



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
7 January 2016**

**Havering Town Hall,
Main Road, Romford**

Members 11: Quorum 4

COUNCILLORS:

**Conservative
(5)**

Robby Misir (Chairman)
Melvin Wallace (Vice-Chair)
Ray Best
Philippa Crowder
Steven Kelly

**Residents'
(2)**

Stephanie Nunn
Reg Whitney

**East Havering Residents'
(2)**

Alex Donald
Linda Hawthorn

**UKIP
(1)**

Phil Martin

**Independent Residents
(1)**

Graham Williamson

**For information about the meeting please contact:
Richard Cursons 01708 432430
richard.cursons@onesource.co.uk**

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Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

These are the arrangements in case of fire or other events that might require the meeting room or building's evacuation. (Double doors at the entrance to the Council Chamber and door on the right hand corner (marked as an exit).

Proceed down main staircase, out the main entrance, turn left along front of building to side car park, turn left and proceed to the "Fire Assembly Point" at the corner of the rear car park. Await further instructions.

I would like to remind members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

I would also like to remind members of the public that the decisions may not always be popular, but they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

Would members of the public also note that they are not allowed to communicate with or pass messages to Councillors during the meeting.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF PECUNIARY/PERSONAL INTERESTS

Members are invited to disclose any pecuniary/personal interests in any of the items on the agenda at this point of the meeting.

Members may still disclose any pecuniary/personal interests in an item at any time prior to the consideration of the matter.

4 MINUTES (Pages 1 - 6)

To approve as a correct record the minutes of the meeting of the Committee held on 17 December 2015 and to authorise the Chairman to sign them.

- 5 **P1470.15 - UNIT 40 THE OLD BRICKWORKS INDUSTRIAL ESTATE, HAROLD WOOD** (Pages 7 - 16)
- 6 **P1578.15 - LAND ADJACENT TO BRAMBLE FISHING LAKE, BRAMBLE LANE, UPMINSTER** (Pages 17 - 26)
- 7 **P1572.15 - FORMER KINGS WOOD SCHOOL SITE, SETTLE ROAD, HAROLD HILL** (Pages 27 - 48)
- 8 **URGENT BUSINESS**

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which will be specified in the minutes, that the item should be considered at the meeting as a matter of urgency

Andrew Beesley
Committee Administration
Manager

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
17 December 2015 (7.30 - 9.20 pm)**

Present:

COUNCILLORS: 11

Conservative Group Robby Misir (in the Chair) Ray Best, Philippa Crowder, Steven Kelly and +Carol Smith

Residents' Group Stephanie Nunn and Reg Whitney

East Havering Residents' Group Alex Donald and Linda Hawthorn

UKIP Group Phil Martin

Independent Residents Group Graham Williamson

An apology was received for the absence of Councillor Melvin Wallace.

+Substitute members: Councillor Carol Smith (for Melvin Wallace).

Councillor Linda Van den Hende was also present for part of the meeting.

22 members of the public were present.

Unless otherwise indicated all decisions were agreed with no vote against.

Through the Chairman, announcements were made regarding emergency evacuation arrangements and the decision making process followed by the Committee.

380 DISCLOSURE OF PECUNIARY/PERSONAL INTERESTS

Councillor Hawthorn declared a personal, but not prejudicial interest, as a friend of Upminster Windmill in application P0421.15. Councillor Hawthorn confirmed that she brought an open mind to the proposal.

Councillor Whitney declared a personal, but not prejudicial interest, in application P1454.15 as he knew of a family member that lived close to the application site. Councillor Whitney confirmed that he brought an open mind to the proposal.

381 **MINUTES**

The minutes of the meeting held on 3 December 2015 were agreed as a correct record and signed by the Chairman.

382 **P1274.15 - BLOCK 8, FORMER OLDCHURCH HOSPITAL, ROMFORD - APPLICATION FOR FULL PLANNING PERMISSION FOR THE DEMOLITION OF THE EXISTING FORMER RESIDENTIAL INSTITUTION BUILDING (USE CLASS C2) AND ERECTION OF A NON-RESIDENTIAL INSTITUTION (USE CLASS D1) FOR USE AS A 630 PLACE PRIMARY SCHOOL FOR PUPILS AGED 4-11 YEARS, INCORPORATING BUILDING AND ERECTION OF A FOUR STOREY ACADEMIC BUILDING INCLUDING SPORTS HALL, OUTDOOR PLAY SPACE, CAR/CYCLE PARKING AREAS AND LANDSCAPING.**

The proposal before Members was for the demolition of the existing building and the construction of a new primary school for 630 pupils aged 4-11. The existing building was the original Nurses and Doctors accommodation for the former Oldchurch Hospital and was identified as a Locally Listed Building and was therefore a heritage asset.

In accordance with the public speaking arrangements the Committee was addressed by an objector with a response by the applicant's representative.

The objector advised that he was speaking on behalf of the Romford Civic Society. The objector queried as to why the proposal did not consider adapting or renovating the existing building. The objector also commented that other heritage assets had been converted and that felt the existing building should be retained to provide a tangible link to the social history of the site.

In response the applicant's representative commented that the proposed school was to be built in a good location that would prove popular with local residents. The representative also commented that Government regulations meant that new schools had to be built with specific guidelines regarding classroom sizes and this meant that converting the existing building would not be possible, as had been confirmed by the architects, as it was not large enough to meet these requirements. The representative concluded by advising that the proposal had been presented to the Mayor of London who had been in favour of the proposed scheme.

During the debate Members discussed why there was a conservation order on the property if it was going to eventually be demolished.

Members also discussed the lack of parking provision for staff members and the lack of a drop off facility for parents dropping off and collecting children from the school. The report showed that the applicants were happy with the parking provision but the Council's Highways officers had registered their concerns.

The report highlighted that the applicants were looking for a vehicle free zone around the school for parents and that alternative means of transport and pedestrian only access would be encouraged, however Members agreed that no plan to control parent's parking would be workable or enforceable.

The report also showed that the cycle storage facility proposed was below that recommended for such schemes and that Union Road was only 5 metres wide and there was no provision of a drop off and pick up facility and therefore the proposal failed to meet the requirements of LDF Policy DC33.

Members recognised the wider need for school places in the borough and felt that this needed to be balanced against the lack of provision that was contained within the report.

Members also raised concerns as to the level of open space and exercise facility provision in the report and asked that this provision be clarified with the applicants.

Member's views were split on the design of the proposed building but the consensus was that it was the right building but perhaps in the wrong location and if the proposal was to go ahead then the issues of parking provision and drop off and pick up facilities needed to be addressed without impacting on the playground and open space provision that was outlined in the report.

The report recommended that planning permission be granted however following a motion to defer the consideration of the report it was **RESOLVED** that consideration of the report be deferred to allow the applicant to:

- Increase amount of on-site parking especially for teaching staff.
- Introduce a drop off facility for parents within Union Road.
- Clarify how/where pupils would exercise/play sport and method of transit there to if needed.
- As appropriate, clarify DFE and any other design constraints informing the options and chosen solution.

383 **P1454.15 - LODGE FARM PARK, GIDEA PARK - PROPOSAL TO BUILD A 7 ¼" GAUGE RAILWAY IN LODGE FARM PARK WITH A 2.4M X 12.2M RAILWAY STORE BUILDING**

The proposal before Members was for the construction of a miniature railway within Lodge Farm Park, Gidea Park. The railway would be run by a railway club and operated for both private and public use.

In accordance with the public speaking arrangements the Committee was addressed by an objector followed by a response by the applicant.

The objector advised that he was speaking on behalf of residents of Kingston Road who were concerned about the loss of privacy that would be afforded to their properties if the proposal was allowed to go ahead. The objector also commented that residents had concerns regarding the erection of the storage facility for the railway locomotive and over the lack of parking provision for the extra visitors to the park.

In response the applicant commented that the resident's concerns were perhaps misjudged. The applicant had 20 years' experience operating a similar railway in Chingford, Waltham Forest which had been described as "A jewel of the park". The applicant also commented that the proposal had the support of the Friends of the park and park staff.

During a brief debate Members discussed the possible lack of parking provision and the benefits the proposal would bring to the park for visitors.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

384 **P0421.15 - 7 HIGHVIEW GARDENS (LAND ADJACENT TO),
UPMINSTER - ERECTION OF ONE DETACHED HOUSE.**

The proposal before Members was for the erection of one two-storey detached house to the side of the existing bungalow at number seven Highview Gardens.

Members noted that the application had been called-in by Councillor Linda Van den Hende on the grounds of overdevelopment, impact on the amenity of neighbours and proximity of the Grade II listed Upminster Windmill.

With its agreement Councillor Van den Hende addressed the Committee.

