from Banister Gardens, but upon completion of all works under 12/00489/R3CFL, pupils/parents/guardians/teachers shall only enter the site from Archers Road. Banister Gardens shall continue to function as an emergency point of egress from the site and as a means of servicing the school by emergency vehicles.*

#### *REASON:*

*In the interests of highway safety and to protect the residential amenities of those living close by.*

The current application seeks to relax this condition for a trial period.

## **1 The site and its context**

- 1.1 The existing access both vehicular and pedestrian into the school is taken from Archers Road. The main school gates open into a large parent collection area in front of the entrance into the school building. A secondary pedestrian entrance is also available from Archers Road. Existing parking restrictions within Archers Road prevent any parking outside the school between 8am-6pm Monday to Saturday.
- 1.2 A convenience food retail store (Co-Operative) is located on the adjacent side of Archers Road. This retail store was formally a social club with parking to the front and a large car park to the rear, which is used by parents at school drop off and collection times.
- 1.3 Bannister Gardens is located to the north of the school and is accessed from Westrow Road. Banister Gardens is a narrow cul-de-sac with a turning head at the eastern end. The restricted school access gates (emergency vehicles only) are located adjacent to the turning head. Banister Gardens is adopted highway with single yellow line parking restrictions on both sides of the street with no parking 8am-6pm Monday to Saturday and double yellow lines are located at the junction of Banister Gardens/Westrow Road. Banister Gardens is residential in character comprising detached housing with off road parking.

## **2 Proposal**

- 2.1 The application seeks to vary condition 21 of planning permission ref 12/00489/R3CFL to allow the opening of the pedestrian gate in Banister Gardens from 8.30am to 8.45am each morning and 2.55pm to 3.10pm each afternoon, Monday to Friday during term time only. The school are seeking to reduce existing congestion on the pavement outside of the main school entrance onto Archers Road in the interests of pedestrian safety.

The school propose the following control measures in seeking to prevent adverse highway safety and amenity impact within Banister Gardens:

- The school propose to position a member of staff at the end of Banister Gardens each morning (8.30am to 8.45am) and afternoon (2.55pm to 3.10pm) to discourage parents from driving into Banister Gardens. This would be maintained as long as necessary to ensure the vehicular access was observed.
- Propose to erect a sign at the entrance of Banister Gardens
- Regular messaging to parents to remind them of the need to “park and stride”
- Continuation of existing “park and stride” zones.
- Continuation of existing school travel plan arrangements.

### **3 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Saved policy SDP1 (i) seeks to protect the safety and amenity of citizens of Southampton.

### **4 Relevant Planning History**

- 4.1 On 24.08.2012 a planning application for the erection of a new part 2-storey, part 3-storey school building on the existing car park with associated external works including a new vehicular access from Archers Road was granted (LPA Reference 12/00489/R3CFL). This application was considered by the Planning and Rights of Way Panel on 26.06.2012 and a copy of the minutes are attached as **Appendix 2**. The Panel agreed to amend condition 21 to prevent school access from Banister Gardens, except for emergency vehicle access, with pupils/parents/guardians/teachers only to enter the site from Archers Road.

### **5 Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (27.09.2019) and erecting a site notice (20.09.2019). At the time of writing the report 23 representations have been received in support and 20 representations have been received raising objection to the proposal (43 in total). These representations are summarised as follows:

#### **5.2 In support**

Existing congestion of the pavement outside the main gates on Archers Road is putting parent and child safety at risk with potential for conflict with oncoming traffic on Archers Road.

*Officer Response - The planning system has to plan for reasonable behaviour. The existing footway design and crossing arrangements are safe providing pedestrians behave in a reasonable manner.*

Existing vehicle congestion on Archers Road is leading to adverse air pollution and associated impacts on public health.

*Officer Response – Archers Road is not within an air quality management area and therefore this matter can only be given very limited weight as justification to open the access from Banister Gardens.*

There is a lot of traffic on Archers Road and is very dangerous for children crossing during school drop-off and collection times

*Officer Response - The planning system has to plan for reasonable behaviour. The existing footway design and crossing arrangements are safe providing pedestrians behave in a reasonable manner.*

Opening the other gate will take the pressure off of the main gate and offer alternative routes for locals.

