

KEY INFORMATION

Ward Coldsid

Proposal

Erect new school with associated play areas and vehicle parking

Address

Balfield Park
Johnston Avenue
Dundee

Applicant

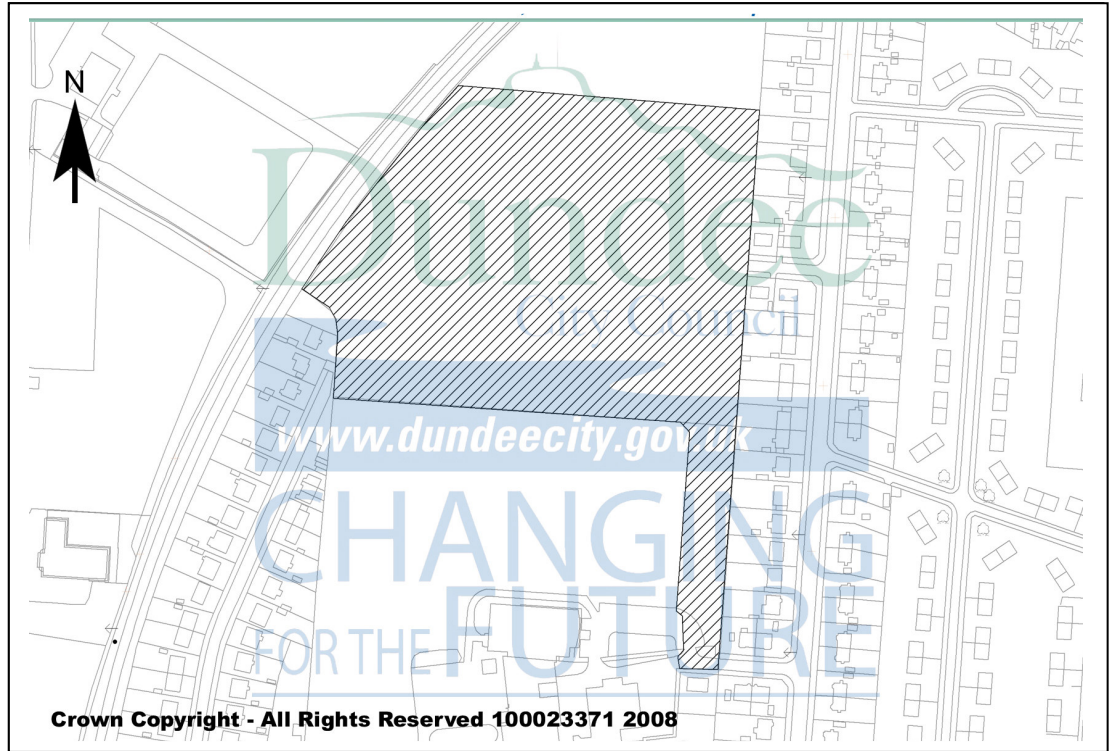
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Registered 24 June 2008

Case Officer D Gordon



Proposed New School in Johnston Avenue

The erection of a new school with associated play areas and vehicle parking is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The design, external appearance, siting, access and landscaping details associated with the proposed new Kingspark replacement School are considered to be acceptable and in accordance with the relevant policies of the Dundee Local Plan Review 2005. There are no material considerations that would justify departing from the policies of the development plan. Therefore the application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a replacement school and associated facilities (for Kingspark School) on Balfield Road playing fields located to the south of Clepington Road and to the west of Johnston Avenue.
- The application was advertised in the local press as being potentially contrary to Policy 66A (Protection of Playing Fields and Sports Pitches) of the Local Plan Review. A total of 22 objections from local residents to the proposals have been received. The primary concern of the objectors relates to the proposed access arrangements for the new school which involves the use of Johnston Avenue via Glenaffric Terrace and Glentruim Terrace.
- The proposed development is considered to comply with the relevant policy considerations of the Dundee Local Plan Review 2005.
- The application is recommended for Approval subject to conditions. There are no material considerations of sufficient weight, including the views of the objectors, that would justify the setting aside of the development plan policies and refusing this application.
- Should the Committee be minded to approve this development there will be requirement to refer this application to the Scottish Ministers under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 as the Council have ownership of the site and a substantial body of objections have been received.