Councillor Van den Hende commented that the proposal was an overdevelopment of the site and would be very close to the neighbouring property at number nine. Councillor Van den Hende also commented that the proposed dwelling would upset the balance of the streetscene and would have an effect on the neighbours opposite. Councillor Van den Hende concluded by commenting that the proposed dwelling would be quite close to Upminster Windmill, would be intrusive and provide a lack of amenity to its future occupiers.

During a brief debate Members discussed the current unkempt state of the plot and the possible benefits the proposal could bring to the site.

Members also discussed the streetscene and the effect the proposal would have on it and whether a house was suitable on the site which had originally had a bungalow sited on it.

Following a motion to refuse the granting of planning permission which was lost by 2 votes to 9, it was noted that the proposal qualified for a Mayoral CIL contribution of £2,640 and it was **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £6,000 to be used for educational purposes.
- All contribution sums should include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement was completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report. The vote for the resolution to grant planning permission was carried by 9 votes to 2.

Councillors Donald and Hawthorn voted against the resolution to grant planning permission.

385 **P0711.15 - FREIGHTMASTER ESTATE, COLDHARBOUR LANE, RAINHAM - CONSTRUCTION AND OPERATION OF A PLANT FOR PROCESSING OF ROAD SWEEPINGS AND GULLY WASTE TO RECOVER MATERIAL SUITABLE FOR USE IN LANDFILL RESTORATION AND ASSOCIATED DEVELOPMENT**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

386 **P1072.15 - DYCORTS SCHOOL, SETTLE ROAD, HAROLD HILL - REMOVAL OF TWO DEMOUNTABLE UNITS. PROPOSED SINGLE STOREY EXTENSION TO SCHOOL BUILDING.**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

387 **P1332.15 - 151 AVON ROAD, UPMINSTER - NEW CLASS A1 SHOP KIOSK STYLE UNIT ON VACANT LAND ADJOINING 151 AVON ROAD**

The Committee considered the report and without debate **RESOLVED** that planning permission be refused for the reasons as set out in the report.

388 **P0778.15 - LOMBARD COURT, 16 POPLAR STREET - DEMOLITION OF EXISTING TWO STOREY SHELTERED ACCOMMODATION BLOCK AND ERECTION OF 9 TERRACED HOUSES**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

389 **P1364.15 - BOLBERRY ROAD, COLLIER ROW - ERECTION OF A SINGLE STOREY COMMUNITY CENTRE BUILDING.**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £3,422.52 and without debate **RESOLVED** that the Head of Regulatory Services be authorised to grant planning permission subject to the conditions as set out in the report.

Chairman

Regulatory Services Committee

7 January 2016

Application No.	Ward	Address
P1470.15	Harold Wood	Unit 40 The Old Brickworks Industrial Estate, Harold Wood, Romford
P1578.15	Upminster	Land Adj Bramble Fishing Lake, Bramble Lane, Upminster

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OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 7th January 2016

APPLICATION NO. P1470.15
WARD: Harold Wood **Date Received:** 6th October 2015
Expiry Date: 1st December 2015
ADDRESS: Unit 40 The Old Brickworks Industrial Estate
Harold Wood
Romford
PROPOSAL: Change of Use to add gymnasium and keep fit centre (use class D2) with new external cladding.
DRAWING NO(S): 15/02/05
15/02/06
15/02/04

RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

The application has been called-in by Councillor Alex Donald, in the event of a refusal, on the grounds that it will give young people in the area a place to go to. It's a secure place which will be strictly supervised, including with CCTV. It is well lit up, will have no effects on local residents, and there will be no parking issues. The unit currently there has no other use.

Although the application is recommended for approval, the application is being brought to committee as it involves matters of judgement.

SITE DESCRIPTION

The application relates to Unit 40 at The Old Brickworks Industrial Estate, Harold Wood. Access into the industrial estate is taken from Church Road. The proposal site is located towards the western section of the site and comprises a single storey building of industrial appearance with 528 square metres of floor space, including vehicular ramps leading up to a rooftop car park. The unit is presently vacant having mostly recently been used for light industrial purposes.

The Old Brickworks Industrial Estate lies within the wider Harold Wood Industrial Estate and is designated as a Secondary Employment Area (SEA) in the Local Development Framework and referred to as Harold Wood (Cluster 11). The area comprises a variety of buildings containing business, industrial and storage uses. The industrial estate is bounded by the railway embankment to the south and by the rear gardens of residential properties fronting onto Church Road to the north.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the change of use of the building from an industrial use to a gym and fitness centre (Class D2). The proposal would also involve the installation of new external cladding.

The existing floor space of 528 square metres would remain the same, however, internal works are proposed which would consist of the provision of a fitness studio, treatment rooms, locker rooms,

club lounge, reception and an office.

Externally the proposal would involve the removal of several windows along the front elevation of the building and the installation of new grey profiled sheet cladding to the front and side elevations. The remaining windows and doors would be replaced with new double glazed units.

Car parking spaces would be available on the roof of the building, providing up to 32 parking spaces. Cycle spaces would be provided adjacent to the main entrance.

It is proposed that the gym would employ up to 5 full time and 3 part time members of staff. It is also proposed that the gym would operate between the hours of 06:30 to 21:30 on Monday to Friday and 08:00 to 16:00 on Saturday, Sundays and Bank Holidays.

It should be noted that planning application P0702.15 for a similar change of use proposal (at unit 41) was refused in July 2015, on the grounds that insufficient supporting information was provided to demonstrate the exceptional circumstances necessary to justify the release of the site for alternative uses. Accordingly the proposal was considered to jeopardise the provision of accessible employment land within the Borough.

RELEVANT HISTORY

P0702.15 - Change of Use to add gynasium and keep fit centre (use class D2) with new external cladding.
Refuse 08-07-2015

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 50 properties and no representations have been received.

Environmental Health - no objection.

Local Highway Authority - no objection.

RELEVANT POLICIES

Planning Advice Note: Havering is 'Open for Business' - Proposals for Business and Employment Uses within Industrial Areas

LDF

- CP3 - Employment
- CP7 - Recreation and Leisure
- DC10 - Secondary Employment Areas
- DC13 - Access to Employment Opportunities
- DC33 - Car Parking
- DC61 - Urban Design

OTHER

LONDON PLAN - 4.4 - Managing industrial land and premises

MAYORAL CIL IMPLICATIONS

The application concerns a change of use of an existing unit and does not involve the creation of any new gross internal floorspace. As such there are no Mayoral CIL implications relating to the proposal.

STAFF COMMENTS

The main issues in this case are considered to be the principle of the change of use in respect of the loss of an employment site and whether a sufficient justification has been provided by the applicant. Other matters for consideration include the impact on neighbouring occupiers, highways implications and car parking provision.

PRINCIPLE OF DEVELOPMENT

The application site is located within a Secondary Employment Area as defined in the Local Development Framework. Secondary employment areas are well established locations which make an important contribution to the range and number of job opportunities in Havering. Council policy for Secondary Employment Areas seeks to retain the commercial nature of these areas in so far as this is compatible with maintaining a good environment in the surrounding areas.

Policy DC10 advises that planning permission for Class B1(b)+(c), B2 and B8 uses will be granted within Secondary Employment Areas provided that they do not adversely affect the amenity of adjoining residential areas. Planning permission for other uses will only be granted in exceptional circumstances. In these cases the applicant will need to demonstrate that;

- the site is not needed to meet future business needs with regard to the difference between the current supply of employment land and the demand for employment land over the plan period
- the site is not considered fit for purpose
- the site has proved very difficult to dispose of for Class B1 (b) (c), B2 and B8 uses.

Havering Council has also approved a Planning Advice note which establishes a more flexible approach to the type of development permitted within designated industrial areas than is currently set out in Havering's Local Development Framework in recognition of the Council's commitment to supporting business growth. The Note sets out a number of considerations that should be taken into account as well as detailing the type of evidence that will be expected in support of an application.

Applicants should provide evidence in support of their planning application to demonstrate that the site has been vacant and actively marketed within the local property market for B1 (b+c), B2 and B8 uses for a period of 12 months.

Applicants should provide documentation which demonstrates:

- The appointment of a property consultant/ estate agent to handle the marketing of the site

- Where and how the site has been marketed
- That the price and terms of the sale/lease are reasonable in comparison to others that have been marketed locally during the 12 months.
- An indication of the type of interest that has been expressed in the site / premises whilst marketing was taking place.

In comparison to the previously refused scheme some additional information has been provided in relation to the justification for the release of the premises for the D2 use - namely the submission of a supporting statement from Susan Dewar of RDA Associates. RDA have confirmed that they have been marketing the industrial and commercial portfolio of vacant properties at the site since the 1990's.