*Officer Response – Whilst opening the gate at Banister Gardens may reduce some of the congestion at the Archers Road entrance, any benefits must be weighed against the impacts in terms of highway safety and residential amenity impacts within Banister Gardens.*

Parents using the Co-Op car park are often caught by their car park management system which can result in parking fines. If an alternative pedestrian access on the north side of the school could be used, then this will take pressure off this part of Archers Road.

*Officer Response – The Co-Op car park is privately owned and managed and any unauthorised parking within this area is a private civil matter. The benefits of reducing parking pressures near the Archers Road entrance will need to be weighed against any impacts within Banister Gardens.*

### 5.3 **Against**

Parents would ignore the existing parking restrictions within Banister Gardens.

Obstruction to driveways and general access within Banister Gardens as a result of school traffic.

Banister Gardens is a narrow road and congestion is inevitable.

Banister Gardens would be subject to increased noise, disturbance and inconvenience.

The road and footpath within Banister Gardens has pot holes and is uneven and make it dangerous for children walking or running to school.

Archers Road is made dangerous by the parents themselves, as they are constantly ignoring the highway code by parking on double yellow/zig-zag lines, opening doors into people as they are in a hurry to drop their children at school, and are crossing the road in a reckless manner.

The only way to successfully make the children's life safer is to establish a safety culture, which will help them (and their parents) survive the increasing traffic which is city-wide.

The gate may have been used in the past, but for less than a quarter of the current attendees.

The staff are incapable of stopping the parents from driving their children to schools, with blatant disregard for all driving codes, as they already failed in the past.

Properties in Banister Gardens would be much more susceptible to theft, vandalism and strewn litter.

The reason there have been many near misses in Archers Road is due to parents parking illegally and darting across the road irresponsibly with their children in town and not having the sense to use the pedestrian crossing.

## **Consultation Responses**

### **5.4 SCC Highways: Objection**

There is an existing restriction of opening up an access on Banister Gardens. Therefore the impact from this proposal would mainly be an increase of both pedestrian and vehicular movements at this access and along Banister Gardens. Because of the nature of parent pick up and drop off scenarios, a new access would likely result in more vehicles driving and parking in Banister Gardens. Like with most school developments, the biggest concentration of movements would be during the drop off and pick up times. Normally the bigger impact is in the afternoon in terms of trip movements, the pickup times results in vehicles being parked longer (usually to get a better chance of a parking space) and vehicular movements will be more concentrated as all the children (be it in forms, years or entire school) leaves the premises at the same time.

The drop off movements' main impact would be the similar to the above but lesser extent as the window of parents/children arriving to school is slightly wider. However, there is the added impact that the morning movements would be within the network AM peak traffic. However, due to the location of the new access, the movements here would be on the network anyway and would unlikely cause a significant impact on the network.

Although we cannot assume every driver will park inconsiderately and on the footways etc. But with a narrower carriageway, drivers may be encouraged more to mount the footway to avoid obstructing the carriageway or having their vehicles damaged. Furthermore, with this site, there could also be the concern of vehicles parking all along the turning head at the end of the cul-de-sac. This could affect the ability for vehicles to turn so they may end up having to perform very tight, multiple and awkward turning manoeuvres which would obstruct the highway longer and potentially have a higher safety risk due to the additional manoeuvres a driver would need to perform. Also, depending on the amount of turning space, some drivers may even have to resort to reversing long lengths which is another highway safety concern.

Although opening multiple entrances do provide benefits for school sites in spreading the impact of drop off and pick up times, there are concerns with opening up an access on Banister Gardens as described above.

There is no information before to me to show how busy Banister Gardens is at present but by opening up a new access, it is highly likely that more vehicles will result arriving here especially as parking would be unrestricted unlike Archers road (it is noted that parents have been noticed to park in the coop shop opposite the school as well as private car parks).

The increase in movements here would increase the risk of highway safety for the reasons above and would recommend that the condition to be retained in the interest of highway safety.

