



REGULATORY SERVICES COMMITTEE

REPORT

16 May 2013

Subject Heading:	P1538.12 – St Edwards C of E School and 6 th Form College, London Road, Romford – removal of two temporary structures and erection of a four-storey Sixth Form block (received 17 December 2012; revised plans received 28 February 2013)
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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

Clean, safe and green borough	[x]
Excellence in education and learning	[x]
Opportunities for all through economic, social and cultural activity	[x]
Value and enhance the life of every individual	[x]
High customer satisfaction and a stable council tax	[]

SUMMARY

The proposal relates to an application for a 4-storey Sixth Form Block to enable an increase in the number of sixth formers and to provide a separate sixth-form space at the school. Staff consider that the proposal would accord with community and

environmental policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and approval is therefore recommended subject to a legal agreement in relation to highway improvements.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £15,000 to be used towards the review and implementation of highway improvements in accordance with Policies DC32 and DC72 of the LDF Core Strategy and Development Control Policies DPD.
- All contribution sums shall 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 preparation of the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

That Staff be authorised to enter into such an agreement and that upon its completion 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 Act 1990.

2. *external materials* The development shall be built in accordance with the external materials details identified on the application form and on drawing no. 914/OD04

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area.

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.

4. *Hard and soft landscaping* No development shall take place 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 the 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 and to enhance the visual amenities of the development.

5. *Surface water drainage* - Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) By Curtins Consulting (dated November 2012 LO1272) has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include a restriction in run-off and surface water storage on site as outlined in the FRA.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and to ensure that surface water is disposed of from the site in the most sustainable way possible.

6. *Land contamination* - The Submitted Phase 1 Desktop study (Dated Sept 2012) prepared by Curtins Consulting Ltd recommends the need for intrusive investigation for the site. 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 if the Phase I Report 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.

7. *Footway review* - The development shall not be brought into use until a review of widening the footway on the northern side of London Road and the Romford bound bus stop has been carried out and the recommendations of this review are agreed with the Council’s StreetCare Service (Traffic and Engineering). The review shall include the feasibility of widening the footway and aimed at improving pedestrian comfort and safety on the northern side of London Road between the pedestrian crossing and the Romford bound bus stop. Once approved in writing any agreed measures shall be implemented

within a timescale agreed with the Local Planning Authority and retained thereafter.

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 DC 34.

8. *Travel Plan:* The development shall not be brought into use unless a Travel Plan for the school has been submitted to and agreed in writing by the Local Planning Authority. The plan shall include 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, to minimise the potential for increased on street parking in the area, to mitigate the impact of increased private car journeys at peak times and to accord with Policy DC32.

8. *External Lighting:* The development hereby approved shall not be occupied until external lighting has been provided in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority in writing.

Reason: In the interests of residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

9. *Secured by design* - Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating compliance with the principles and practices of the 'Secured by Design' scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

10. *CCTV* - Prior to the commencement of the development hereby permitted a scheme showing the details of a CCTV system to be installed for the safety of users and the prevention of crime throughout, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Crime Prevention Design Advisor. No

part of the development shall be occupied or used before the scheme is implemented as agreed.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places'

11. *Hours of Use:* Except for cleaning/catering staff being on site between 06:00 and 07:30, the building shall not be used except between the hours of 07:30 and 22:00 hours any day.

Reason: In the interests of residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD

12. *Hours of Construction:* No construction works or 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 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.

13. *Construction Methodology:* Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. 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:-

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

14. No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of trees to be retained on and adjoining 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 to be retained on and adjoining the site

INFORMATIVES

1. In aiming to satisfy condition 9 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).
2. The applicant is advised that 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. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

4. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
5. Reason for approval:
The proposal accords with Policies DC26, DC27, DC28, DC29, DC32, DC33, DC48, DC51, DC57, DC59, DC60, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and Policies 3.18, 6.13, 7.3, 7.4, 7.6 and 7.30 of the London Plan and the National Planning Policy Framework (NPPF).

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £97.00 per submission pursuant to discharge of condition.

Mayoral CIL

The proposed school development is exempt from liability for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3.

REPORT DETAIL

1. Site Description

- 1.1 The site currently comprises various, upto 4-storey, buildings which form St. Edward's Church of England School and 6th Form College.
- 1.2 To the west beyond a water course and to the north-west and south of the application site is an area of Metropolitan Green Belt. To the north-west is open agricultural land while the site to the west/south is mainly used as playing fields (with ancillary car parking).
- 1.3 The surrounding area otherwise mainly consists of 2-storey residential properties to the east and north of the application site.