They advise that, in their professional opinion, it is unlikely there will be any interest in the property. The unit is around 50 years old and has served its useful economic life. The roof top parking makes it difficult to undertake major refurbishments. The statement from RDA sets out the following reasons why the unit is unlikely to be let for industrial purposes:

- the access for loading and unloading is extremely poor
- the unit is unsuitable for warehousing or storage owing to the low eaves height and flat roof
- there is very little natural light because of the asphalted car park over
- the energy efficiency rating is very low.

The statement from RDA outlines difficulty in letting Units 8 and 16, even though unit 8 has been refurbished. It is contended that this provides evidence that another industrial unit (i.e. Unit 40) will also be difficult to let and as such it makes little sense to wait 12 months to demonstrate the point, particularly when a prospective gym tenant is lined up.

Members may consider this sufficient evidence that there is no realistic prospect of the unit being successfully let for an industrial purpose and that this presents a compelling case to allow an alternative use of the premises. On the other hand the evidence primarily relates to Unit 8 The Old Brickworks and Unit 16 Bates Road, which are located near to the application site. There is no conclusive evidence of how and where Unit 40 has been marketed, or that the price and terms of the sale/lease are reasonable in comparison to others that have been marketed locally during the 12 months.

Section 8.3 of the Employment Land Review (ELR) sets out recommendations on the retention of Employment Land and potential areas for release. Recommendation 2 states that to help ensure there is sufficient capacity to meet projected demand for industrial land in LB Havering to 2031 the existing designated employment land, such as Secondary Employment Areas (SEAs) including Harold Wood (Cluster 11), should continue to be protected.

The designated SEAs are regarded by the Employment Land Review as well functioning industrial employment areas where there is on on-going demand for space to service industrial and logistical occupiers. These areas generally benefit from good servicing, high occupancy levels and good accessibility. A brief justification for cluster 11 is set out below:

Harold Wood Industrial Estate (Cluster 11): The cluster is actually split into three areas providing

small scale floor space units for small and medium enterprises (SMEs). The estate has a mix of uses including manufacturing, some small scale warehousing office and general office, as well as a significant presence of sui generis (car repairs/servicing businesses). Although similar in character, two of the estates contain some poorer quality buildings and, although vacancy is generally low, there may be opportunities to improve the estate environment through better management, especially improving internal roads quality and layout and landscaping. Parking and loading was considered to be adequate. There is a small vacant plot of land for development, otherwise the cluster is considered to be actively used and it would be difficult to accommodate further or larger premises. Overall, the cluster is considered to be an important local general industrial estate. It is therefore suggested that the ELR 2015 does not give any support for a non-industrial use within Cluster 11 - Harold Wood.

Notwithstanding that the ELR 2015 does not lend particular support to the proposals, Staff consider it is reasonable to assess the proposal against the Planning Advice Note for industrial areas, which does recognise circumstances in which a non-industrial use might be supported.

The issues in this case are finely balanced. On the one hand there is little clear evidence of the marketing of this unit and a clear lack of interest from any prospective tenant. On the other, there is supporting information from RDA, who have long term experience of letting units on the estate, setting out the reasons why they consider the unit will be difficult to let for industrial purposes. It is noted also that it is estimated that the proposal will create employment for around 8 full time and 3 part-time employees. The number of existing employees is stated as 5, although no evidence to support this has been given, so this equates to a potential modest increase in employment opportunities.

Taking a pragmatic approach to the proposal it could be argued that marketing Unit 40 for a 12 month period could very well be a fruitless undertaking - given the supporting information that has been provided by the applicant in respect of the marketing history of the other units at the industrial estate.

As such members are invited to make a balanced judgement in respect of the loss of an employment site and whether a sufficient justification has been provided by the applicant.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area and that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.

The proposal would involve the removal of several windows along the front elevation of the building and the installation of new cladding to the front and side elevations. The cladding would consist of grey profiled sheeting to provide a more modern appearance and would match other recently constructed industrial units within the estate. The remaining windows and doors would be replaced with new double glazed units.

On balance it is considered that the alterations to the windows and the proposed new cladding would be sympathetic to the surrounding industrial and commercial character and would

harmonise with other buildings within the estate. As a result this element of the proposal would serve to maintain the character and appearance of the surrounding area in accordance with policy DC61.

IMPACT ON AMENITY

Policy DC61 states that planning permission will not be granted where the proposal has unreasonable adverse effects on the environment by reason of noise impact and hours of operation.

It is not considered that the proposed leisure use would result in a materially different level of noise or disturbance than would be associated with an industrial type use. The application site is located in an area where a certain level of activity and associated noise is to be expected during daytime.

The proposed operating hours of 06:30 to 21:30 on Monday to Friday and 08:00 to 16:00 on Saturdays, Sundays and Bank Holidays are not considered to be unduly excessive given that the site is located within an established industrial estate location and is located some 50 metres from the nearest residential properties on Church Road.

It is acknowledged that most of the premises in the surrounding area are open during normal working hours, Monday to Friday. However, on balance the coming and goings of vehicles visiting the site and associated noise of people entering and leaving an established industrial estate during daytime hours at weekends is considered to be reasonable in this instance and would not have an unacceptable impact on residential amenity in accordance with policy DC61.

HIGHWAY / PARKING

The parking requirement for gyms are not listed within Annex 5 of the Development Control Policies DPD, and therefore a judgement needs to be taken as to whether the proposed amount of parking would be sufficient.

Car parking spaces would be provided on the roof of the building for up to 32 vehicles. It is not clear whether this would all be specifically designated for the proposed gym. However it is considered that particular demand for the gym would be during the evening and weekends where parking within the estate will be generally more available. Highways have raised no objection to the proposals and it is considered that the parking provision will be adequate in this case.

KEY ISSUES / CONCLUSIONS

Having regard to the above, it is considered that the proposed change of use does not accord with the clear requirements of the relevant policies. However, given the supporting information a more pragmatic approach could be taken in this instance and it could be argued that the evidence sets out a reasonable justification for the loss of the employment site.

Members are advised that the judgement in this respect is a finely balanced one. However, on weighing up the relevant issues Staff consider that the application should be recommended for approval.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the following conditions:

1. SC4 (Time limit) 3yrs

The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. SC19 (Restricted use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby permitted shall be as a gymnasium only and shall be used for no other purpose(s) whatsoever including any other use in Class D2 of the Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

4. Hours of Use

The premises shall not be used for the purposes hereby permitted other than between the hours of 06:30 and 21:30 on Mondays to Fridays and 08:00 to 16:00 hours Saturdays, Sundays, Bank and Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

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APPLICATION NO. P1578.15
WARD: Upminster **Date Received:** 26th October 2015
Expiry Date: 25th January 2016

ADDRESS: Land Adj Bramble Fishing Lake
Bramble Lane
Upminster

PROPOSAL: Continuation of landscaping works to landfill site without compliance with condition 5 (hours of operation) and condition 8 (completion date) attached to planning permission reference: P0115.14

DRAWING NO(S): Plan As Proposed Including Site Levels - Drawing No. 2013/08/07
Revision D

RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

This application has been called-in by Councillor Van den Hende as it is considered that the proposed change in hours of operation would result in loss of amenity to nearby residential properties. In addition objection is raised to the additional 12 month period of completion because the extension would prolong the unsightly appearance of the site. The applicant claims that he has been unable to complete the works in the original six months due to a wet summer. This summer has been one of the driest on record so it is hard to see how this can be accurate. If the time is increased for a further 12 months this would include another winter period which will probably have adverse weather so the potential exists for yet further extension of time applications.

SITE DESCRIPTION

The site comprises approximately 1.7ha of open, agricultural land located circa 100m to the north of Bramble Lane, near Upminster. The site forms a rectangular area of land; its western and eastern boundaries being approximately 86m and 60m in length respectively, and its northern and southern boundaries being approximately 280m in length. The site's western boundary adjoins an access track, which leads to Bush Farm to the north, whilst the northern boundary adjoins open agricultural land associated with Bush Farm. The southern boundary, at its western end, lies adjacent to a lake, which is also owned by the applicant; whilst at its eastern end, the site's southern boundary adjoins land associated with Bramble Farm, which includes a residential property further to the south. The site's eastern boundary abuts Sunnings Lane.

The site forms part of a wider area of land which, it is understood, was the subject of sand and gravel extraction in the 1950s. In subsequent years, the sand and gravel workings were back filled with various types of waste overlaid with topsoil. The standard of restoration is very poor by modern standards, and this is reflected in the quality of the land at surface level, which is only able to support the cultivation of a limited number of crops and is subject to poor drainage.