DESCRIPTION OF PROPOSAL

The planning application under consideration seeks permission to erect a replacement building for the existing Kingspark School. This facility is to cater for a population of children and young people with complex and profound needs and for those with severe autistic spectrum disorder. The existing school building is located on Gillburn Road.

The school will also be used for out of hours purposes.

Full details of the proposed design and access/egress arrangements for the proposed new school can found in the 'Observations' section of this report below.

SITE DESCRIPTION

The site of the proposed building is located on the southern section of Balfield Park. The site is bounded to the west by former railway land ('The Miley'), to the south by St. Johns RC Secondary School and sports pitches and to the east by the rear garden areas of the residential properties located on the west side of Johnston Avenue. To the north, the application site fronts onto an area of open space that is accessed from directly from Clepington Road.

The site is grassed, generally flat and is currently used for open space purposes. There is a substantial tree belt and a 3 metre high 'Paladin' type fence running east / west on the southern boundary of the site with St. Johns. Trees and a 2.1 metre high chain link fence run north / south along the western boundary. On the eastern boundary there is a brick wall and a number of trees located to the rear of properties on Johnston Avenue.

The surrounding area accommodates a variety of uses including residential to the east, open space, industrial and retail to the north, residential, retail and recreational to the west and education to the south.

Access into the site is currently from Clepington Road to the north. Glentruim Terrace is located on the east edge of the site.

POLICY BACKGROUND

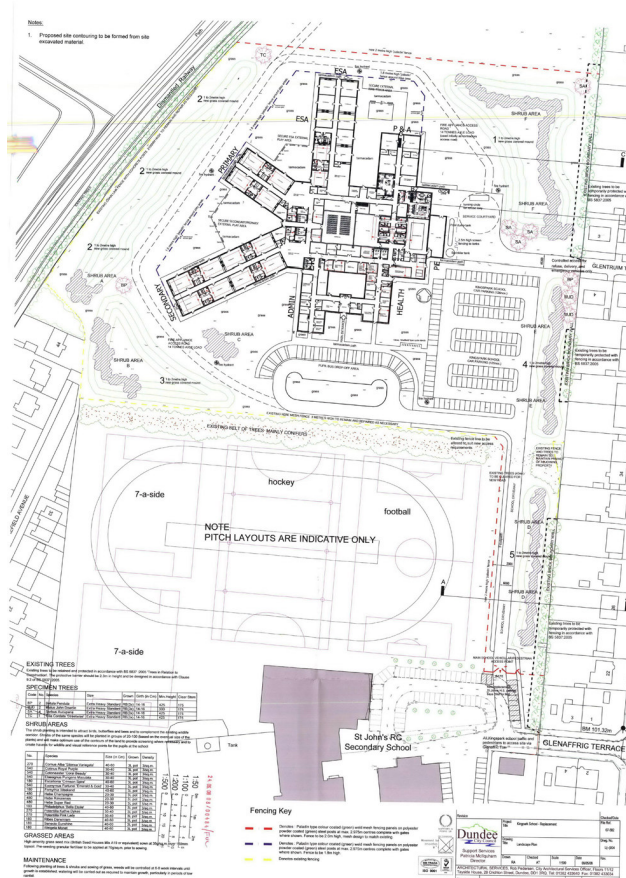
Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.



Dundee Local Plan Review 2005

The following policies are of relevance:



promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

Policy 55: Urban Design - for all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development should respect the setting of listed buildings.

The City Council require the use of Design Statements for planning applications or listed building applications for new buildings or extensions to existing buildings on significant sites.

All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.

