

Committee: **Regulatory
Planning Committee**

Date: **13 March 2024**

Report by: **Director of Communities, Economy and Transport**

Proposal: **Variation of condition 2 of planning permission
WD/3252/CC, to remove all obligations concerning an
on-site parking provision for drop-off and pick-up (the
"kiss and drop") at Burfield Academy.**

Site Address: **Burfield Academy, Oaklands Way, Hailsham, East
Sussex, BN27 3NW**

Applicant: **James Hooper, STEP Academy Trust**

Application No. **WD/3490/CC**

Key Issues: **(i) Impacts on Traffic, Parking and Highway safety**

Contact Officer: **Helen Ogden**

Local Member: **Councillor Gerard Fox**

SUMMARY OF RECOMMENDATIONS

1. The Committee is recommended to refuse planning permission for the reasons set out in paragraph 8.1 of this report.

CONSIDERATION BY DIRECTOR OF COMMUNITIES ECONOMY AND TRANSPORT

1. The Site and Surroundings

- 1.1 The application site lies off Ingrams Way/Oaklands Way within a residential area towards the south-western edge of Hailsham. The site is situated between two cul-de-sac networks, the nearest main roads being the A295 South Road to the west and the B2104 Ersham Road to the east of the site. Under saved Policy HA11 of the Wealden Local Plan (1998), the site was reserved for a new Primary School prior to development.
- 1.2 The site is approximately 1.5 hectares in area. It comprises an 'L-shaped' school building situated towards the north-west corner of the

site, near the main site entrance. A school garden is situated on the north-eastern boundary, with a 4-metre-high sprinkler tank located between the school building and the boundary on Sandbanks Way. A staff/disabled car park is located on the northwest corner of the site. A playing field is located to the south-east of the building with the Key Stage 2 playground located between the building and the playing field. A fenced Multi Use Games Area (“MUGA”) is located to the south-west. A habitat area is located in the south-west corner of the site. Site levels fall gently to the east and to the southwest. A dedicated drop-off and pick-up (“kiss and Drop”) facility, which forms the focus of this application is located within the site between the front of the school and the north-western boundary, with enclosed play areas located between this and the building.

- 1.3 The site boundary is shared with the gardens of surrounding housing which comprises a mixture of semi and detached houses and bungalows. Sole access to the site for vehicles and those on foot is to the north-west from Oaklands Way via Ingrams Way. A secondary, pedestrian only, access and gated entrance to the site is located between numbers 55 and 57 Sandbanks Way. The roads surrounding the school are currently unrestricted in terms of parking.

2. The Proposal

- 2.1 Permission is sought for the variation of condition 2 of planning permission WD/3252/CC, to remove all obligations concerning an on-site parking provision for drop-off and pick-up at Burfield Academy.
- 2.2 For context, it is understood that the applicant, STEP Academy Trust, took on Burfield Academy from 1st January 2017. Prior to this, the Academy was in the care of Lilac Sky Schools Academy Trust (LSSAT). Burfield Academy is currently undergoing essential repair works to the building and as a result, all pupils and staff have been relocated to temporary accommodation at Pheonix Academy, situated elsewhere in Hailsham.

3. Site History

- 3.1 There are two historical applications of significance relating to this application. In July 2014 Application WD/3225/CC was submitted, seeking permission for the construction of a one form entry Primary School with associated car parking, MUGA and sports field. This application was refused on the grounds of loss of green space, impact on traffic and loss of privacy.

- 3.2 In December 2014, Application WD/3252/CC was submitted, seeking permission for the construction of a one form entry primary school with associated car parking, MUGA and playing field (amended application following refusal of WD/3225/CC). This application was granted permission subject to conditions including adherence to the schedule of approved plans detailing the approved layout of the on-site parking provision for the drop-off and pick-up of pupils.

