



# REGULATORY SERVICES COMMITTEE

16 May 2013

# REPORT

**Subject Heading:**

**P1506.12 – Whybridge Junior School,  
Blacksmiths Lane, Rainham**

**Provision of an all weather pitch  
enclosed by a 3 metre high mesh  
fence  
(Application received 6<sup>th</sup> December  
2012, additional plans received 26<sup>th</sup>  
February 2013)**

**Report Author and contact details:**

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**Policy context:**

**Local Development Framework**

**Financial summary:**

**None**

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

Ensuring a clean, safe and green borough	[ ]
Championing education and learning for all	[X]
Providing economic, social and cultural activity in thriving towns and villages	[X]
Value and enhance the life of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[ ]

## SUMMARY

This application relates to a Council owned school and proposes the erection of an all weather pitch for use as a Multi-Use Games Area (MUGA). The planning issues are set out in the report below and cover the design and appearance of the development, impact on streetscene, residential amenity and highways/parking. Staff consider the proposal to be acceptable and recommend that planning permission be granted.

## RECOMMENDATIONS

That the planning permission be granted subject to the following conditions:

1) Time limit: 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) Materials: Before any of the development hereby permitted is commenced, samples of all materials to be used in the fencing shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:

To 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) Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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) Preserved trees: No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason:-

To protect the trees on the site subject to a Tree Preservation Order.

5) Ground 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 (having previously submitted a Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model);

a) A Phase II (Site Investigation) Report as the Phase I Report which had already been submitted confirms the possibility of a significant risk to any sensitive receptors. 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 (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

Part A – Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B – Following completion of the remediation works a ‘Validation Report’ must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and

- d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'.

Reason:-

To protect those engaged in construction and occupation of the development from potential contamination.

- 6) Hours of Use: The Multi Use Games Area shall not be used for the purposes hereby permitted other than between the hours of 0800 hours and 2100 hours on Mondays to Fridays, 0800 hours and 2000 hours Saturdays and 1000 hours and 1800 hours on Sundays, 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, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

- 7) Floodlights: No floodlighting shall be erected at any time unless a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC61.

- 8) Hours of Construction: No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

## **INFORMATIVES**

### **1. Reason for Approval:**

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC28, DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: 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 dwelling house, is needed.

Approval - No negotiation required

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: 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.

## **REPORT DETAIL**

### **1. Site Description**

1.1 The application site is located at Whybridge Junior School which is a local authority owned school in Rainham, which is located off the A125 on Blacksmiths Lane. The surrounding area is predominantly residential.

### **2. Description of Proposal**

2.1 The proposal is for the erection of an all weather pitch for use as a Multi-Use Games Area (MUGA), measuring 35 metres by 18.5 metres on the playing fields located South West of the school itself. The proposal is enclosed by a 3 metre high mesh fence with an access gate.

2.2 The materials proposed for the surface of the all weather pitch is an artificial grass 'carpet' supported by sand which allows a compromise surface for a number of a games and sports.

2.3 The pitch is to be enclosed by a 3 metre mesh type fence, with gates controlled by school staff.

### **3. Relevant History**

3.1 No relevant recorded history.

#### **4. Consultations/Representations**

- 4.1 Letters were sent out to 41 neighbouring occupiers and no letters of objection were received.
- 4.2 Sport England was consulted and originally requested a condition for a community use scheme. Sport England has since withdrawn the request for a condition upon receipt of additional information pertaining to the use of the proposed multi use games area.
- 4.3 Environmental Health was consulted and recommend a contamination condition in the event of an approval.
- 4.4 The Council's Tree Officer requested a condition to prevent any harm to the protected trees situated approximately 30m to the south of the development.

#### **5. Relevant Policies**

- 5.1 Policies DC28, DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

#### **6. Mayoral CIL Implications**

- 6.1 The proposal would relate to educational premises and would therefore not be CIL liable.

#### **7. Staff Comments**

- 7.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council.
- 7.2 Design and Impact on Local Character and Street Scene
  - 7.2.1 The playing fields are bound by residential developments, however there is minimal impact on the street scene as the site is bounded by rear gardens. The 3 metre mesh fence will be set back from the site boundary. In addition the surface of the pitch will be green in colour to blend in with its surroundings.
- 7.3 Impact on Amenity
  - 7.3.1 The use of the field is to remain as it is at present and there should be no consequent material impact on the amenity of neighbouring properties. Although this pitch may be used more readily than the playing fields, the hours of use are to remain the same as the current playing fields. There is no proposal for the pitch to be flood lit and it would not therefore be capable of being utilised outside of daylight hours.
  - 7.3.2 Although the proposed fencing would be 4m away from the rear gardens of the residential properties to the north, it is not considered to have an unacceptable impact on outlook as it would be partially screened by

vegetation to the rear garden boundaries of the properties to the north. Also, these properties have rear garden depths in excess of 23 meters. In order to further mitigate any impact on outlook, Staff would request the fence to be painted a suitable colour to fit in with the surrounding area.

#### 7.4 Highways / Parking Issues

7.4.1 Highways have no objections. There are no issues with highways as no changes are made to car parking.

#### 7.5 Other Issues

7.5.1 The Council's Tree Officer has been advised and it is found that there is a Tree Preservation Order to the South of the development. Although there is a 30 metre distance between the trees and the proposed development a condition is suggested to protect the trees during the construction period.

### 8. Conclusion

8.1 The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC28, DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document. And it is recommended that planning permission be granted.

## IMPLICATIONS AND RISKS

#### **Financial implications and risks:**

This report concerns only material planning issues..

#### **Legal implications and risks:**

None arising.

#### **Human Resources implications and risks:**

None.

#### **Equalities implications and risks:**

The proposed community use of the development will ensure that the development is available for the wider benefit of the local community.

## **BACKGROUND PAPERS**

Application forms and plans received on 26<sup>th</sup> July 2012.