Policy 66A: Protection Of Playing Fields And Sports Pitches - there is a presumption in favour of retaining playing fields and sports pitches in Dundee. They should not be redeveloped unless the Council is satisfied that they are no longer required for their original purpose and there is a clear long term excess of pitches, playing fields and public open space in the wider area, having regard to the site's recreational and amenity value plus the needs of future generations. In addition the following criteria must also be satisfied:

- a the proposals affect part of the site that has lesser sports and amenity value and will improve the sports, recreational and amenity value across the remainder of the site (e.g. grass pitches will be replaced on-site with an all weather surface); or

Policy 1: Vibrant and Sustainable Communities - the City Council will

- b compensatory open space of at least equal benefit and accessibility will be provided in or adjacent to the community most directly affected, resulting in an overall improvement to existing facilities and the amenity of the area (e.g. relocating existing pitches to a more central location within the community most directly affected); or
- c development plans require the site for an important, strategic development, following examination of all possible alternative sites, and replacement provision of equal community benefit will be created in or adjacent to the community most directly affected.

Proposals must be consistent with policies elsewhere in the Plan and must not adversely affect the character or setting of an Historic Garden or Designed Landscape. Replacement provision must be made available in a playable condition before the existing facilities become unavailable. Where this is impractical, developers must provide sufficient justification and the Council will require replacement in the short term to an alternative agreed timetable. Compensatory arrangements must be secured by applicants to ensure that the sporting needs of displaced users are suitably catered for, to the satisfaction of the Council.

Policy 72: Trees And Urban Woodland - new developments must have regard to existing healthy mature trees, the survival and retention of which will be strongly encouraged through sensitive site layouts and both during and after construction. Where appropriate, development proposals must be accompanied by a tree planting and landscaping scheme which includes a supporting justification and sufficient map based material to document existing planting within the application site, as well as new planting and maintenance arrangements. The Council will promote Tree Preservation Orders to protect individual trees or entire planting schemes where expedient to do so.

The Council and its partners will pilot local urban woodland projects within suburban communities to provide sustainable land use treatment for vacant or underused land. Temporary

urban woodland projects will be based on a 'minimum cost, rapid impact, site recovery' approach with interpretative signage, so not to preclude future development. Public access will be discouraged within these areas. In addition, peripheral vacant sites with little or no development value will be targeted by the Council and its partners for permanent urban woodland schemes.

The Council will also support advance planting on key development sites, enhanced tree planting within Greater Camperdown Country Park and the City Parks, as well as the creation of new community forests on the urban fringe in conjunction with neighbouring authorities.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Scottish Planning Policy 11: Open Space and Physical Activity. This SPP sets out national policy on planning for open space and facilities for sport and recreation.

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

SUSTAINABILITY ISSUES

The application raises no concerns in relation to the Council's Sustainability policies.

SITE HISTORY

There are no recent planning applications for the development of the site that are direct relevance to the proposed development currently under consideration.

PUBLIC PARTICIPATION

The statutory neighbour notification procedure has been completed by the applicants. In addition, the proposed development was advertised in the local press on 8th July 2008 as development potentially contrary to Policy 66A (Protection of Playing Fields and Sports Pitches) of the Dundee Local Plan Review 2005.

A total of 22 objections to the proposals have been received from local residents. The main issues of concern that relate directly to the submitted proposals are considered to be:

- 1 Access Arrangements - Routing traffic via Johnston Avenue through Glenaffric Terrace to access the school will exacerbate an excessive amount of traffic already using Johnston Avenue. It is argued that access to the school from Clepington Road would be more appropriate in terms of road traffic and pedestrian safety.
- 2 Noise pollution from additional traffic.
- 3 Air pollution from additional traffic.
- 4 The proposed new access road into the site will be inappropriate in terms of the safety of the pupils of the existing secondary school.

Copies of these objections are available for inspection in the Members Lounges. It is intended to comment on the relevant issues raised in the 'Observations' section of this report below.

CONSULTATIONS

The Council's Head of Environmental Health and Trading Standards has advised that having reviewed the submitted details it appears unlikely that there would be potential risks from any contaminated land associated with the adjacent railway land.