4. Consultations and Representations

- 4.1 Wealden District Council: Raises no objection. Further comments were provided regarding the need for a full assessment by the County Council to ensure any decision made limits the impacts on residents as well as ensuring paramount levels of safety.
- 4.2 Hailsham Town Council: Supports the proposal, suggesting that the removal of the drop off and pick up will result in parents parking away from the site, causing less congestion in the school grounds. The Town Council also highlights the importance of child safety, recommending the use of a PCSO to manage any illegal parking taking place.
- 4.3 Highway Authority: Objects to the proposal. It is considered that the applicant has not submitted sufficient information to satisfy the Local Highway Authority that the proposal would not give rise to increased hazards to users as defined in paragraph 115 of the National Planning Policy Framework 2023 as a result of the removal of the kiss and drop facility.
- 4.4 Road Safety Team: Objects to the proposal. It is recognised that promoting parking restrictions where enforcement would be limited is not something that the Traffic and Safety Team can direct their resources to. It is considered that the proposal to remove the planning condition for the 'kiss and drop' facility will result in a continued burden being placed on the surrounding streets in terms of parking at pick up and drop off times and the subsequent congestion this causes.
- 4.5 Local Member – Councillor Gerard Fox: Objects to the proposal. Concerns are raised regarding the failure of the health and safety report to take full account of risks both within and outside of the school grounds. Reference is made to traffic 'chaos' at peak times with insufficient room within the existing road network for cars to manoeuvre safely. The objection recognises the breach of planning condition and the requirement for a 'kiss and drop' facility within the original planning

application. A petition has been submitted with 74 signatures asking the County Planning Committee to reject the school application to overturn the condition.

4.6 Sussex Police: Raised no concerns from a crime prevention perspective. However, it was recommended that consideration is given to implementing parking restrictions at the area adjacent to the site entrance in Oaklands Way.

4.7 Local Representations: In addition to the petition received via Councillor Fox, 29 representations have been received objecting to the proposal on a wide variety of grounds. The main grounds for objection can be summarised as follows:

- Problems accessing properties and driveways at peak periods, including access for emergency vehicles.
- Safety concerns regarding potential collisions, some witnesses of collisions and 'near misses'.
- Concerns that unrestricted surrounding roads cannot accommodate additional cars, creating gridlocks and congestion experienced that impact the immediate area and surroundings.
- Request for the pedestrian gate at Sandbanks Way to be closed due to disruption to residents.
- Original planning permission required Kiss and Drop facility to mitigate against impact on local residents, many feel a breach of trust if removed. To now try and withdraw it is considered a breach of trust, and a failure to appreciate local concerns.
- Parked cars causing visual obstructions to drivers.
- Scepticism than an onsite solution cannot be found, speculation around the financial restrictions of doing so.
- The [double yellow] road lines painting discussed at last application have not been implemented.
- When planning permission was applied for originally it was pointed out that the "kiss and drop" would not work, due the entrance of the school and narrow road.
- Loss of amenity to local residents in terms of noise, disruption and diminished enjoyment of area.
- Parking of cars on pavements pose accessibility issues for elderly and disabled users.

Six representations have been received supporting the proposal. The representations recognise failures in the current Kiss and Drop facility,

raise concerns about the safety of users inside the Academy grounds and highlight the need for the school to remain open.

5. The Development Plan policies of relevance to this decision are:

5.1 The Wealden District Council (Incorporating Part of the South Downs National Park) Core Strategy Local Plan (2013): WCS14 (Presumption in Favour of Sustainable Development).

5.2 Wealden Local Plan 1998 (Saved Policies): TR3 (Traffic Impact of New Development); TR13 (Footpaths and Bridleways); TR16 (Car Parking Standards).

5.3 Policy Statement on Planning for Schools Development 2021: The policy statement states that the planning system, when dealing with planning applications for state-funded schools should operate positively and there should be a presumption in favour of the development of state funded schools. It continues to state that the Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. The policy statement encourages a collaborative approach to application, encouraging pre-application discussions and use of planning obligations to help mitigate adverse impacts of developments.

