

**ITEM: 01**

**Application Number:** 07/00336/FUL

**Applicant:** Plymouth City Council

**Description of Application:** Variations to planning conditions 9,10 and 11 of planning permission 04/01079 to now permit the phased completion of works to new primary school and children's centre

**Type of Application:** Full Application

**Site Address:** ERNESETTLE COMMUNITY SCHOOL, BIGGIN HILL  
ERNESETTLE PLYMOUTH

**Ward:** Honicknowle

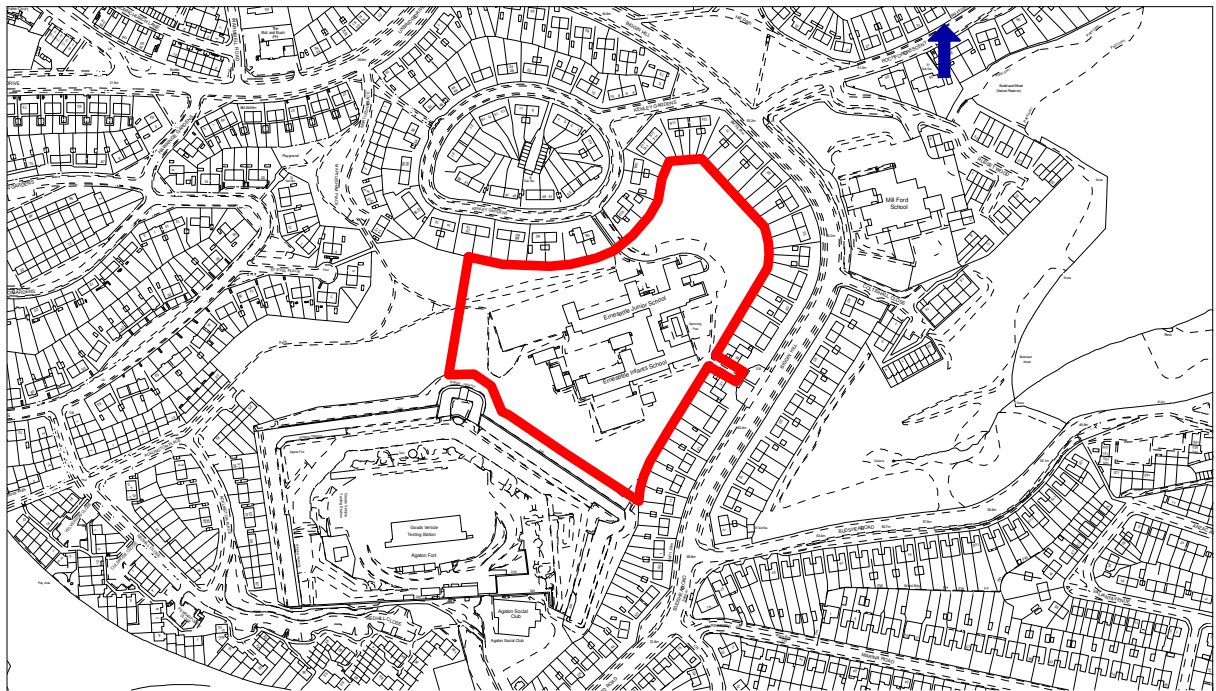
**Valid Date of Application:** 09/03/2007

**8/13 Week Date:** 08/06/2007

**Decision Category:** Major

**Case Officer :** Jon Fox

**Recommendation:** Grant Conditionally



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## **OFFICERS REPORT**

### **Site Description**

The application site consists of the site of the existing Ernesettle Junior School, Infants School, and Nursery School. The site measures approximately 3.0ha in extent and is situated on the western side of Biggin Hill, and immediately to the north of Agaton Fort. The school is surrounded by houses in Biggin Hill and Kenley Gardens to the east and north respectively.

### **Proposal Description**

Variations to planning conditions 9, 10 and 11 of planning permission 04/01079 to now permit the phased completion of works to new primary school and children's centre, as detailed in the relevant planning history below.

Conditions 9, 10 and 11 state:

#### **TRAFFIC SPEED REDUCTION MEASURES/ACCESS**

(9) No vehicular use of the proposed access from Biggin Hill shall commence until the new access arrangements have been fully constructed, along with alterations to the existing traffic calming works on Biggin Hill, in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing on site. Once the access onto Biggin Hill has been provided, the access to Kenley Gardens shall be altered to exclude vehicular access.

Reason:

In the interests of public safety and convenience.

#### **REINSTATEMENT OF FOOTWAY**

(10) The development shall not be brought into use until any the existing footway crossing in Kenley Gardens, which is to be now made redundant, has been removed and the footway reinstated.

Reason:

In the interests of public safety, convenience and amenity.

#### **CAR PARKING PROVISION**

(11) The development shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a maximum of 40 cars to be parked, and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices.

