

## **ANNEX A**

### **Development Control Committee Update – 12<sup>th</sup> December 2018**

#### **Item 5 – Application LCC/2018/0028 – St Marys RC Primary School**

##### Conditions

Condition 5 – Amend wording of condition 5 to make clear that the window glass should be opaque glazing rather than just a film attached to the glass.

5. No development of the single storey extension shall commence until details of the opaque glazing to be fitted to the windows on the north west elevation of the single storey extension have been submitted to and approved in writing by the County Planning Authority.

Thereafter only those glazing materials approved by the County Planning Authority shall be used in the development. The approved glazing materials shall be retained in these windows thereafter.

#### **Item 6 - Applications LCC/2018/0040 and 0041 – Barton Road, Lancaster**

##### Representations

Letter from County Councillor Susie Charles (Cabinet Member for Children, Young People and Schools)

CC Charles states that LCC has a legal duty to ensure that every child fulfils their educational potential and that this responsibility also includes provision of safe, secure outdoor play space. Schools therefore need their own secure outdoor space where they are able to secure access and ensure the safety of pupils. The Government expects schools to use their existing playgrounds and fields to encourage physical activity and Moorside School provides a wide range of such activities to this end. Without secure playing fields such activities will not be possible. OFSTED also expect schools to manage the safeguarding of pupils. Without secure playing fields, the school will not be able to meet its requirement to provide safe and secure outdoor space and a balanced curriculum. CC Charles considers that the needs of the children of Moorside Primary School both now and in the future are of paramount importance.

Presentation: On 10<sup>th</sup> December 2018, a 30 minute presentation was made to members of the Committee by the Moorside Fields Community Group under the public speaking procedures. The issues raised in the presentation were as follows:-

- The Group is comprised of people who are committed to the local community
- The land to the rear of Moorside School was always open and was not used much by the school who preferred to use the green spaces within the school itself. However, the land was always used by local people for recreation outside of the school day. The area was also crossed by a well used footpath

- In 2008 Moorside School developed the cycle track which included a gate which prevented access across the land. The school would not meet the local community to discuss access to the land.
- At this point, an application for a public right of way across the fields was submitted. There was also no alternative but to submit the town green application
- The Planning Inspector concluded that most of the application land should be added to the register of town greens. This has been confirmed following two further legal challenges by LCC. If LCC loses a further challenge in the Supreme Court, the fencing around areas A and B will have to be removed along with two classroom blocks.
- The Barton Road playing field is too far from the school and the area will not be used for school purposes.
- The Barton Road playing field is well used and the neighbourhood will suffer if the access is lost. The fence would be out of character with the area.
- The fencing would have flood risk implications
- The calculation of required play space is incorrect and there is no justification for the area of fencing proposed.
- There are alternatives to the current proposals and a more cost effective solution should be sought such as a land swap.
- The Group therefore urge that the applications be rejected and that a dialogue is opened with local community.

Further representations:

Since the report was finalised, a number of further representations have been received which are summarised as follows:-

- The applicant's calculation of existing playing space at Moorside Primary School is incorrect
- There are a number of mistakes in the applicants drawings and supporting information
- There are other legal avenues that should be explored including an ability to exchange the Barton Road field for the existing school playing field which would give the school a secure playing field which is easily accessible.
- There is nothing to prevent the fence from still being built if the town green application fails in the Supreme Court.

Two further representations have also been received this morning:-

One is from the Moorside Fields Community Group and includes a plan showing the Group's proposals for the exchange of land at the rear of school and also drawing attention to the location of the new school buildings on the southern side of the school site.

The other representation is from a local resident who states that the proposals should have been advertised as a departure from the local plan and that they affect a public right of way. The resident therefore considers that the applications should not be determined until such time as they are readvertised

## Advice

Committee is requested to note the content of the further representations that have been made.

In relation to the comments about advertisement, it will be noted from the report that both applications will have to be referred to the SoS as departures from the development plan should it be resolved to grant planning permission. It is also considered that there is strong argument that the change of use application is not a departure given that it would not by itself restrict the use of the playing field or reduce its open nature.