## **6 Planning Consideration Key Issues**

- 6.1 The key considerations in determining this planning application are the effects on highway safety and residential amenity.
- 6.2 The existing access restriction preventing pupils/parents/guardians/teachers from accessing the school from Banister Gardens, under condition 21 of planning permission ref 12/00489/R3CFL was imposed by the Planning and Rights of Way Panel on 26.06.2012. This access restriction was imposed as a result of concerns that an uplift in school traffic associated with the increased in school capacity would have had an adverse impact on highway safety and the amenities of local residents had the pedestrian access to the school from Banister Gardens remained open.
- 6.3 The school seek to vary condition 21 of planning permission ref 12/00489/R3CFL in order to ease congestion on the footway outside the main gates on Archers Road during morning drop-off and afternoon collection times. A trial period of 6 months is proposed. The school indicate that over 400 children and their parents access the school via the pavement on the northern side of Archers Road. The footway is under 2 metres wide in this location and the school are concerned that overcrowding of this heavy footway at peak times with the risk of foot traffic spilling into the road. The application submission by the school indicates that the school monitored the footway for a 2 month period in 2019 and recorded 67 near misses and two persons were hit by cars without serious injury.
- 6.4 The planning system must plan for reasonable behaviour. It is acknowledged that the northern side of Archers Road is subject to heavy pedestrian traffic and peak morning drop-off and afternoon collection times and officer have some sympathy with the position the school and its families find itself in. However the existing road layout, including the footway width and crossing arrangements, are safe providing drivers and pedestrians behave reasonably. There appears to be a sufficiently large waiting area within the school gates for parents to wait without obstructing the footway and parents and children arrive/depart the school in a staggered manner to prevent an unreasonable or harmful level of obstruction to the footway. Highways Development Management have raised no highway safety concerns regarding the existing school access arrangements on Archers Road.
- 6.5 It is understood that the two instances of vehicles hitting pedestrians as recorded by the school, were as a result of parents parking in an unauthorised manner outside of the school entrance on Archers Road. During a site inspection by officers it was also observed that a number of parents park in the Co-Op car park on the adjacent side of Archers Road and seek to cross Archers Road at this point, rather than using the signalised pedestrian crossing to the west.
- 6.6 The use of the pedestrian gate in Banister Gardens for general school access, including for a temporary trial period of 6 months, is not supported. The

proposed control measures, including the use of school staff to prevent vehicles from entering Banister Gardens to drop-off/collect pupils is not enforceable because such measures would not override existing highway rights which the public have to access Bannister Gardens.

- 6.7 Pedestrian school access from Banister Gardens would likely lead to a significant increase in parents parking within this narrow cul-de-sac which would have an adverse impact on the residential amenities of the area arising from increased noise, disturbance, increased on-street parking pressures, congestion, obstruction to access/traffic flow at drop-off and collection times. Furthermore the likely increase in the number of vehicles parking within Bannister Gardens during school drop off/collection times would adversely impact on the safe manouverability of vehicles and pedestrians within this cul-de-sac because of the narrow width of the carriageway and likelihood that vehicles will park in the turning head close to the school gate.
- 6.8 The existing problems at the Archers Road entrance arising, from parents not adhering to existing parking restrictions and choosing to park as close as possible to the school entrance is not considered to be a compelling reason to allow the school access to be re-opened from Banister Gardens. Indeed the school could police this in a similar manner to that proposed as part of this application. The merits of the proposal in relation to the easing of congestion along the footway on Archers Road are not considered to outweigh the adverse impacts on Banister Gardens in relation to highway safety and residential amenities of those living close by. The school should continue to communicate with parents to encourage school journeys to be made in a safe and sustainable manner in accordance with the school travel plan.

## **7 Conclusion**

- 7.1 The positive aspects of the scheme are not considered to outweigh the negative impacts on Banister Gardens in relation to highway safety and residential amenities of those living close by. A planning refusal is recommended.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1 (a) (b) (c) (d), 2 (b) (c) (d) (e), 4 (f) (g) (vv), 6 (a) (c), 7 (a)

**AG for 14/01/2020 PROW Panel**