2. Description of Proposal

- 2.1 The proposal is for the removal of two temporary buildings and the erection of a separate 4-storey 6th Form block in part to enable an increase in the current 6th form capacity from 260 to 400 pupils (an additional 140 pupils). It would be 42.7m deep and 13.1m wide but 8.95m wide to the rear, slightly

angled section. It would have a slightly sloping roof behind parapets which would rise 13.25m above ground level. It would be located to the west of the existing buildings some 135m back from the highway, London Road and close to the stream/stream bank.

- 2.2 The building would provide 12 classrooms in total with ancillary offices, toilets, locker rooms and stores on each floor with a connecting lift and three sets of staircases. 2 classrooms, a kitchen and dining area are to the ground floor; 3 classrooms and a dining room mezzanine floor on the first floor; 3 classrooms and a large study area on the 3rd floor with 4 classrooms and a reflection room at 4th floor level. The main windows and all the usable spaces would have their main aspect to the western elevation overlooking the tarmac playgrounds and Westfields Playing Fields.
- 2.3 The materials would be brickwork, render and rainscreen cladding with aluminium window and door surrounds in light blue/yellow (house colours).
- 2.4 Five trees would need to be removed including 3 within the river bank.
- 2.5 It is proposed that there would be an increase in Staff numbers from 104 full-time and 82 part time staff to 106.5 full time and 84 part-time staff, a rise of 4 staff (full-time equivalent). It is not proposed to increase parking at the application site.
- 2.6 It is proposed that the new 6th form block would also be available for adult learning and other education-related functions outside school hours. It is proposed that the 6th form block would be open from 6am and would close each day at 10pm including Sundays and Bank Holidays.
- 2.7 The application has been accompanied, in addition to the Design and Access Statement, by the following:
 - 2011/2012 Travel Plan
 - Transport Assessment
 - Flood Risk Assessment
 - Habitat Assessment
 - Arboricultural Impact Assessment
 - Archaeological Assessment
 - Water Course Management Report
 - Contaminated Land Report

3. History

- 3.1 There is extensive history at the application site, nonetheless the most recent/relevant are as follows:

P0426.98 - 4 no Single storey cloakroom extensions - Approved

P0760.02 - Proposed temporary siting of 1 No. double and 1 No. single relocatable classroom units - Approved

P1613.02 - New science & technology block & related school alterations/extension works - Approved

P0843.03 - Temporary siting of one double re-locatable classroom unit - Approved

Z0003.12 Environmental Impact Assessment Screening – Environmental Impact Assessment Not Required.

4. Consultation/Representations

- 4.1 50 neighbouring and nearby properties were notified of the application, a press notice was published and a site notice was posted. Two pieces of correspondence were received raising objections in respect of loss of light and privacy/overlooking, noise and disturbance during the construction period, unacceptable construction hours, unacceptably high structure blocking out direct sun-light earlier in the evening and loss of skyline view.
- 4.2 The Metropolitan Police's Secured by Design Officer has written to indicate that the application demonstrates how crime prevention measures have been considered in the design of the proposed development and asks for conditions and an informative to be attached to any grant of planning permission in relation to Community Safety, CCTV provision, external lighting and landscaping.
- 4.3 LFEPA have confirmed that they withdraw their earlier objection to the scheme and that the access arrangements are satisfactory.
- 4.4 Environment Agency has replied asking that a condition is attached in respect of requiring details of surface water drainage.

5. Staff Comments

- 5.1 The issues in this case are the principle of the development, the impact on the open character of the green belt, the impact of the development in the street scene, impact on the amenities of nearby residential occupiers and highways/parking. Policies DC26, DC27, DC28, DC29, DC32, DC33, DC48, DC51, DC57, DC59, DC60, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document are relevant. Also relevant are London Plan Policies 3.18, 6.13, 7.3, 7.4, 7.6 and 7.30 of the London Plan and the National Planning Policy Framework (NPPF).
- 5.2 *Principle of development*
 - 5.2.1 The proposal is for a 4-storey 1,678sq.m building to provide a separate 6th Form Block.
 - 5.2.2 Policy DC29 indicates that educational premises should be of a suitable quality to meet the needs of residents. It is considered that the provision of a

new separate 6th Form block within the school grounds would improve the facility for existing 6th form pupils whilst being able to accommodate an additional 140 pupils. It would also free-up existing class-room space and enable two temporary class-rooms to be removed from the School site. Staff consider that this would accord with this policy in principle.

5.2.3 The proposal that the new 6th form block would be available for adult learners and would therefore be dual-use would also accord in principle with Policy DC28.

5.3 *Impact in the Street Scene/on openness of the adjoining Green Belt*

5.3.1 The proposed building would be located to the western edge of the site such that it would be clearly visible in views from London Road and the playing fields to the west and from the open space to the south, including the Railway Line.

5.3.2 The building would be located some 135m back from the highway, London Road, and would be viewed from around the open areas as one of the group of existing school buildings which form its backdrop. One of the existing school buildings is significantly higher than the proposed building at 17.7m high compared with the proposed 13.5m height. Therefore although it would be closer to the western edge of the application site than existing school buildings Staff consider that there would be no significant impact on visual amenity in the streetscene or from other public viewpoints; nor would there be any impact on the open character of the adjoining Green Belt land.

5.4 *Impact on Residential Amenity*

5.4.1 Nearest residential properties are located on London Road and in Southern Way to the east of the school site. The proposed building would be located a minimum of 110m from the rear elevation of the nearest property fronting onto London Road and approximately 90m from the rear elevation of the nearest properties on Southern Way. Given these distances and that the building is a maximum of 13.5m high, Staff consider that there would be no adverse impact from the physical form of the building on residential amenity and that there would be no undue loss of privacy or overlooking.

5.4.2 There would be an increase in the number of children at the school from the current 6th form's 260 to 400 pupils and there would be an additional 4 staff. However it is not proposed to increase parking at the application site and the existing Travel Plan and a Transport Assessment have been submitted together which indicate that the additional travel to the school can be accommodated by public transport. Given this is an existing school site and that its size would increase by approximately 11%, Staff consider that the proposal would not overall result in any significant increase in noise or disturbance to the detriment of residential amenity.

5.4.3 It is proposed that the 6th form block would be open from 6am and would close each day at 10pm including Sundays and Bank Holidays. The

School's first lessons are at 8.30am. Given that Policy DC28 encourages the dual use of community facilities, it is considered that the proposed after school and weekend/holiday hours would be acceptable in terms of its impact on residential amenity. Nonetheless it is considered reasonable that activity in the sixth form block between 6am and 7.30am is restricted to cleaning and catering staff only.

- 5.4.4 The proposal indicates that while most 6th form pupils over 17 would be old enough to drive, they would be required through the Travel Plan to travel by public transport or cycle rather than bring a car to school. As no additional parking spaces would be provided for the additional pupils it is possible that there may be some overspill on surrounding residential roads; in particular onto Southern Way where there do not appear to be any parking restrictions except at the junction with London Road. However, given the strict Student Conduct policies of the school, any behaviour which causes problems for the community would not be condoned.

5.5 *Flooding*

- 5.5.1 A Flood Risk Assessment has been submitted with the planning application. The Environment Agency confirms that the development would be acceptable subject to the attachment of a condition relating to the submission of a detailed surface water drainage scheme to any grant of planning permission. A suitably-worded condition is proposed.

5.6 *Trees*

- 5.6.1 Five trees would be removed, none of which are the subject of a Tree Preservation Order. Given that the site is not open to the public the loss of trees to the west of the school has no significant public amenity issues and it is therefore considered that the removal of some trees would be development would be acceptable.

5.7 *Highways*

- 5.7.1 The proposal is for a separate building to house an increased capacity 6th Form which would be ancillary to the existing use of the school.
- 5.7.2 Annex 5 of the LDF Core Strategy and Development Control Policies DPD indicates that 1 space would be required for each staff member. It is proposed to have an additional 140 pupils and 4 additional staff. There is no proposed increase in the number of parking spaces. Nonetheless it is considered that the existing parking arrangements meet the standards for schools.
- 5.7.3 Notwithstanding that the parking arrangements are satisfactory, an updated Travel Plan will be required (by the attachment of a suitably-worded condition to any approval). A financial contribution of £15,000 is also sought to help fund the footway widening review and highway improvements detailed by condition 7. This contribution is considered reasonable given that

the number of students using the northern footway will increase as result of the proposal.

6. **Conclusions**

- 6.1 Staff consider that the proposal would accord with Policy DC29 in relation to providing a quality school environment. Staff therefore recommend that planning permission is granted.

IMPLICATIONS AND RISKS

7. **Financial Implications and risks:**

- 7.1 None

8. **Legal Implications and risks:**

- 8.1 A legal agreement would be needed to ensure that suitable contributions are made to local infrastructure arising from the proposed development.

9. **Human Resource Implications:**

- 9.1 None

10. **Equalities and Social Inclusion Implications:**

- 10.1 The Council's planning policies are implemented with regard to Equalities and Diversity. In particular, in providing a separate 6th Form block in the existing school grounds, this would be to the benefit of local school children and adult learners.

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.

7. The relevant planning history.