5.4 The National Planning Policy Framework (NPPF) 2023: The NPPF does not change the status of the Development Plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and that which conflicts should be refused unless other material considerations indicate otherwise. The NPPF does constitute guidance as a material consideration in determining planning applications. At its heart is a presumption in favour of sustainable development and regard should be had to NPPF policies so far as relevant. Due weight should be given to relevant policies in existing plans according to the degree of consistency with the NPPF. Paragraph 114 advises that in assessing applications it should be ensured that safe and suitable access to the site can be achieved for all users and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 115 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe. This is expanded upon in Paragraph 116 stating that applications should, inter alia, create places that are safe, secure and attractive – which minimises the scope for conflicts between

pedestrians, cyclists and vehicles and allow for the efficient delivery of goods, and access by service and emergency vehicles.

6. Considerations

Overview

- 6.1 Following the decision to grant planning permission for application WD/3252/CC, the numbers of pupils attending the Academy has incrementally increased by one year group per academic year. Such growth was anticipated at the original application stage, where details regarding the effective management of the Kiss & Drop facility were submitted and subsequently approved.
- 6.2 Since the return of school pupils following COVID lockdowns, the applicant has identified concerns regarding the effectiveness of the Kiss & Drop facility in terms of potential risks for pedestrians, including pupils and staff as well as risk of vehicle collision. As such, the applicant has submitted a Health and Safety report in support of this application. The review raised a number of concerns, concluding that “The systems included within the travel plan do not in practice offer a safe solution for the drop off and collection of primary aged children”. It was noted that this report did not provide any workable solutions to the issues raised, nor did it confirm whether the Kiss & Drop facility was being managed effectively and in accordance with the Transport Statement submitted as part of the extant permission. It is also noted that no further information or plans have been provided detailing how the proposed off-site parking arrangements could work safely.
- 6.3 Throughout the COVID Pandemic, it is understood that the Kiss and Drop facility was temporarily closed with restricted access only, to ensure the school could effectively operate a one-way pedestrian system. This enabled social distancing measures within the site for parents collecting pupils to be ensured. The applicant has not reopened the Kiss and Drop facility on account of risks associated with the ineffective operation of the facility. The applicant is therefore requesting that all obligations relating to the Kiss and Drop area should be removed and instead proposes that the area be used to provide additional parking for staff. This would require the facilitation of a ‘traditional school drop off model’, utilising unrestricted parking on surrounding roads.

- 6.4 The site is historically contentious in nature, with a number of local residents objecting to the previous applications for a new school in this area owing to issues such as loss of greenspace, privacy and traffic concerns. Application WD/3252/CC was granted approval subject to conditions relating to the implementation of the Kiss and Drop facility to mitigate against impacts on local residents. Through the consultation undertaken on this application, it has been repeatedly mentioned that the closure of the Kiss and Drop facility, whilst the school was still open to pupils, led to increased parking (including alleged unsafe parking) and turning manoeuvres into private driveways on local roads. These concerns were also reported to the County Council on a number of occasions prior to submission of this current application.

Impact on Traffic, Parking and Highway Safety

- 6.5 Policy WCS14 of the Wealden District Council Core Strategy Local Plan (2013) echoes the NPPF in its presumption in favour of sustainable development with an overarching aim to secure development that improves the economic, social and environmental conditions in the area. The policy goes on to suggest that, *inter alia*, account should be taken as to whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole. Paragraph 114 advises that in assessing applications it should be ensured that safe and suitable access can be achieved for all users.
- 6.6 Saved Policy TR3 of the Wealden Local Plan (1998) sets out that proposed development must not create or perpetuate unacceptable traffic conditions and that a satisfactory means of access is provided to meet Local Planning and Highway Authority standards. Saved Policy TR13 of the same Plan requires the secure provision of safe and convenient pedestrian routes in new developments, which should link to the existing footpath network where appropriate.
- 6.7 In 2014, planning permission granted under WD/3252/CC for the building of the new school, required the provision of the Kiss and Drop facility which was secured via condition 2 to manage and accommodate any school related traffic and minimise disruption on the surrounding highway network. As anticipated, the school has grown incrementally by one year group each academic year and, prior to its closure for repairs, was nearing capacity. Concerns have arisen regarding the Kiss and Drop facility, in terms of its failure to operate correctly due to heavy reliance on staff members and longer than expected drop off times, resulting in traffic congestion and increased risk of conflict with

pedestrians within school grounds. In addition, the applicant states that congestion is occurring at the site access (both within the site and on the highway) caused by parked vehicles and queuing traffic blocking the entrance. It is understood that these issues have been exacerbated by higher-than-expected traffic volumes due to an over-reliance on cars by parents/carers.