The Head of Environmental Health and Trading Standards has also advised that, due to the proximity of the proposed new building to the residential properties to the east, a condition should be attached to any permission granted that requires the development to be completed in accordance with any noise mitigation measures considered necessary to protect the adjacent occupiers from any noise from the building, particularly from any mechanical and electrical plant. A Noise Impact Assessment has been requested for this aspect of the proposal.

Sportscotland and FIT (Fields in Trust) have been consulted on the proposed development as required under the terms of Scottish Planning Policy 11:

Open Space and Physical Activity. A formal response on the submitted proposals is awaited from both bodies at the time of writing.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above

The proposal under consideration involves the provision of a replacement school for the existing Kingspark School. This is to cater for a population of children and young people with, amongst other things, complex and profound needs.

The building is to be single storey in height with a shallow pitched roof. The building form comprises of a series of 'winged' elements that are grouped around the central core of the building that contains the larger volume areas such as the swimming pool, assembly and gym halls. The building is to be finished in a limited palette of materials that includes smooth render walls and an aluminium standing seam roof.

Main vehicular and pedestrian access to the new school is to be shared with St John's RC Secondary School staff entrance at Glenaffric Terrace. A new 6 metre wide access driveway will run northwards from St. John's leading to a 126 space car park and a pupil bus drop area. Service deliveries and emergency vehicle access to the new school will be via a controlled access gate on Glentruim Terrace.

With regard to the policy considerations for the proposal under consideration, the following are considered to be of relevance to the determination of this planning application.

Policy 55 (Urban Design) - the Design Statement submitted in support of the

planning application advises that the building recognises the perceived impact it may have in the local area and as a consequence is located as far as practicable from the adjacent residential properties in Johnston Avenue to the east whilst still allowing sufficient ground to the west for appropriate school use.

Due to the nature of the school population, the building has to be single storey and entirely barrier free. Two storey solutions were investigated but deemed inappropriate to the physical needs of the children and young people. As a single storey building the development is considered to be neither over-dominant nor visually intrusive in respect of the adjacent properties. In addition the building accommodates a shallow pitched roof (10 degrees) that ensures that the building profile is kept as low as possible.

The orientation of the building on the site has evolved through the design process, including consultations with local residents. The building has been orientated with the main entrance and bus drop-off area facing south and at some distance from the eastern boundary in order to alleviate any perceived concerns the residents may have about visual and noise intrusion.

The three main teaching wings are located to the west of the site for a variety of reasons including to utilise the benefits of natural sunlight/daylight, to respect the need for pupil privacy and to keep potential playground noise away from surrounding housing areas. The 'winged' form of the teaching areas complies with a client wish to have distinct identifiable school zones to minimise cross-circulation between pupil groups. The space provided between the wings also provides secure and screened external areas for pupil play.

The 'winged' elements of the building are grouped around a central core containing the larger volume areas. The spaces grouped immediately around the central core are those that do not necessarily require windows (stores, toilets etc).

The plant area and service courtyard is located on the east side of the building in order, amongst other things, to minimise access road distance and connection distances to the main services running in Johnston Avenue.

Any external plant room equipment is to be screened by a 2.5 metre high solid fence.

It is considered that the single storey form (with a shallow roof pitch) is appropriate in this instance. The building sits comfortably on the site without dominating the setting of the surrounding area. The 'winged' configuration of the design breaks-up the overall massing of the structure and allows the landscape to flow between the various building elements to further reduce the scale of the development.

In light of the above, the proposal is considered to be consistent with the aims of Policy 55.

Policy 66A (Protection of Playing Fields and Sports Pitches) - a sequential approach in the selection of a site for the replacement school was undertaken by the Council. It was considered that children with complex and sensory disabilities thrive in pleasant and stimulating surroundings. Accordingly, a high priority was that any site should have open vistas, green areas and ample opportunities for sensory stimulation. In addition, the site should be relatively level since it will be used for wheelchair and cycle training, as well as for leisure activities.