The proposed variations are as follows:

Variation of Condition 9

**TRAFFIC SPEED REDUCTION MEASURES/ACCESS.**

(9) No School vehicular use of the proposed access from Biggin Hill shall commence until the new access arrangements have been fully constructed, along with the alterations to the existing traffic calming works on Biggin Hill, in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to occupation of the new school building. School access both pedestrian and vehicular will be from Kenley Gardens until Biggin Hill access is achieved. Once the access onto Biggin Hill has been provided, and the overall project works completed, the access to Kenley Gardens shall be altered to exclude vehicular access.

Variation of Condition 10 REINSTATEMENT OF FOOTWAY

(10) On completion of the development the existing footway crossing in Kenley Gardens shall be removed and the footway reinstated.

Variation of Condition 11 CAR PARKING PROVISION.

(11) The new school buildings shall not be occupied until temporary provisions for the parking of 40 cars has been provided on the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Permanent arrangements for parking shall have been constructed and laid out within the site, prior to the completion of the development in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a maximum of 40 cars to be parked, and for vehicles to turn so that they may enter and leave the site in forward gear.

**Relevant Planning History**

07/00325 – Application for approval of reserved matters for new primary school with associated play, games and car parking areas, and alterations to existing accesses (and phased demolition of existing school building). The proposals involve off-site works in the highway of Biggin Hill including the construction of a new 4.8 metre wide vehicular access way and associated footway from Biggin Hill, as well as alterations to existing on-street car parking and traffic calming measures. These works are primarily concerned with providing an adequate vehicle visibility splay in Biggin Hill. This application is recommended for approval.

04/01079 – Outline planning permission granted to redevelop site involving demolition of existing buildings and erection of new primary school and community children's centre, with details of new vehicular access from Biggin Hill.

## **Consultation Responses**

### **Highway Authority**

Transport would not wish to raise any objections to the proposed variation of conditions 9, 10 and 11 of the grant of outline planning permission, application number 04/01079, that respectively relate to, access and off-site highway works, reinstatement of a footway and car parking provision.

### **Representations**

None.

### **Analysis**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

The proposed amended conditions allow for construction access via Biggin Hill while allowing vehicular access for demolition of the old school, and construction of the external works, via Kenley Gardens while the new school buildings are in use.

### **Section 106 Obligations**

There is no S106 obligation in respect of this application.

### **Conclusions**

The proposed amendments facilitate the construction and demolition works and present no problems from a highway safety point of view. It is therefore recommended that permission be granted to amend conditions 9, 10 and 11 of planning decision notice 04/01079.

### **Conditions**

#### **Recommendation**

In respect of the application dated **09/03/2007** and the submitted drawings, **3043 E/P01, Phase 1, Phase 2**, it is recommended to: **Grant Conditionally**

The amended conditions hereby permitted relate to conditions 9, 10 and 11 of planning decision notice 04/01079 and are as follows:

Variation of Condition 9 TRAFFIC SPEED REDUCTION MEASURES/ACCESS.

(9) No School vehicular use of the proposed access from Biggin Hill shall commence until the new access arrangements have been fully constructed, along with the alterations to the existing traffic calming works on Biggin Hill, in accordance with details to be submitted to and approved in writing by the

Local Planning Authority prior to occupation of the new school building. School access both pedestrian and vehicular will be from Kenley Gardens until Biggin Hill access is achieved. Once the access onto Biggin Hill has been provided, and the overall project works completed, the access to Kenley Gardens shall be altered to exclude vehicular access.

Reason:

In the interests of public safety and convenience.

Variation of Condition 10 REINSTATEMENT OF FOOTWAY

(10) On completion of the development the existing footway crossing in Kenley Gardens shall be removed and the footway reinstated.

Reason:

In the interests of public safety and convenience.

Variation of Condition 11 CAR PARKING PROVISION.

(11) The new school buildings shall not be occupied until temporary provisions for the parking of 40 cars has been provided on the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Permanent arrangements for parking shall have been constructed and laid out within the site, prior to the completion of the development in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a maximum of 40 cars to be parked, and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices.

### **Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations which in this case are considered to be: access and off-site highway works, reinstatement of a footway and car parking provision the proposal is not considered to be demonstrably harmful to local amenities. In the absence of any other overriding considerations, and with the imposition of the specified planning conditions, the proposed development is acceptable and complies with the following policies of the Devon Structure Plan (2001 to 2016) 2004, the adopted City of Plymouth Local Plan First Alteration 1996, Plymouth Local Development Framework, Core Strategy, Regional Spatial Strategy and North Plymstock Area Action Plan (the status of these documents is set out within the City of Plymouth Local Development Scheme 2006), and relevant Planning Guidance Notes, Statements and Government Circulars as follows: