



**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

23 June 2011

<b>Subject Heading:</b>	<b>P0615.11 – Rainham Village Primary School</b>  Variation to conditions 3 (accordance with plans), 4 (parking standards), 5(landscaping), 11 (boundary railings), 12 (details of playground) of P0128.11, to allow for a phased development
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<b>Policy context:</b>	Local development Framework
<b>Financial summary:</b>	None

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input checked="" type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input checked="" type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

**SUMMARY**

This application seeks to vary the conditions imposed upon planning permission P0128.11 which granted consent for various extensions and landscaping works to the school in order to allow for a phased development.

Staff consider that the proposals accord with the relevant Local Development Core Strategy and the Development Control Policies Development Plan Documents.

The application is brought to the committee because the site is within Council ownership.

Staff consider that planning permission should be granted, subject to conditions outlined below.

**RECOMMENDATIONS**

That planning permission be granted subject to the following conditions.

1. 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. Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) 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. The development hereby permitted shall be carried out in phases in complete accordance with the approved plans, particulars and specifications.

Reason:-

The Local Planning Authority consider it essential that the whole of the phased 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 including details of phasing. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. Prior to the implementation of the extensions to the school, provision shall be made within the site for 27 car parking spaces in accordance with current standards adopted by the Local Planning Authority, these parking spaces shall not be altered until the implementation of Phase 2 which shall provide 36 car parking spaces, thereafter such provision shall be made permanently available for use, unless otherwise agreed in writing with the Local Planning Authority.

Reason:-

To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety.

5. No development at the front of the site shown on plan no. PD1000 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 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, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

6. 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 'Secured by Design' in a proportional and appropriate way 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 PPS1, Policy 4B.6 of the London Plan, and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies DPD.

7. 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 PPS1, Policy 4B.6 of the London Plan, and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies DPD.

8. 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.

9. 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 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.

b) 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.

c) 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.

d) 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

e) 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.

10. Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason:-

In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

11. Prior to the commencement of works at the front of the site shown on plan no. PD1000 details of the boundary railings shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved details.

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.

12. Prior to the commencement of works at the front of the site shown on plan no. PD1000 details of the covered areas within the front playground shall be

submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved details.

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.

13. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated February 2011, reference WE10008 (Revision: P6) compiled by Water Environment Limited.

Reason:-

To reduce the risk and impact of flooding to the proposed development, future occupants and third parties.

## **INFORMATIVE**

1. The proposed development is considered to be in accordance with the aims, objectives and provisions Policies DC28, DC29, DC33, DC36, DC48, DC61, DC62, DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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 £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

2. In aiming to satisfy condition(s) 6 and 7 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

<b>REPORT DETAIL</b>
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### **1. Site Description**

- 1.1 The application site presently contains a primary school and is located on the northern side of Upminster Road South. The site has a Victorian school building and larger 1930's single storey building dominating the front of the

site. Behind this are newer brick buildings forming other classrooms. A detached classroom block lies at the rear of the site along with a large area of hard standing used as a play ground. Here the site is fenced off from the rear which is typified by an open playing field, which forms part of the designated flood plain. The site has two accesses from Upminster Road South leading to a front parking area, side gates to the eastern flank lead to further hard standing.

- 1.2 The surrounding locality is mixed in character to the west are commercial units that form part of the Rainham commercial core. East and south are residential properties, typically two storey terraced dwellings. North of the site is the River Ingrebourne.

## **2. Description of proposal**

- 2.1 Permission is sought to vary conditions 3 (accordance with plans), 4 (parking standards), 5 (landscaping), 11 (boundary railings), 12 (details of playground) of P0128.11 to allow for a phased development. Phase 1 would allow for the construction of the link and other extensions. Phase 2 would allow for the front landscaping works, relocation of the car park and removal of the detached nursery building.

- 2.2 The need for a phased development has come from a restriction in funding after planning permission was granted. The original permission P0128.11 has stated that firstly the development be carried out in full and secondly prior to any works commencing on site, details for all required elements be submitted and discharged. It is proposed that the consented development will eventually be completed in full as per the approved plans listed in P0128.11. However, with the funding currently in place, it is proposed to firstly construct the linking building, hub and other extensions under Phase 1, and when funding allows in the future, implement Phase 2 which would provide the additional parking and landscaping to the school. This would allow for details of Phase 2, including landscaping, railings and playground to be submitted at a later date, without delaying the first phase of development. The end development does not differ from the previous approval, but the phasing would allow for the existing car park and nursery facilities to remain in place whilst construction works are carried out on the main school buildings.

## **3. Relevant History**

- 3.1 P0128.11 - Single storey link extension connecting existing school building to provide new entrance. Single storey infill extension to provide 4 classrooms, foundations unit, relocated staff facilities and children centre/community hub. Landscaping alterations including removal of detached classroom unit - relocated parking area, front play area with seating and storage and railings – approved.

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

Neighbour notification letters were sent to 57 properties. At the time of writing the report, no representations were received.