The site is not located within a conservation area but does form part of the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

In April 2014 planning permission was granted for landscaping work at land adjacent to Bramble Fishing Lake, Bramble Lane (application reference: P0115.14). The permission, in essence, allowed approximately 9,000m³ (10,800 tonnes) of material to be imported to the site to improve the agricultural quality of the land. With regard to this, it was proposed that approximately 600mm of existing capping material would be scraped and stockpiled in bunds along the southern boundary. Inert material (clay) was then proposed to be imported, raising the level of land between 450-600mm, before the scraped material was then re-spread. The justification for the works was that the material would create a low permeability cap to remove potential pathways from the sub-surface and potentially contaminated material (landfill) to the topsoil; reduce the movement of contaminated ground waters; improve drainage; and in doing so allow the site to be brought into a more active agricultural use.

The applicant as part of application reference: P0115.14 originally anticipated that the material required for the development could be imported over an ten week period, with an additional two weeks required for engineering and profiling. In the interests of ensuring the completion of the development, and the site's timely restoration, condition 8 of the permission granted limited the engineering operations approved to a six month period. This period expired on the 27 October 2015.

The application before the local planning authority seeks a twelve month extension to complete the development. In addition to the above, the applicant seeks to vary the currently permitted hours of operation. With regard to this, the applicant is seeking the following hours of operation:

08:00-16:30 Monday to Friday;

08:00-12:00 on Saturdays;

And at no times on Sundays and Bank/Public Holidays.

All other details of the development would remain as originally approved.

RELEVANT HISTORY

P0585.15 - Variation of Conditions 3, 11 and 12 of P0507.14 -

3 - to permit Hours of Use to 21.00 - 08.00 hours

11 - to permit parking for 3 cars

12 - number of persons fishing to decrease to 6

Apprv with cons 09-07-2015

Q0100.14 - Discharge of Conditions 3, 4, 6, 9, 11, 12 and 16 of P0115.14

DOC Discharge FULL 09-10-2014

P0115.14 - Landscaping works to Landfill Site

Apprv with cons 25-04-2014

P0206.13 - Inert material importation and engineering operations to create safety ledge and island within the lake together with excavation to increase average lake depth from 3m to 3.8m

Apprv with cons 11-10-2013

CONSULTATIONS / REPRESENTATIONS

Seven properties were directly notified of this application. The application was also advertised by way of press advert and site notice. Three letters of representation have been received. The letters of representation received all seek to reiterate original objections to the proposal and that the plans lack clarity. In respect of this, concern is raised with regard to the justification for the works; that the 30% figure quoted for the amount of the project completed is optimistic; that poor weather is in-part blamed for the lack of progress to date when we have had one of the driest summers on record; and general noise and landscape impact from the proposed works. It is considered that the application would result in an unacceptable prolongment and encroachment on privacy.

Essex and Suffolk Water - No comments received.

Environment Agency - No comments to make.

Highway Authority - No objection.

Historic England - No comments to make. Do not consider that it is necessary for this application to be notified to Historic England.

London Borough of Havering Environmental Health - No objection.

National Grid - Due to the presence of National Grid apparatus in proximity to the specified area, the applicant should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

Thames Chase - No comments received.

Thames Water - No comments to make.

Thurrock Council - No comments to make.

RELEVANT POLICIES

LDF

CP10 - Sustainable Transport

CP11 - Sustainable Waste Management

CP15 - Environmental Management

CP16 - Biodiversity and Geodiversity

CP17 - Design

DC32 - The Road Network

DC42 - Minerals Extraction

DC45 - Appropriate Development in the Green Belt

DC47 - Agriculture

DC51 - Water Supply, Drainage and Quality

DC52 - Air Quality

DC53 - Contaminated Land

DC54 - Hazardous Substances

DC55 - Noise
DC56 - Light
DC58 - Biodiversity and Geodiversity
DC61 - Urban Design
W1 - Sustainable Waste Management
W4 - Disposal of inert waste by landfilling
W5 - General Considerations with regard to Waste Proposals

OTHER

LONDON PLAN - 2.6 - Outer London: Vision and strategy
LONDON PLAN - 5.14 - Water quality and wastewater infrastructure
LONDON PLAN - 5.16 - Waste net self-sufficiency
LONDON PLAN - 5.17 - Waste capacity
LONDON PLAN - 5.19 - Hazardous waste
LONDON PLAN - 5.21 - Contaminated land
LONDON PLAN - 6.12 - Road network capacity
LONDON PLAN - 7.4 - Local character
LONDON PLAN - 7.13 - Safety, security and resilience to emergency
LONDON PLAN - 7.14 - Improving air quality
LONDON PLAN - 7.15 - Reducing noise and enhancing soundscapes
LONDON PLAN - 7.19 - Biodiversity and access to nature
LONDON PLAN - 7.22 - Land For Food
NPPF - National Planning Policy Framework
NPPW - National Planning Policy for Waste
PPG - Planning Practice Guidance

MAYORAL CIL IMPLICATIONS

Given the proposed type of development, this application is exempt from CIL contributions.

STAFF COMMENTS

It is considered that the key issues for consideration in the determination of this application are the potential impacts on nearby amenity as a result of the additional period and increased hours of operation; and any potential impact on highways. The aforementioned issues are considered in the below sections of this report, in context of the principle of the development.

PRINCIPLE OF DEVELOPMENT

It is considered that the conclusions of the report produced for application ref: P0115.14 are key in the determination of this application. The conclusion stated that it was considered that the proposal would result in significant environmental benefits and that, in terms of its impact on the Green Belt, visual and residential amenities, and its highways impact, that, subject to the use of conditions, it would not result in any significant adverse impacts.

In granting planning permission for the development previously it is considered that the Council have accepted the principle of the development and that any impacts associated would not be so

significant to warrant refusal. The land to which this application relates is considered of a poor condition, being underlain by contaminated land (a former landfill). Owing to this, as noted when planning permission was first granted for re-engineering works on the site, contaminated ground water is therefore potentially able to leach into surrounding land. The proposal was accepted in context of this and the benefits the proposal would realise overall.

Works with regard to the development commenced on the 27 April 2015. However the applicant has stated that approximately only 30% of the works have been completed to date. This it is suggested is due to a number of factors but predominately because the applicant has struggled to obtain suitable material and soil stripping, and importation, has been delayed by wet weather. The applicant, on reflection, acknowledges that the six month period originally envisaged for completion was optimistic and therefore seeks an additional 12 months to complete the project. Accepting that the project is reliant on the availability of appropriate material, the applicant considers a 12 month period to complete the project should be sufficient. However, due to the timing of application, also requests consideration be given to an 18 month extension (to include two summer periods).

In addition to the above, a condition imposed on the planning permission granted was that operations were only to take place between:

08:30-16:30 Monday to Friday;

08:30-12:00 on Saturdays;

And at no times on Sundays and Bank/Public Holidays.

The applicant has stated that this has further restricted his ability to import materials to the site, with many contractors choosing to use other sites with earlier opening times. As a consequence the applicant has requested, in addition to the additional period to complete the project, that this condition be relaxed and operations are allowed to commence at 08:00am instead of 08:30am Monday to Saturday. In support of this, and in respect to potential amenity impacts, attention is drawn to the fact that planning permission for landscaping improvement works to the adjacent fishing lake, which similarly includes the importation of material, is permitted 08:00-18:00 Monday to Friday and 08:00-13:00 on Saturdays (application reference: P0585.15).

In context that the development, as a whole, has previously been deemed acceptable and the actual development details are not proposed to change, it is not considered that the Council could refuse the application as principally contrary to policy. The impacts associated with the development have not changed nor have they increased in severity. The fact that the site hasn't however been completed within the original projected timeframe does nevertheless mean that any continued development would prolong the impacts, irrespective of their degree of severity. The comments and concerns raised in the letters of public objection received are noted. However, it is not considered that these impacts, as previously considered, are sufficient to warrant refusal. Whilst the Council appreciates the local frustration that the site has not yet been completed, the difficulties the applicant has encountered are accepted and it is not considered that the delay is in anyway planned or malicious. In respect of this, the applicant in having an operational site is required to pay an annual licencing fee to the Environment Agency and as such unnecessary delays have additional financial consequences for the applicant.

In consideration of the above, and that should planning permission be refused the benefits

originally envisaged by the development would not be achieved, it is recommended that the applicant be granted an additional period of time to complete the development. It is considered that the applicant may however, based on the current rate of completion, have difficulty completing the project within 12 months (given that this will only include one summer period). The recommendation before Members is for an additional 12 month period. However, should Members consider it appropriate this could be extended to 18 months to include two summer periods - i.e. completion before 30 September 2017.