The pupils would also benefit greatly from the new school being adjacent or close to a secondary school both by being able to access educational facilities that will not be able to be provided within the replacement school and also by providing opportunities for them to work with mainstream pupils.

Also considered of importance was the size of the site, the privacy aspects of the site, the accessibility of the site from the local and arterial road networks and that the existing school should remain fully operational during construction works on the new school.

A total of 6 potential sites for the replacement school were considered available to the Council. Only the site the subject of this planning application met all the criteria identified above. Two other sites scored as highly in terms of access to local and arterial road networks and on openness and attractiveness of the site. However, neither is close to a secondary school or community facilities and one site is not level and there would also be

difficulties in accessing public utilities. Formal approval of the proposal to build a replacement Kingspark School on Balfield Playing Fields was taken by the Council on 10th March 2008 (Education Committee Report 152 - 2008).

Policy 66A of the Plan states that there is a presumption in favour of retaining playing fields and sports pitches in the city. They should not be redeveloped unless it is considered that they are no longer required for their original purpose and there is a clear long term excess of pitches, playing fields and public open space in the wider area having regard to the sites recreational and amenity value plus the needs of future generations. In addition, certain criteria relating to the improvement and replacement of sports facilities should also be satisfied.

The application site currently accommodates three 11-a-side football pitches and two 7-a-side football pitches. It does not have any changing facilities. In order to compensate for the loss of these football pitches, it is intended to use St Saviour's RC Secondary School's playing fields once it no longer functions as a school and replace the pitches that will be lost when the new Kingspark School is built. The St Saviour's School playing fields will be able to accommodate both the three new 11-a-side football pitches and the two 7-a-side football pitches. It will also be able to provide on-site changing facilities once the site is established as a staff accommodation base for the Council in approximately December 2009. Formal approval to this commitment to provide these replacement facilities was taken by the Council on 23rd June 2008 (Policy and Resources Committee Report 301-2008 refers).

These proposals conform with the requirements of the Dundee Pitch Strategy 2005 -2011 in that it replaces any loss of pitches due to development and provides changing facilities to the maximum amount of pitches as possible in the city. Pre-application discussions with SportsScotland have obtained their agreement in principle to these proposals. Formal consultation has also been undertaken with SportsScotland and FIT and a formal response is awaited at the time of writing this report.

In light of the above, it is considered that the proposals to replace the

existing pitches with improved facilities in the area proposed is consistent with the general aims and aspirations of Policy 66A of the Plan.

Policy 72 (Trees and Urban Woodland) - there exists on the southern boundary of the site a substantial belt of mainly conifer trees. This landscape belt will screen/separate the playing fields of St John's School from the new replacement school. In order to access the new school site it is proposed to remove approximately 43 trees from the south east corner of this belt. These removals have been agreed with the Council's Forestry Officer. To compensate for this loss, a detailed landscape plan has been submitted to accompany the application which includes the planting of specimen trees within certain specific areas of the site. In addition, landscaped mounding and shrub planting is proposed. The existing trees located on the eastern boundary of the application site will be protected by temporary fencing in accordance with BS 5837:2005 during any construction works.

It is considered that the proposals are in accordance with the requirements of Policy 72 of the Plan.

Policy 1 (Vibrant and Sustainable Communities) - this policy requires that, within housing areas, new development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell. There are no issues of smell associated with this proposal.

With regard to the design and layout of the proposed development it is considered that this aspect has been discussed fully under the terms of Policy 55 (Urban Design) above. It is concluded that these matters do not adversely affect the amenities of the adjacent residential properties.

With regard to parking and traffic movement issues, a preliminary assessment of 7 alternative access options for the site has been carried out. An assessment of two feasible options has been submitted to accompany the planning application. These options are:

- 1 Johnston Avenue via Glenaffric Terrace/Glentruim Terrace. This option considers using

Glenaffric/Glentruim Terrace to provide vehicular access to the new school from Johnston Avenue

- 2 Clepington Road. This option considers creating a new access on Clepington Road between Johnston Avenue and Kingsway Retail Park traffic signals.