- 6.8 The proposal is described by the applicant as a means to resolve these issues through the removal of the Kiss and Drop at Burfield Academy. This would involve the closure of internal roads and on-site parking provision for the purpose of drop-off and pick-up. The existing pedestrian accesses from Sandbanks Way and Oaklands Way are proposed to remain in place and so parents/carers dropping off or collecting pupils would therefore park in the surrounding road network. In support of the proposal, the applicant has submitted a Health and Safety report. The report highlights concerns relating to the Kiss and Drop Facility including a reliance on undertrained staff members to manage the operation; safeguarding issues upon the release of children at the end of the day and failures in the design of the scheme requiring cars to bypass one another upon exit and adjacent to a zebra crossing.
- 6.9 Whilst there is no evidence to contest the findings of the Health and Safety report, it should be borne in mind that this report has only focussed on the school premises itself and not the surrounding areas, including the roads leading to and adjacent to the school. Therefore consideration also needs to be given to the off-site consequences of removing the Kiss & Drop facility.
- 6.10 The Highway Authority objects to the application. They note in their comments that when the planning permission was granted for the school it was envisaged that not all pupil drop-offs would be made by the Kiss & Drop facility and that a level of drop-offs would take place on the highway. The Transport Statement for that permission envisaged that between 22 and 44 additional cars would be stopping on the highway and that roads leading to the site are residential with off-road parking, thereby providing scope for additional cars to be accommodated within the highway without causing undue congestion. However, the Highway Authority note that “the predicted increase in on-street parking demands was based on the implementation of a successful travel plan reducing journeys to and from the school by car and therefore, as the targets have not been met and without a functioning kiss and drop facility, the impact on the surrounding roads will inevitably be far higher.” The Highway Authority acknowledge the large number of complaints received by local residents, regarding traffic congestion and inappropriate parking that has

occurred since the kiss and drop facility has been closed. However, it is also noted that no information has been provided by the applicant regarding the existing parking pressures experienced on the local highway network, or the impact from increased traffic levels and parking demands at peak times as a result of closing the Kiss & Drop facility. The Traffic and Road Safety Team also object to the application, acknowledging complaints raised by local residents, whilst making reference to the lack of parking restrictions and Civil Parking Enforcement provision in the area.

- 6.11 As part of application WD/3252/CC, it was proposed that the school would implement measures to ensure the effective operation of the kiss and drop facility as well helping to significantly reduce car parking demands within the school and surrounding roads. These measures include adequate staffing during peak periods to manage the facility, staggered collection and drop off times, as well as the implementation of a robust Travel Plan promoting non-car modes of travel. The Highway Authority note that to the best of their knowledge, staggered drop off/collection times have not been trialled or implemented by the school. It is also recognised that the information provided indicates that targets set in the original Transport Statement have not been met. It is acknowledged that whilst it is not always possible for parents to walk, it is felt that the school has not been proactive in terms of developing and implementing such a plan to work alongside the kiss and drop facility. It is also considered that a robust Travel Plan would be likely to have an impact on travel habits and could in turn enable the more effective functioning of the kiss and drop facility.
- 6.12 The Highway Authority recommends that further assessments are required to fully understand the potential impact on the surrounding highway network should the kiss and drop facility be removed. It is suggested that such an assessment should include “an accurate estimate of the level of traffic movements to and from the school during the drop off and collection times. This could be achieved through staff and pupil travel surveys, to quantify and understand current travel patterns. A parking survey on the local highway network should also be undertaken, to understand the parking pressures and remaining capacity on the roads in the immediate vicinity of the school”.
- 6.13 The difficulties in undertaking a robust assessment whilst the school remains closed are acknowledged. However, without such an assessment the Highway Authority object to the application. The Highway Authority also point out that a robust Travel Plan should be submitted and implemented regardless of whether the kiss and drop

facility is operational, as well as an exploration of potential operational improvements to the facility.

