

Supplementary Information Planning Committee on 29 July, 2015

Case No.

14/4241

Location	Garages rear of 32, Crownhill Road, London
Description	Demolition of existing garages and erection of a single storey building to provide Junior School Annex to Maple Walk School with associated play area, waiting shelter, cycle storage and new fencing (amended plans and description)

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The Members of the Planning Committee visited the site on Saturday 25th July. A number of points were raised which require clarification and these are set out and addressed below.

Outdoor space and fire safety standards:

The level of outside space provided for the annex was raised and whether this meets guidelines for outside space for schools.

The Education Act 1996 places a duty on the Secretary of State to prescribe standards for the premises of all maintained schools in England and Wales. Those for England are set out in The School Premises (England) Regulations 2012 and they apply to all existing and new schools maintained by a local authority. Similarly, the Education Act 2002 empowers the Secretary of State to prescribe standards for the premises of independent schools, which include Free Schools. These are set out in Part 5 of The Education (Independent School Standards) (England) Regulations 2010. Both of the above pieces of legislation now require:

“Suitable outdoor space must be provided in order to enable—

- (a) physical education to be provided to pupils in accordance with the school curriculum; and*
- (b) pupils to play outside.”*

The Government’s 2015 ‘Advice on standards for school premises’ guidance document recognises that ‘Some schools will be on restricted sites and will not have enough outdoor space to meet requirements. In these situations pupils will need to be provided with access to suitable off-site provision’.

The applicant has indicated that Physical Education lessons would take place at the main school site as set out in paragraph 2 of the report. The applicant has also confirmed that the school uses off-site sporting facilities for example. The site would have an area of outside space approximately 118m² in area (excluding the access to the site) with staggered play times and it should be borne on mind that the proposed building would act as an annex to the main school site. In any case, the above legislation operates separately from the planning system and the school would need to comply with the above standards regardless of a planning decision.

The issue of fire safety and access to the site for emergency vehicles was raised. Returning the vehicular crossover to footpath obviously removes the possibility of access for emergency vehicles. Officers have discussed the point with Building Control Officers again. Any building which is erected would be required to comply with Building Regulations, as well as relevant Fire Safety legislation. The site is, as Members saw, a tight backland site which will present a number of challenges as far as fire safety is concerned. However, the applicants are aware that they need to discuss the proposal with the Fire Brigade and that a full Fire Risk Assessment would be required before any development takes place. The Assessment may conclude that a range of measures, including sprinkler systems and/or introduction of on site fire hydrant, may be required and this would need to be addressed in due course. It is suggested that an Informative be attached to any permission stating that:

ADDITIONAL INFORMATIVE

"The applicant is informed that they must contact Brent Council's Building Control Service to discuss Fire Safety issues relating to this development as a matter of urgency."

Impact on neighbours:

Clarification was sought about the height of the proposed building in relation to neighbours. The building would have a maximum height on the boundaries of 3.2m, reducing to 2.5m at the boundaries with No.2 and No.4 Burn's Road. Considering the height of existing structures and boundary treatments on the site and the separation distance to neighbours, the proposed building is considered of an acceptable scale and is considered to form an acceptable relationship with neighbours as discussed in paragraphs 6-22 of the report.

It has been suggested that the access to the site could be fully enclosed with a tunnel-type structure. Whilst this would have the potential to alleviate the noise impact of the development, such a structure could have its own implications in terms of the impact of the structure itself on neighbours, in terms of loss of light and overbearing impacts and such a structure would require planning permission in its own right. For the avoidance of doubt such a structure does not form part of the current proposal.

Further clarification was sought as to the potential impact on the rooflights of the neighbour at 'Fabline' which is the building that Members visited and which serve ground floor habitable rooms. The proposed building would be positioned 0.5m from this neighbour and 0.2m higher than the level of the rooflights in question. This relationship is not considered to create an unacceptable loss of light or overbearing impact on these windows.

Further concern was raised about the noise impact on 'Fabline' in terms of noise transmission through walls. It is acknowledged in paragraph 14 of the report that the flank walls of 'Fabline' directly abut the site. As set out in the report, potential direct contact between users of the site and the walls can be addressed by the introduction of landscaping features. For clarity and the avoidance of doubt, it is recommended that condition 15 is amended to specifically mention the requirement for a landscape buffer around the external walls of 'Fabline'. It is therefore recommended that Condition 15 is re-worded as follows:

A hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved. All detailed works shall be carried out as approved prior to the occupation of the building hereby approved. Such details shall include:

*(i) details of soft landscaping including the planting of trees, shrubs and climbing plants and species and pot sizes/spacing, **including details of landscaping adjacent to the flank wall of the neighbour at 'Fabline'***

(ii) details of materials to be used in areas of hard surfacing

Any trees or plants planted in accordance with the approved landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

*Reason: To ensure a satisfactory appearance **and in the interests of visual and neighbouring amenity.***

Reassurance was sought that the proposed acoustic fencing would mitigate the noise impact of the development. Acoustic fencing was introduced as part of the amended scheme and was welcomed by Environmental Health Officers. Acoustic fencing would not eliminate all noise emanating from the site, but Officers consider that they would help mitigate the impact on neighbours and contribute to making the scheme acceptable in terms of neighbouring amenity.

Transportation Issues:

The applicant states that 86% of pupils at the school live in Brent. The applicant has provided Officers with the postcodes of pupils at the school which demonstrates this to be the case and Officers further calculate that the majority of these live within a 2 mile radius of the school. The applicant has requested that the postcode information is treated confidentially. As detailed in paragraphs 23-35 of the report, Officers are satisfied that the proposal would, as far as it is possible to assess, be to the benefit of the provision of school places in Brent and that for this reason the transportation impact of the development would be within acceptable limits.

Sewerage arrangements:

Concerns about sewerage arrangements for the development were reiterated with concerns over the impact on neighbours that emptying septic tanks could have. The applicant has confirmed, as was mentioned at the site visit, that the intention is to connect the proposed development to mains sewers. For clarity, the provision of adequate infrastructure to deal with sewerage would be a requirement of Building Regulations.

Asbestos:

It was mentioned that the buildings on site may contain asbestos. The removal of asbestos would be controlled separately by the Control of Asbestos Regulations 2012. Contractors would have to comply with these regulations and may require a licence from the Health and Safety Executive (HSE).

Side-facing window at 'Fabline'

The issue of the first floor side-facing French doors as mentioned in paragraph 15 of the report was raised. Enforcement Officers have confirmed that one complaint has been received, but no action has been taken at this time. In any event, the treatment of this window opening is not considered material to the determination of this application, save for the fact that it should lawfully be obscure glazed and fixed closed, in accordance with the original approval. The proposal is considered to be acceptable in terms of its relationship with this window for the reasons set down in the report.

Recommendation: Remains approval, subject to amended condition 15 and additional Informative.

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