With regard to the proposed variation to the hours of operation, in consideration that permission has been granted for a similar development to commence at 08:00am and no objection has been raised from the Council's Environmental Health officer it is recommended that the hours of operation condition furthermore be relaxed. It is not considered that operations starting 30 minutes earlier on-site would give rise to significant amenity impacts and as such be contrary to relevant policies.

It is considered that the ultimate objective with this site is to reduce the environmental risk and bring the site into an active agricultural use. If planning permission is refused the project cannot be completed and the site is left poorly restored and of a potential contamination threat to local watercourses.

HIGHWAY / PARKING

No changes are proposed to the site access and/or the number of vehicle movements associated with the development. A maximum of ten HGV vehicles would visit the site per day, over the proposed period of importation. The Highway Authority has raised no objection in principle to a prolonged period of importation and in context that the number of vehicle movements associated, per-se, would not increase, it is not considered that the development would adversely impact on highway safety or efficiency.

OTHER ISSUES

Environmental Impact Assessment:

The development is not representative of a Schedule 1 project as detailed within the Town and Country Planning (EIA) Regulations 2011 (as amended). However, potentially the development does fall within Schedule 2 under Section 11 (Other Projects), Class b (Installations for the disposal of waste). The screening threshold for such projects is the disposal is by incineration; the area of the development exceeds 0.5ha; or the installation is to be sited within 100m of any controlled waters. An EIA was not submitted or required with the parent permission to which this variation of condition application relates (application reference: P0115.14). Section 13 (Changes and extensions), Class b of the Regulations relates to any change to or extension of development of a description listed, where that development is already authorised, executed or in the process of being executed. The screening thresholds for such development is the development as changed or extended results in significant adverse effects on the environment; or the changes result in the development, as proposed, exceeding the thresholds of the relevant Section of the Regulations. In this case, it is considered that the variations proposed would not result in any impacts of more than local significance and as such EIA is not required.

KEY ISSUES / CONCLUSIONS

In the absence of significant amenity impacts and that the development has not materially changed from when planning permission was originally granted, it is recommended that planning permission be granted and conditions 5 and 8 of planning application ref: P0115.14 duly varied to allow the development to be completed and the benefits of the development to be realised.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the following conditions:

1. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

The local planning authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with policy DC61 of the Development Control Policies Development Plan Document.

2. SC17 (Temporary use) INSERT DATE

The engineering operations hereby approved shall be completed within twelve months of the date of this decision notice. Following the completion of the approved engineering operations, and within a further six months, the site shall be landscaped in accordance with the details approved as part of condition 3.

Reason:

In the interests of ensuring the completion of the development and the site's restoration in a timely fashion and to comply with policies CP15, CP16, CP17, DC42, DC47, DC53, DC55, DC58 and DC61 of the Development Control Policies Development Plan Document and policies W1, W4 and W5 of the Joint Waste Development Plan Document.

3. Non Standard Condition 31

On completion of the importation of material, the development shall be landscaped in accordance with the scheme detailed on drawing titled: 'Plan as proposed including site levels', reference: 2013/08/07 C. All planting, seeding and/or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

Reason:-

In accordance with Section 197 of the Town and Country Planning Act 1990, to enhance the visual amenity of the development and to ensure that the development accords with policies CP16, CP17, DC42, DC47, DC58 and DC61 of the Development Control Policies Development Plan Document and policy W4 and W5 of the Joint Waste Development Plan Document.

4. Non Standard Condition 32

The development shall be undertaken in accordance with the wheel wash details approved by the local planning authority, decision letter dated 20/06/2014, pursuant to application reference: Q0100.14. The approved facilities shall be installed and used at relevant entrances to the site throughout the duration of engineering works.

Reason:-

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area and in order that the development accords with policies DC32 and DC61 of the Development Control Policies Development Plan Document.

5. Non Standard Condition 33

Operations in connection with the development hereby approved shall only take place between the hours of 8.00am and 4.30pm Monday to Friday, and between 8.00am and 12.00pm on Saturdays, and not at all on Sundays and Bank Holidays/Public Holidays.

Reason:-

To protect residential amenity and in order that the development accords with policies DC55 and DC61 of the Development Control Policies Development Plan Document and policy W5 of the Joint Waste Development Plan Document.

6. Non Standard Condition 34

The development shall be undertaken in accordance with the construction method statement approved by the local planning authority, decision letter dated 09/10/2014, pursuant to application reference: Q0100.14. The development shall be carried out in accordance with the approved statement.

Reason:-

To protect residential amenity, reduce the potential for significant impacts and in order that the development accords with policies CP15, CP16, CP17, DC32, DC51, DC52, DC53, DC55, DC58 and DC61 of the Development Control Policies Development Plan Document and policy W5 of the Joint Waste Development Plan Document.

7. Non Standard Condition 35

The development shall be undertaken in accordance with the phasing details approved by the local planning authority, decision letter dated 09/10/2014, pursuant to application reference: Q0100.14. The development shall be carried out in accordance with the approved details.

Reason:

In the interests of ensuring that the development is completed in a logical manner, the site restored in a timely fashion and to comply with policies CP15, CP16, CP17, DC42, DC47, DC55, DC58 and DC61 of the Development Control Policies Development Plan Document and policies W1, W4 and W5 of the Joint Waste Development Plan Document.

8. Non Standard Condition 36

No initial deposition, storage, processing, handling or transfer of material shall take place at the site outside of the area defined, for such purposes, on drawing titled: 'Site survey plan with existing levels', reference: 2013/08/06 A.

Reason:

In the interests of amenity, highway safety and ensuring that the development takes place in a safe and efficient manner and in accordance with policies DC52, DC55 and DC61 of the Development Control Policies Development Plan Document and policies W1, W4 and W5 of the Joint Waste Development Plan Document.

9. Non Standard Condition 37

The development shall be undertaken in accordance with the contamination and monitoring details approved by the local planning authority, decision letter dated 09/10/2014, pursuant to application reference: Q0100.14. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the development does not adversely impact on the quality of ground and surface water and to comply with policies CP15, CP16, CP17, DC47, DC51, DC53, DC54, DC58 and DC61 of the Development Control Policies Development Plan Document and policies W1, W4 and W5 of the Joint Waste Development Plan Document.

10. Non Standard Condition 38

Within one month of the completion of the engineering operations hereby approved, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason:

To ensure that any necessary remediation works are carried out within a reasonable timescale, to ensure that the site no longer poses a risk to controlled waters and to comply with policies CP15, CP16, CP17, DC47, DC51, DC53, DC54, DC58 and DC61 of the Development Control Policies Development Plan Document and policies W1, W4 and W5 of the Joint Waste Development Plan Document.

11. Non Standard Condition 39

If, during development, contamination not previously identified is found to be present at the site then no further development, unless otherwise agreed in writing with the local planning authority, shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority for such works. The remediation strategy shall be implemented as approved.

Reason:

To protect controlled waters and ensure that any unsuspected contamination within the site is managed and/or disposed of appropriately and to comply with policies CP15, CP16, CP17, DC47, DC51, DC53, DC54, DC58 and DC61 of the Development Control Policies Development Plan Document and policies W1, W4 and W5 of the Joint Waste Development Plan Document.

12. Non Standard Condition 40

Stockpiled material shall not at any time be above a height of 2 metres from ground level.

Reason:

In the interests of residential and visual amenity and in accordance with policies CP17, DC47 and DC61 of Development Control Policies Development Plan Document and policy W5 of the Joint Waste Development Plan Document.

13. Non Standard Condition 41

The development shall be undertaken in accordance with the vehicle monitoring details approved by the local planning authority, decision letter dated 09/10/2014, pursuant to application reference: Q0100.14. The development shall be carried out in accordance with the approved details.

Reason:

In the interests of highway safety and amenity and in accordance with policies CP10, DC32, DC52, DC55, DC56 and DC61 of the Development Control Policies DPD and policy W5 of the Joint Waste Development Plan Document.

INFORMATIVES

1. **Approval - No negotiation required**

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

REGULATORY SERVICES COMMITTEE

7 January 2016

REPORT

Subject Heading:

P1572.15 – Former Kings Wood School,
Settle Road, Romford

Construction of a new primary school providing 2,232 sq m (GEA) of educational floor space (use class D1) comprising primary school facilities, grassed playing pitch and outdoor play facilities, together with associated works, including access, car parking and landscaping arrangements.