Option 1: Johnston Avenue via Glenaffric Terrace / Glentruim Terrace

From recent survey information it is calculated that that Clepington Road handles approximately twice the volume of traffic of Johnston Avenue and it is for this reason that it is considered that it would be more appropriate to locate the school access off Johnston Avenue via Glenaffric Terrace / Glentruim Terrace. St John's School is currently accessed off Glenaffric Terrace.

Traffic surveys have also been undertaken at the existing Kingspark School and Glenaffric Terrace. Observations during the Glenaffric Terrace survey indicate that there is minimal queuing and very limited delay caused by 'right turners' at the junction with Johnston Avenue. The Kingspark surveys indicate that there are low volumes of traffic entering / leaving the existing school

Given the low volumes of traffic at Kingspark it is concluded that utilising the existing access at Glenaffric Terrace would have minimal impact at the Johnston Avenue junction.

The use of Glentruim Terrace would be limited only to kitchen delivery vehicles, refuse vehicles and emergency vehicles and would be controlled by a secure service entrance (locked gates).

Option 2: Clepington Road

When considering this option in isolation it is important that all junction arrangements are considered to ensure that the most appropriate can be identified. In assessing this potential access the following junction arrangements have been considered:

- a Roundabout - These generally work best when there are balanced flows on all approach arms to the junction. The levels of traffic entering and leaving the proposed Kingspark School site

would be very small compared to the main flow on Clepington Road. This option will not necessarily result in safer right turning manoeuvres due to low turning volume which would in general not be anticipated by through main traffic on Clepington Road.

b Traffic Signals at Access Road - This junction arrangement would create unnecessary delay to main road traffic users as there is very little or no traffic demand entering/leaving the proposed school site. For the vast majority of the time there would be no traffic entering/leaving the school site and traffic signals would be completely unnecessary particularly at times where there is high main road flows ie at weekends when the adjacent retail park is busy. The use of part time traffic signals is not permitted. An investigation into the suitability of traffic signals at Johnston Avenue / Clepington Road has also been undertaken. Traffic surveys have indicated that there is limited and sporadic queuing at this junction at peak times and therefore it is concluded that this junction performs within capacity. There is a car wash facility and a car sales area that are located immediately to the north and west of the junction respectively and these developments directly limit any traffic signal layout design. The frontage of the car sales area and the car wash are not adopted or controlled by the Council. Additionally, traffic signals at this location could displace traffic during off peak times and encourage traffic to 'rat run' through the neighbouring 'Glens'.

c Priority Junction - The following priority junctions have been considered:

1 - Banned right turns in and out of the junction. This would require physical traffic islands to be constructed on Clepington Road. Drivers wanting to travel east would be forced to turn left and travel through the Kingsway Retail Park traffic signals and then turn at the Kingsway roundabout. This is a significant detour and drivers would be

tempted to u-turn at the nosing of the traffic island to travel east. This option would encourage traffic travelling from the west to go through the 'Glens' area as they would right turn at Glenprosen Terrace and join Clepington Road via Johnston Avenue. This 'Glens' area accommodates a significant amount of elderly residents and any additional unnecessary traffic in this area should be discouraged.

2 - banned right out of access but allow right turn in. A physical island would be required to channel existing vehicles to the left. The disadvantage of vehicles u-turning at the island's nosing would remain.

3 - a ghost island arrangement. This arrangement provides a right turn harbourage so through Clepington Road movements are not impeded by turning traffic. However, there still remains the considerable risk for right turning out of the access road.

It is concluded from the above that both the Johnston Avenue and Clepington Road options are both feasible. However, when comparing the two access locations the Johnston Avenue is the preferred option in terms of traffic and transportation grounds. While the proposed access arrangements into the site may have an increased impact on the amenities of local residents, it is concluded that this should be limited to peak times only and should not be to a level that would significantly impact on the environmental quality of the area.