- 6.14 There have been 29 objections submitted by local residents, as well as 74 residents signing a petition in opposition to the proposal (some residents who have signed the petition have also submitted a separate objection). The concerns raised cover a range of issues including: congestion; lack of access to homes/driveways at peak times; antisocial behaviour and illegal parking; safety concerns regarding potential collisions between vehicles and pedestrians; and lack of parking restrictions in place on existing roads. In support of the proposal there have been 6 representations, which in summary recognised the risks associated with operating the existing Kiss and Drop facility and thereby supporting its closure. There is support to ensure the school remains open and that offsite parking could be a workable option.
- 6.15 Other issues raised include the exploration of implementing parking restrictions in the local area as well as a request to close the pedestrian access at Sandbanks Way. Upon further consultation with the Highway Authority it was advised that, under Application WD/3252/CC, the plan was to introduce parking restrictions to protect the junctions on Cacklebury Close and Ingrams Way and up to the school gates on Oaklands Way. These plans have been put on hold following the closure of the school. With regard to concerns regarding the use of the pedestrian access at Sandbanks Way, there are currently no plans to close this access as it would potentially increase the journey time for any pupils walking from the east part of the town, and would also increase the number of pupils accessing the school via the main access in Oaklands Way.
- 6.16 It is accepted that it is necessary to address the reported issues relating to the operation of the Kiss and Drop facility, as well as the subsequent congestion issues reported by local residents following the temporary closure of the facility. The information provided with the application indicates that the facility has not been operating effectively, which, if left unaddressed could indeed require its closure. However, it is also considered that the potential to reconfigure the existing facility to ensure a safe and effective operation has not been considered and no information in this respect has been provided by the applicant. Furthermore, no assessment on the impact of the closure of the Kiss & Drop facility has been presented by the applicant. Given this, and particularly in light of the concerns raised by local residents, it cannot be demonstrated that the proposal will not have a detrimental impact upon the surrounding residential area, including the highway network.

6.17 The proposal cannot, therefore, be supported in its current form and is recommended for refusal.

7. Conclusion and reasons for refusal

7.1 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise.

7.2 Overall, it is considered that the applicant has not provided sufficient levels of information and analysis to satisfy the County Council that removal of all obligations relating to the Kiss and Drop facility at Burfield Academy would not give rise to increased hazards to users. Furthermore, no information has been submitted to ascertain whether potential improvements to the existing facility have been explored. Without such information, it is not possible at this stage to suggest that the proposal is in accordance with Saved Policies TR3 and TR13 of the Wealden Local Plan, Policy WCS14 of the Wealden District Council Core Strategy and Paragraph 115 of the National Planning Policy Framework 2023.

7.3 In determining this planning application, the County Council has worked with the applicant and agent in a positive and proactive manner. The Council has also sought views from consultees and neighbours and has considered these in preparing the recommendation. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, and as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.4 There are no other material considerations and the decision should be taken in accordance with the development plans.

8. Recommendation

8.1 To recommend the Planning Committee to REFUSE planning permission for the following reason:

1. The Kiss and Drop facility is a main component of the extant planning permission for the site. The applicant has not provided sufficient information to demonstrate that the proposal would not give rise to increased hazards to pupils, parents, local residents and users of the highway network, as defined in paragraph 115 of the National Planning Policy Framework 2023 as well as Saved Policies TR3 and TR13 of the Wealden Local Plan and Policy WCS14 of the Wealden District Council Core Strategy.

RUPERT CLUBB

Director of Communities, Economy and Transport

Date: 4 March 2024

BACKGROUND DOCUMENTS

[Electronic case form WD/3490/CC](#)