#### **5. Staff Comments**

- 5.1 The main issues to be considered by Members in this case are the principle of varying the conditions on the approved scheme to allow for a phase development in terms of how this would affect the amenity of neighbouring residential occupiers, provision of school and community services, highway and parking.
- 5.2 Relevant LDF Core Strategy and Development Control Policies DPD Policies to be considered are Policies DC28 (Dual use of school, facilities), DC29 (Educational premises), DC33 (Car parking), DC36 (Servicing), DC48 (Flood Risk), DC61 (Urban design), DC62 (Access), DC63 (Delivering safer places).
- 5.3 PPS1 (Delivering Sustainable Development), PPS 5 (Planning for the Historic Environment) and PPS 25 (Development and Flood Risk) are also considered relevant.
- 5.4 Principle of development
  - 5.4.1 Policy DC61 states that a development should respond to distinctive local building forms and respect the scale, massing and height of the surrounding physical context.
  - 5.4.2 PPS5 recognises the value of heritage assets and the wider historic environment. Development should therefore be sympathetic and consider its particular context. There is a detached Victorian building to the front of the site, whilst this is not listed or within the Rainham Conservation Area, it is of local historic value and has a prominent position within the street scene. Development should therefore seek to preserve and enhance this local landmark. There are no amendments proposed to the construction of the link building over the approved plans.
  - 5.4.3 There is an ongoing regeneration effort within Rainham, known as the Rainham Compass, which encourages improved education services within the borough as well as providing community facilities. This proposal would contribute towards both these ambitions. The variation of the conditions to allow the phasing of the development would not result in the loss or reduction of any proposed community services, and as these form part of Phase 1, they would be constructed first and would continue to provide improved services as per the ambitions of Rainham Compass.



5.5 Design/Impact on Street scene

5.5.1 The works to the front of the school would be carried out at a later date meaning that the car park is to stay as existing until Phase 2 can be implemented. Whilst the approved plans for landscaping would improve the appearance of the school, given that the car park is an existing facility, there is no Staff objection to its retention for the short term. The link extension comprising the hub would be carried out in full, and the impact imposed upon the Victorian building not to change from the original consent.

5.6 Impact on Amenity

5.6.1 The school site is bordered by residential properties. It is recognised that phasing the development would result in longer durations of construction works. However, the end development would be the same as originally granted.

5.6.2 With reasonable and enforceable conditions, restricting hours of operation, it is not considered that there would be any significant loss of residential amenity than could otherwise be expected during building works. The majority of building work is concentrated away from the boundary with residential properties.

5.6.5 There is no additional plant equipment on site which would result in additional noise or disturbance levels.

5.7 Highway/Parking/Access

5.7.1 The car park is to remain at the front of the school as existing which provides 27 car parking spaces, there is capacity within this car park to provide an additional 2 spaces as existing which would bring the total to 29 spaces. This however, is a reduction from the 36 required by condition 4 of P0128.11 and a reduction on the maximum number suggested within DC33. Representations received from the Highways Authority do not object to the phasing of the development because although the construction of Phase 1 to create additional teaching space and community facilities would result in larger numbers of people on site, it is felt that there is sufficient local pay and display parking and adequate public transport links in close proximity to the site which compensate for the reduced amount of parking. This reduction in parking would be alleviated by the implementation of Phase 2, which would allow for the relocation of the school car park to the rear of the site, which would in the long term provide the site with adequate parking. It is therefore considered that the variation of the conditions to allow for a phase development would result in adverse harm to the highway.

5.8 Flood Risk

5.8.1 The rear of the site is located within the identified flood zone 2 and 3. The proposed car park is wholly located within the identified flood zone, whilst

the infill extensions only partially fall within flood zone 2. Phase 1 to construct the extensions and link building does not fall within the identified flood zone. Phase 2 for the landscaping works would mean that the detached nursery building has to remain in its existing location, within the identified flood risk zone until funding is secured. Condition 13 attached to P0128.11, requires the development to accord with the approved Flood Risk Assessment (FRA). A revised Flood Risk Assessment has been provided as part of the application and representations from the Environment Agency do not raise any objection to the proposed phasing of the development as the site benefits from adequate flood risk protection measures at present, including vegetated earth banks with concrete kerb ridges along the River Ingreborne. However, as the original consent specifically mentions by name and date the approved FRA, this condition requires variation to take account of the updated and approved assessment.

5.8.2 DC51 requires new development to provide adequate drainage so that it does not result in adverse impact to surrounding water levels. This is especially important when near river courses such as the River Ingrebourne. It is proposed to incorporate Sustainable Drainage Systems (SUDS) into the scheme. This is encouraged by PPS 25 and is considered acceptable by Staff. The FRA states that the eventual reduction in run off rates on site would be around 4%, this is a reduction from existing levels and would contribute to the wider flood risk improvements in the area. The Environment Agency has stated this is acceptable.

## **6. Conclusion:**

6.1 Staff consider that the variation of the conditions listed within P0128.11, to allow for a phased development is acceptable. There would be no amendments to the expansion of the school or provision of community facilities. An updated FRA does not raise any objection from the Environment agency and measures to retain the existing car park are in place to provide adequate parking on site during construction works.

## **IMPLICATIONS AND RISKS**

**Financial implications and risks:** This application is considered on its own merits and independently from the Council's interest as applicant and owner of the site.

**Legal implications and risks:** None

**Human Resources implications and risks:** None.

**Equalities implications and risks:**

The Council's planning policies are implemented with regard to Equalities and Diversity. The extensions and alterations to the school would provide additional classroom space and the community hub would provide a place for the local community which would provide an additional focus for Rainham Village in line with the ambitions of Rainham Compass.

**BACKGROUND PAPERS**

Application forms and plans received 7/04/2011.

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.