With regard to associated off street car parking for the school, the number of spaces required for a special needs school is disproportionately high in comparison to a primary or secondary school. The ratio of staff to pupils is very close to 1:1. The existing Kingspark School has 40 full-time teachers and 51 full-time care assistants and administration staff. As the new school roll will be larger there will be additional teaching and care staff required (estimated at 6 staff members). This would take the total of school employees to 97.

In addition, the NHS is to have staff members at the school (Physiotherapy, Occupational Therapy, Speech and Language, Nurses, Dentist and Admin)

which will result in a total of approximately 26 employees. There has been an allowance of 3 spaces for Dundee City Council and NHS visitors, parents, specialists etc.

Taking into account the above, it is considered that the provision of 126 parking spaces is appropriate for the proposal under consideration. No allowance has been made for the use of the car park at Kingspark by members of staff at the adjacent St. John's RC Secondary School.

With regard to the impact any noise from the development will have on the adjacent occupiers, it is intended to attach a condition to any permission granted that requires noise mitigation measures to be put in place prior to first use of the school.

In light of the above, it is concluded that the proposed development does not contravene the aims of Policy 1 of the Plan.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

The other material considerations to be taken into account are as follows:

Objections

With regard to the matters raised regarding access arrangements into the site and noise pollution, it is considered that these issues have been fully discussed and discharged above.

With regard to the safety of the pupils of the existing school, it is proposed to erect a 2 metre high 'Paladin' type security fence on the east side of the St John's pitches which will prevent pedestrian access onto the new access road to serve the new school.

With regard to potential air pollution, it is considered that the proposed increase in traffic movements will have a neutral impact on the air quality of the local area.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The layout, design, scale and materials of the proposed new school are considered to be acceptable in this location. The building will be single storey with a shallow pitched roof that allows the building to sit comfortably on the proposed site without prejudice to the setting or amenities of the adjacent occupiers.

CONCLUSION

It is concluded from the above that the proposed development is in accordance with the relevant provisions of the development plan.

It is considered that design of the new building is appropriate for the area and the associated access arrangements will not significantly impact on the environmental qualities currently enjoyed by the surrounding residents.

RECOMMENDATION

Recommendation 1

As the Council has an ownership interest in respect of the proposed development and as the proposal has attracted a substantial body of objections, should the Committee be minded to approve the application, it will have to be notified to the Scottish Ministers under the provisions of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997.

Recommendation 2

It is recommended that consent be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 3 Prior to the commencement of development, a Noise Impact Assessment shall be submitted to the Planning Authority for written approval with any mitigation measures thereafter implemented before the

development hereby approved is brought into use. For the avoidance of doubt, noise from all mechanical and electrical plant shall not exceed NR35, as measured 1 metre from the facade of the nearest residential accommodation.

- 4 The entrance to the new school site from Glentruim Terrace shall be controlled by secure entry gates and shall be used only by kitchen delivery, refuse and emergency vehicles only. For the avoidance of doubt, these gates shall remain locked at all other times.
- 5 That prior to the first use of the new school, the landscaping works as identified on City Council Drawing 07-582 L(-)004 shall be completed. Any trees or shrubs which are dying, severely damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of a similar specification to those originally planted. For the avoidance of doubt, all trees to be protected on the site shall be fenced off in accordance with BS 5837:2005 prior to the commencement of any works on site.
- 6 That the proposed replacement staff car parking spaces for St. John's School shall be completed and shall be ready for use prior to the first use of the new Kingspark replacement school

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 In the interests of safeguarding residential amenity by preventing noise disturbance.
- 4 In order to safeguard the environmental qualities currently enjoyed by the residents of Glentruim Terrace.
- 5 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

- 6 To ensure, in the interests of road traffic and pedestrian safety, that sufficient replacement car parking spaces for the staff of St John's School are in place and made available for use prior to the first use of the proposed replacement school.