Date Received: 5th November 2015

Ward:

Gooshays

Report Author and contact details:

Simon Thelwell
Projects and Regulation Manager
simon.thelwell@havering.gov.uk
01708 432685

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

SUMMARY

The application proposes a new 2 storey primary school on part of site formally occupied by the former Kings Wood School and on part of the Harold Hill Learning Village. The site is in the Green Belt and proposed development is considered to be inappropriate. However, there are considered to be sufficient Very Special Circumstances to outweigh harm to the Green Belt, including the need for school places in the Borough and favourable comparison in terms of what was proposed for this part of the site as part of the outline planning permission for the Learning Village.

The proposed development would be of an acceptable design and not impact upon residential amenity.

The report outlines the transport statement submitted in support of the application which considers that there is sufficient capacity in surrounding streets to accommodate parking demand at drop off/pick up time.

It is recommended that planning permission be granted.

RECOMMENDATIONS

That subject to:

- a) no direction to the contrary from the Mayor for London,
- b) no call-in following referral of the application to the Secretary of State as a departure from the development plan,

That planning permission be granted subject to the conditions set out below;

1. SC4 (Time limit) 3yrs

The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. SC09 (Materials) (Pre Commencement Condition)

No above ground works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

3. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. SC11 (Landscaping) (Pre Commencement Condition)

No above ground works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

5. Community Use of Facilities

The development hereby approved shall not be occupied until full details of the community use of the playing pitch and suitable parts of the school building,

including a Community Use Scheme, has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include access policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon provision of the pitches in accordance with this approval.

Reason:-

In compliance with policy 3.18 of the London Plan and DC28 of the LDF.

6. Cycle Provision

The development hereby approved shall not be occupied until cycle parking spaces are provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Such cycle parking shall thereafter be retained.

Reason:-

To ensure the development takes account on the needs of cyclists, in accordance with Policy DC33 of the LDF.

7. Parking

No building shall be occupied or use commenced until the car/vehicle parking area shown on the approved plans has been provided, including the provision of electric vehicle charging points, and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.

Reason:-

To ensure that there are adequate parking facilities to serve the development in the interests of highway safety.

8. Parking Restriction Review

Within 18 months of the development being brought into use a review of parking restrictions within 500 metres of the school pedestrian entrance shall be carried out and submitted to and approved by the Local Planning Authority. The review shall be aimed at reducing the impact of parent parking near the school and to ensure that pedestrian desire lines across junctions or other locations are not unduly impeded.

Reason:-

To ensure the interests of highway safety and amenity and to accord with Policy DC32. To ensure the interests of pedestrians and address desire lines and to accord with Policy DC34. To manage the impact of parent parking in the streets surrounding the site and to accord with Policy DC33.

9. Loading

No building shall be occupied or use commenced until the space/facilities for loading, unloading, circulation and manoeuvring have been provided in accordance with the approved plans. Thereafter, these areas shall be kept free of obstruction and available for these purposes.

Reason:-

To ensure that there are adequate servicing facilities within the site in the interests of highway safety.

10. Travel Plan

The development hereby approved shall not be occupied unless a Travel Plan for the school has been submitted to and agreed in writing by the Local Planning Authority. The Travel Plan shall include a review of walking routes and conditions in the area and measures to reduce private vehicular trips and proposals for monitoring progress, including a timetable for its implementation and review. The agreed Travel Plan shall remain in force permanently and implemented in accordance with the agreed details.

Reason:-

To help bring about a reduction in private car journeys and to minimise the potential for increased on street parking in the area

11. Highway Agreement

The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development; namely the removal of the existing access on Settle Road and the improvement of the existing access on Settle Road.

Reason:-

In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, and DC61.

12. Boundary Details

The above ground development hereby approved shall not commence until details of the boundary treatment are submitted to and approved in writing by the local planning authority. The development site shall not be occupied until boundary treatment has been provided in accordance with the approved details.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, ensure adequate security and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

13. External Lighting

The development hereby approved shall not be occupied until details of external lighting are submitted to and approved in writing by the Local Planning Authority. External lighting shall be provided in accordance with the approved details.

Reason:-

Insufficient information has been submitted with the application to judge the impact of external lighting. Submission of this detail prior to occupation will protect residential and visual amenity and biodiversity and ensure adequate security.

14. Plant & Machinery

Prior to the occupation of the development hereby approved, details shall be submitted of all external plant and machinery to be installed, including details of external appearance and noise information demonstrating that noise levels (expressed as the equivalent continuous sound level LAeq (1 hour)) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB. All external plant and machinery shall be installed and maintained in accordance with the approved details.

Reason:-

In the interests of visual amenity and in order to minimise noise disturbance.

15. Extraction Equipment

No cooking of food shall take place, unless extract ventilation equipment is installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:-

In order to minimise smell nuisance, in the interest of users of the site and nearby residential amenity.

16. Hours of Outdoor Use

The playing field and outdoor areas hereby approved shall not be used other than between the hours of 08.00 to 21.00 hours Mondays to Saturdays and 09.00 to 18.00 hours on Sundays and Bank or Public Holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity.

17. SC62 (Hours of construction)

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason:-

To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

18. SC57 Wheel washing (Pre Commencement)

Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
- c) A description of how vehicles will be checked before leaving the site - this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches. d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

Reason:-

Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

19. SC63 (Construction Methodology) (Pre Commencement)

No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include details of: a) parking of vehicles of site personnel and visitors;

- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;

- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities; g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason:-

Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

20. Contamination

Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase II (Site Investigation) Report. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

b) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:-

To protect those engaged in construction and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53 Secure by Design

21. Contamination

a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason:-

To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

22. Secured by Design

Prior to the commencement of the above ground development hereby permitted, details of the measures to be incorporated into the development demonstrating how the principles and practices of the 'Secured by Design' scheme have been included shall be submitted to and approved in writing by the Local Planning Authority. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers, the development shall be carried out in accordance with the agreed details.

Reason:-

Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

23. Archaeology

No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:-

Insufficient information has been supplied with the application to judge whether the proposals sufficiently identify any archaeological interest. Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF.

24. SUDs

Sustainable Urban Drainage System (SUDs) shall be provided and thereafter maintained in accordance with details submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason:-

Insufficient information has been supplied with the application to judge whether the proposed SUDs would be satisfactory. Submission of this detail prior to new building works will ensure that the development accords with the policy to ensure adequate provision for attenuating surface water in accordance with NPPF.

25. Sustainability

SUBJECT TO CHANGE/NEGOTIATION WITH GLA

Sustainability and energy efficiency measures shall be installed in accordance with the details outlined in the Energy Assessment submitted as part of the application. Within 3 months of the completion of the development hereby approved, final copies of the Energy Performance Certificate (EPC) and Microgeneration Certification Scheme (MCS) should be submitted to the Local Planning Authority.

Reason:-

To ensure compliance with LDF and London Plan policies on sustainability and energy efficiency.

26. Bat Mitigation

Prior to the commencement of the above ground development, a scheme for the conservation of bats and mitigation against the impacts of the development shall be submitted to and agreed in writing by the Local Planning Authority. Such details as are agreed shall be implemented in full.

Reason:-

Insufficient detail has been provided in relation to creating bat habitat, In order to ensure protection and enhancement of biodiversity, in accordance with Policy DC58 of the LDF.

INFORMATIVES:

1. Fee Informative

A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

2. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

3. Archaeology

The written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. The archaeology condition is exempt from deemed discharge under Schedule 6 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

4. Secure by Design

(Secured by Design) - In aiming to satisfy condition 20 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).

5. Changes to the public highway (including permanent or temporary access)

Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

6. Highway legislation

The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.

Please note that unauthorised work on the highway is an offence.

7. Temporary use of the public highway

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a licence from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

REPORT DETAIL

1. **Background**

- 1.1 On 23 December 2009, outline planning permission was granted for the redevelopment of the sites east and west of Settle Road, Harold Hill, to provide a learning village for 4 educational establishments. The site was to provide a redeveloped secondary school, a primary school, a special educational needs school and a further education college. Condition 2 attached to the planning permission required that reserved matters be submitted within five years of the permission. On 12 March 2015, the Regulatory Services Committee resolved to approve an application to extend the period for submitting details for the remainder of the development. The decision on this application has not been issued as the GLA continue to seek more details in regard to the energy strategy for the site and TfL contribution to bus services.
- 1.2 The application which is the subject of this report, relates to a part of the Learning Village site. It is a full planning application for a new primary school and can be considered separately from the Learning Village proposal, although the earlier outline permission and resolution of the committee in relation to the renewal of the outline is a relevant consideration.

2. **Site Description**

- 2.1 The site, of approximately 1.3 hectares, is located to the east of Settle Road and north of Sheffield Drive. The site is currently vacant, surrounded by hoardings, having previously been occupied by part of the former Kings Wood School. Before demolition, this part of the site contained a series of interlinked buildings ranging from 1 to 3 storeys in height and a car park accessed from Sheffield Drive.
- 2.2 The site is irregular in shape, with maximum dimensions of about 130m (north to south) by 120m (east to west). The site and surrounding area slope down from west to east. Immediately to the south, across the road, are residential houses in Sheffield Drive; to the west, across the road, are the grounds of Pyrgo Primary School; to the north is the forecourt area to Drapers Academy

building beyond; to the east is open space falling toward woodland and open space.

- 2.2 The site is designated in the Havering Local Development Framework as Metropolitan Green Belt and is within the Havering Ridge of Special Character.
- 2.3 The surrounding area is residential in character to the south with terraces and semi-detached housing typical of the post-war development of the Harold Hill Estate. To the west and north the area is characterised with educational establishments beyond which the area is of open character with Dagnam Park and Maylands Golf Course providing recreational facilities, Duck Wood and other areas of trees providing character and open countryside to the M25 in the valley.

3. **Description of Proposal**

- 3.1 It is proposed to develop the site to provide a new primary school. This would be in addition to the current educational establishments on the site, including the existing Pyrgo Primary School. The proposed school would be a 2 form of entry with approximately 420 pupils and 43 staff members
- 3.2 The proposed building would be 2 storeys high located toward the north and west part of the site providing 2,232 square metres of floorspace. The existing access off Sheffield Drive would remain providing a vehicular access to a reconfigured car park providing 29 spaces, including two disabled parking spaces. A hard surface playground would be formed close to the proposed building with the remainder of the site landscaped and provision of a playing pitch.
- 3.3 The proposed school buildings would comprise two main blocks, a two storey teaching block running north to south close to Settle Road and a single (double height) storey hall building to the east of this facing the Academy forecourt linked by a corridor link. The teaching block would be the most visible and prominent being 62 metres wide by 14.5 metres deep within 3 metres of the Settle Road footway. The hall block would be located behind this facing onto the Drapers Academy forecourt. The hall block would also contain the main entrance to the school.

4. **Relevant Planning History**

- 4.1 P0575.06 – King’s Wood Site – Provision of synthetic sports pitch with floodlighting, fencing, access and extended car park - Approved
- 4.2 P0682.09 – Learning Village – outline approval for Learning Village - Approved
- 4.3 P0817.10 – Drapers Academy – Reserved matters for academy building – Approved

4.4 P1653.14 – Learning Village – renewal of outline permission – Resolved to approve.

5. **Consultation/Representations**

5.1 A total of 250 notification letters were sent to properties in the vicinity of the site. The application was also advertised by way of site and press notice.

5.2 6 representations have been received, raising objections to the application. The objections can be summarised as follows:

- Increased traffic from parents dropping off and collecting children causing congestion
- Parking problems including parking across drives causing inconvenience for residents
- Highway safety concerns
- Construction would add to traffic problems

5.3 2 representations (one on behalf of 9 signatories) have been received in support of the proposal, raising the following:

- Would like permanent new classrooms for children
- Schools in the area are oversubscribed

5.4 The Greater London Authority have been consulted on the proposal at Stage 1 of the referral process and have raised the following:

- Proposal not considered to be inappropriate development
- The Council should ensure highest possible build quality is achieved
- Further details of SUDs required
- Further use of PV panels should be explored with further energy details required
- Greater number of cycle spaces are required
- Electric charging points in the car park are required.

The applicant has provided some additional information and amended the plans in response to these comments.

5.5 Thames Water – no objections

5.6 Historic England Archaeology Service – the application lies in an area of archaeological interest. Recommend condition.

5.7 Environmental Protection: conditions recommended regarding contaminated land and noise from machinery.

5.8 Highways Engineer – although appears to be capacity in surrounding streets, some concerns as current experience is that are often behavioural issues with

parents parking in restricted and unsuitable areas, but given the community no objections subject to suggested conditions

6. **Staff Comments**

- 6.1 The main issues in this case are considered to be the principle of the development in land use terms, with particular reference to the Green Belt status of the land, site layout and visual impact, impact upon existing neighbouring occupiers, highways and parking, heritage, security/safer places, sustainability, ecology and flood risk.
- 6.2 In terms of the Council's own local policies, the Local Development Framework, adopted 2008 applies, in particular. Policies CP8 (Community Facilities), CP9 (Reducing the need to Travel), CP10 (Sustainable Transport), CP14 (Green Belt), CP15 (Environmental Management), CP16 (Biodiversity and Geodiversity), CP17 (Design), CP18 (Heritage), DC26 (Location of Community Facilities), DC28 (Dual Use of School Facilities), DC29 (Educational Premises), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste Management), DC45 (Appropriate Development in the Green Belt), DC46 (Major Developed Sites), DC48 (Flood Risk), DC49 (Sustainable Design and Construction), DC50 (Renewable Energy), DC51 (Water Supply, Drainage and Quality), DC55 (Noise), DC56 (Light), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in New Developments), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC70 (Archaeology and Ancient Monuments), DC71 (Other Historic Landscapes) are considered to be relevant.
- 6.3 The Council's Heritage SPD is also considered relevant.
- 6.4 The London Plan, Policies 3.1 (Ensuring Equal Life Chances for All), 3.18 (Education facilities), 3.19 (Sports Facilities), 5.2 (Minimising Carbon Dioxide Emissions), 5.3 (Sustainable Design and Construction), 5.7 (Renewable Energy), 5.9 (Overheating and Cooling), 5.13 (Sustainable Drainage), 6.9 (Cycling), 6.10 (walking), 6.13 (Parking), 7.2 (An Inclusive Environment), 7.3 (Designing Out Crime), 7.4 (Local Character), 7.6 (Architecture), 7.8 (Heritage Assets and Archaeology), 7.16 (Green Belt), 7.19 (Biodiversity and Access to Nature) are further material considerations
- 6.5 The application should also be assessed against the National Planning Policy Framework.

The principle of the development including Green Belt assessment

- 6.6 The site was most recently in educational use being occupied by part of the former Kings Wood School which was closed and demolished following the formation and construction of the Drapers Academy. The proposal would not change the use of the land – it would remain in educational use. Retaining community facilities (which includes education) is supported by Core Policy CP8 of the LDF. Policy in the NPPF states that Local Planning Authorities

should give great weight to the need to create, expand or alter schools (para 72). Policy 3.18 of the London Plan states that development proposals which enhance education and skills provision will be supported; proposals for new schools should be given positive consideration; multiple use of educational facilities for community or recreational use should be encouraged and proposals that encourage co-location of services between schools and colleges and other provision should be encouraged in order to maximise land use, reduce costs and develop the extended school or college's offer. The policy goes on to state that proposals that address the current and projected shortage of primary school places will be particularly encouraged. Policy DC29 of the LDF states that the Council will ensure that the provision of primary and secondary education facilities is sufficient in quantity and quality to meet the needs of residents by taking account of future demand and normally seeking to meet the need for increased school places within existing sites.

- 6.7 Within Havering there is an identified need for additional school places, evidenced by the schools commissioning report produced by the Council which shows an existing and proposed shortfall in school places across the Borough. Within Havering, there is a need to accommodate 3,000 additional primary school pupils over the next 5 years.
- 6.8 Staff therefore consider that the proposed development of the site for educational purposes would be acceptable in land use terms and that in actual fact there is strong policy that is in favour of the development given the shortage of school places in the Borough.
- 6.9 The main consideration in terms of the principle of the development relates to the Green Belt allocation of the site. National policy contained in the NPPF, reflected in LDF Policy DC45, states that the construction of new buildings inside the Green Belt is inappropriate unless it meets one of the specified exceptions. Taking the application site in isolation, the proposed school building would meet two of the NPPF stated exceptions:
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The previous Kings Wood School buildings on the site had a footprint of just over 4000 sq m, up to three storeys high covering a much greater area than the proposed building which would have a footprint of 1319 sq m and be two storeys high.

- 6.10 However, the Council has resolved to grant outline planning permission for a learning village over a much larger site, with much more built form comprising a maximum footprint of 18,010 sq metres, floorspace of 26,281 sq m and limitations on height (up to four storeys). It would therefore not be appropriate to

consider the site in isolation, but consider it as forming part of a much larger development which would not meet the exceptions to inappropriate development as stated in the NPPF, due to the increases in footprint and height compared to the situation in 2009 when the outline application was first submitted.

6.11 Therefore the proposed development is considered to be inappropriate development, harmful to the Green Belt and is considered to be a departure from the development plan.

6.12 The NPPF states that inappropriate development should not be approved, except in very special circumstances. It for the applicant to show why permission should be granted.

6.13 The following very special circumstances have been forwarded by the applicant in support of the application:

- The impact on the openness of the Green Belt will be minimised through appropriate siting, building design and landscaping and will be less than that of the school buildings on the site and intended as part of the outline approval for this part of the Learning Village
- The impact on the visual amenities of the Green Belt would be minimised
- The development would not be contrary to any of the stated purposes of including land in the Green Belt as outlined in the NPPF
- Transport, ecology and residential amenity impacts are within acceptable limits
- There would be significant benefit in providing primary school places on a previously developed site and within an area which has previously suffered from low levels of educational attainment
- There is a need throughout the Borough for primary school places which the local authority must meet as a legal duty
- Community use of school facilities will be available outside school hours
- Outline planning permission was granted in 2000 for a learning village that included the current site – the very special circumstances at that time are still relevant. In addition the footprint would be smaller than allowed by the outline.
- The government advises that great weight should be attached to development that meets educational needs.

6.14 It is also worth considering the very special circumstances that, as part of the Learning Village proposal were considered to outweigh the in principle harm to the Green Belt through inappropriateness:

- The proposal to co-locate learning establishments from pre-school to further and higher education on a single, unified site was considered to have significant regenerative benefits, addressing wider issues in the area such as educational attainment, social mix and inclusivity. The siting of the buildings around a central heart space was considered to provide a significant and identifiable centre for learning in the area, fulfilling both the

Councils Living Ambition for the Borough and specific programme for Harold Hill.

- There was a lack of alternative sites for the development. Locating the Learning Village at this site is a more sustainable form of development which should be supported.
- The proposal, although having some impact on the openness of the green belt, nonetheless it would not conflict with the purposes of including the land in the Green Belt. Furthermore, it was considered that the proposal would not have a harmful impact on the character of the Havering Ridge Area.
- A “footprint transfer” with the Havering College Quarles Campus being transferred to the Settle Road site with all buildings removed, to be secured by legal agreement, would result in a significant improvement to the Green Belt in the immediate area.
- In addition to the above, national and London Plan policies suggest a more favourable consideration for new educational facilities than was the case in 2009. This policy change adds to the very special circumstances case.

6.15 The outline permission for the Learning Village proposed a primary school building in the location of the present application, with a maximum footprint of 1,960 sq m in a building up to 10.5 metres high. Parameters limited the maximum width of the building to 75.5m and the maximum depth to 50m. Within the outline application a maximum floorspace of 2,428 sq m was indicated. The proposed building would have a footprint of 1315 sq m, a total width across the site of 71.5 m, a total depth of 43 m, a maximum height of 8.1 m and a floorspace of 2232 sq m. The position of the building does not follow the parameters of the outline permission in that the main part of the proposed building is set closer to Settle Road than the outline parameters would allow. It is considered that the proposal to locate the building closer to Settle Road assists in maintaining openness. Furthermore, apart from the siting, the proposed building is well within the footprint, width, depth and height parameters set by the outline permission for a building on this part of the site. Taken together with the Very Special Circumstances forwarded by the applicant and, in particular, the need in the Borough for primary school places, it is considered that the harm through inappropriate development in the Green Belt is outweighed in this case.

Design/Impact on Streetscene

6.16 The site formally contained a number of buildings up to three storeys in height mainly of flat roof design reflecting the style of educational buildings of the 1950's and 1960's. The proposed building would occupy less space and be lower than previous buildings resulting in more open space, particularly to the rear of the site. The building would be lower than the nearest building – the Drapers Academy and would be some 35 metres from the nearest residential dwelling. In this context the proposed building is considered to be of an acceptable scale and would not appear overdominant in views from neighbouring and surrounding land.

- 6.17 In terms of design, the building would appear modern and of simple design with both blocks finished predominantly in hardwearing fibre cement cladding system in contrasting grey colour together with glazing reveals and timber sections providing interest and articulation to the elevations. The final details of materials would be reserved by condition. Overall, the design is considered to be acceptable and complements the new Drapers Academy building adjacent.

Impact on Amenity

- 6.18 The proposed building is located over 35 metres from the nearest residential dwellings and at two storeys high is not considered to result in any impact on residents in terms of loss of outlook or light or overlooking.
- 6.19 The site was an existing school and so would have the usual activity associated with arrival/departure and outside play. The position of the car park is similar to what previously existed. Community use would add to general activity outside of main school hours, but given the distance from residents, this does not raise significant concerns. It is not considered that there would be significant increases in noise and disturbance. A condition is recommended limiting the hours that the sports pitches can be used

Highways/Parking

- 6.20 The proposal would result in an additional primary school in the immediate area providing for up to 420 pupils and 43 staff. The application has been accompanied by a detailed Transport Assessment which assesses the likely impact of the proposal on both road safety and parking capacity.
- 6.21 The Transport Statement estimates that, once fully occupied, the proposed school would generate 135 car trips in the morning and 112 car trips in the afternoon. Surveys undertaken indicate that the roads nearest to the proposed school have sufficient capacity to accommodate this demand, although in reality parents would try to park close to the school and there would be increased parking demand in Sheffield Drive, Settle Road and Oakley Drive in particular. It should be noted that the demand for spaces would be spread over the arrival and departure times which are spread over the morning and afternoon due to the breakfast and after school clubs that would operate from the school.
- 6.22 The Transport Statement considers that the increased car trips would not result in any significant highway safety issues nor capacity issues at the existing junctions. Competition for spaces nearest the school would increase but there would be sufficient parking capacity in streets surrounding the school to accommodate the increased demand. The Transport Statement recommends a mitigation strategy mainly based around a school travel plan to set target for reducing car journeys for pupils and staff.
- 6.23 The Council's Highways Engineer comments on the proposal are awaited.

- 6.24 It would be the case that any proposed new school would likely result in increased congestion and inconvenience during the drop off and pick up period. The Transport Statement in this case acknowledges that this would happen, although not to the extent that raises any highway safety issues and suggesting that the degree of additional impact could be mitigated to an extent by parents changing travelling preferences through a robust School Travel Plan. On this basis, given the very strong policy in regard to addressing the shortfall in school places in the borough, it is considered that the impact on parking in surrounding streets and associated inconvenience does not outweigh the policy presumption in favour of the development.
- 6.25 The proposal includes 29 staff parking spaces which is considered to be acceptable. Cycle parking would be provided in accordance with London Plan standards.

Access

- 6.26 The proposed building has been designed to be accessible with level access and lift to the upper floors.

Ecology

- 6.27 The application has included an ecological assessment which confirms that there are no protected species or habitats on the existing site. The previous learning village proposal suggested that suitable bat habitat should be incorporated into new buildings – it is recommended that a condition to secure this be applied.

Sustainability/Energy Efficiency

- 6.28 The application has been accompanied by an energy statement that suggests that the development would achieve a 25% improvement over current building regulation requirements. However, the London Plan requires a 35% improvement. The GLA have asked that the possibility of additional energy efficiency and sustainability measures be explored with the applicant. It is recommended that power be delegated to the Head of Regulatory Services to agree details of energy efficiency and sustainability measures in consultation with the GLA and subject to any conditions as necessary.

Flood Risk

- 6.29 Details of Sustainable Urban Drainage System (SUDs) have been submitted and would be secured by condition in accordance with national planning policy guidance.

Archaeology

6.30 The site is within an Archaeological Priority Zone. Historic England have recommended a condition requiring evaluation and if necessary investigation to take place before the development commences.

Secured by Design

6.31 A condition is recommended in relation to secure by design as recommended by the Designing Out Crime Officer.

Community Infrastructure Levy

6.32 As the proposed building would be for educational use, the development would be exempt from the Mayor of London CIL, as outlined in the adopted Charging Schedule.

7.0 Conclusion

7.1 The proposal for a new school which would contribute to improving educational facilities in the Borough and addresses the need for school places in the Borough. As such there is a very strong policy presumption in favour of the development. The development is considered to be inappropriate development in the Green Belt, in the main because it should be considered as part of the wider Learning Village proposal which seeks to significantly increase the amount of built development across the site. However, the proposal is for a smaller building than envisaged on this part of the Learning Village and together with the educational need represents very special circumstances that outweighs the harm to the Green Belt

7.2 As outlined in the highway/parking section of the report, there will be some increased parking in surrounding streets and although not a highway safety concern, will increase inconvenience for surrounding residents. However, weighed against the policy in favour of school places, any traffic impact is considered to be within acceptable limits.

7.3 The proposal is considered to be acceptable in all other respects. Therefore it is recommended that planning permission be granted.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: None.

Human Resources implications and risks: None

Equalities implications and risks: The creation of a new primary school would bring direct benefits to the Harold Hill area and aid social inclusion in the area.

BACKGROUND PAPERS

1. Application form, plans and supporting documentation.