



REGULATORY SERVICES COMMITTEE

REPORT

17 November 2011

Subject Heading:

P0954.11 – Former Edwin Lambert School, Malvern Road, Hornchurch

Demolition of existing buildings and redevelopment of the site to create 35 No. three bedroom houses, plus associated roads, paths, car parking, garages and landscaping (Application received 23rd June 2011 with revised plans received on 12th and 25th August 2011)

Report Author and contact details:

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Policy context:

**Local Development Framework
London Plan
National Planning Policy**

Financial summary:

None

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

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Value and enhance the life of our residents	<input type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This application relates to the redevelopment of a former primary school to provide a residential development of 35 houses. The proposal is considered acceptable in all material respects, allowing for areas of judgement, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. A viability appraisal has been submitted by the applicant to justify the level of affordable housing and the amount of Section 106 contributions arising from the development. Staff consider the proposals to be acceptable, subject to a legal agreement and conditions and it is recommended that planning permission is granted.

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:

- The provision on site of 11% of the houses within the development as affordable housing in accordance with Policy DC6 of the LDF Development Control Policies Development Plan Document.
- The payment of a financial contribution of £12,000 towards the cost of health care provision within the Borough in accordance with Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document
- A financial contribution of £35,000 towards highway improvements within the vicinity of the site in accordance with Policy DC32 of the LDF Development Control Policies Development Plan Document.
- All contribution sums shall include interest to the due date of expenditure and indexation from the date of the agreement to the date of payment.
- The Council's reasonable legal fees for preparation of the agreement.

That staff 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 set out below.

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. 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 the LDF Development Control Policies Development Plan Document Policy DC61.

3. Car parking - Before the houses hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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 and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. Use of garages/carports - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) the garages/carports hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

Reason: To provide satisfactory off-street parking at the site and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

5. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

6. 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 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 LDF Development Control Policies Development Plan Document Policy DC61.

7. Tree protection - Prior to the commencement of the development hereby approved the trees to be retained on site shall be protected in accordance with the appropriate recommendations contained in British Standard 3998:1989 (Tree Works) to the satisfaction of the Local Planning Authority.

Reason: To protect the trees on site in the interests of amenity and to accord with Policy DC60 of the LDF Development Control Policies Development Plan Document.

8. Refuse and recycling - Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

9. Cycle storage - 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 and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

10. Boundary treatment - Prior to the commencement of the development hereby approved, details of proposed boundary treatment, including details of all boundary treatment to be retained and that to be provided, shall be

submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and the boundary treatment retained thereafter.

Reason: In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

11. Secure by Design - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor the development shall be carried out in accordance with the agreed details.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

12. External lighting - Prior to the commencement of the development a scheme for the lighting of external areas of the development including the access road shall be submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the occupation of the development and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

13. Biodiversity – Prior to the commencement of the development a method statement shall be submitted to and approved in writing by the Local Planning Authority outlining details of how the proposed ecological scoping survey recommendations and associated habitat enhancement measures will be implemented within the development. The development shall thereafter be carried out in accordance with the agreed details.

Reason: In order to ensure that the proposed development has an acceptable impact on biodiversity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC58 and DC59.

14. 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 LDF Development Control Policies Development Plan Document Policy DC61.

15. Wheel washing - Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction 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.

16. 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 authority; siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) 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 with the LDF Development Control Policies Development Plan Document Policy DC61.

17. Land 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 the Phase I Report having already been submitted to and approved in writing by the Local Planning Authority:

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 site 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 two parts:

Part A - Remediation Scheme, 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. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.

18. Sustainability - No development shall be commenced until the developer has provided a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 3' rating. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement. Before the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document and the London Plan.

19. Renewable energy - Any renewable energy system shall be installed in strict accordance with the agreed details and operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development. Thereafter, it shall be permanently retained.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document and the London Plan.

20. Sound attenuation - The buildings hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 'Planning and Noise'.

21. Removal of Permitted Development rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, Article 3, Schedule 2, Part 1, Classes A to E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings or other means of enclosures shall be erected within the rear garden areas of the dwellinghouses unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

22. No additional flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the approved plans), shall be formed in the flank walls of the dwellings hereby permitted, unless specific permission under the provisions of the Town and

Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties, which exist or may be proposed in the future.

23. Details of ground levels - Prior to the commencement of the development details of the existing ground levels and the proposed finished ground levels of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, amenities of adjoining properties, and appearance of the development. Also in order that the development complies with Policy DC61 of the LDF Development Control Policies Development Plan Document.

INFORMATIVES

1. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway approval will only be given after suitable details have been submitted, considered and agreed. Please contact the StreetCare Service (Traffic and Engineering section) to commence the submission/licence approval process.
2. In aiming to satisfy conditions 10, 11 and 12 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.
3. Reason for Approval:

The proposal is considered to be in accordance with Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, CP18, DC2, DC3, DC7, DC20, DC30, DC32, DC33, DC34, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC59, DC60, DC61, DC63, DC70 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. The proposal is considered to accord with Policy DC6 as the amount of affordable housing provision has been justified through the submission of a viability appraisal, which has been independently tested and found to be sound.

The proposal also accords with the provisions of Policies 3.3, 3.4, 3.6, 3.8, 3.9, 3.13, 5.3, 5.7, 5.12, 5.13, 5.16, 5.21, 6.1, 6.9, 6.10, 7.3, 7.4, 7.6, 7.8, 7.14, 7.15, 7.19 8.2 of the London Plan. The application proposes car parking at a level greater than that set out in policy 6.13 however the

amount is considered to be justified given the relatively low PTAL level of the site. A number of the proposed houses within the development would fall below the internal space standards set out in Policy 3.5 however staff consider that the proposed houses would provide a decent quality living environment for future occupiers. The application does not comply with Policy 5.2 of the London Plan in that the sustainability element of the development is not equivalent to Code Level 4. The development does however envisage achieving Code for Sustainable Homes Level 3. Given the London Plan policy has been adopted post-submission of the scheme and compliance with local sustainability policies, this is considered acceptable in this case. The proposal is considered to be consistent with Policy 3.9 and Policy 3.12, which require the maximum reasonable amount of affordable housing to be sought. A development viability appraisal has been submitted with the application, justifying the amount of affordable housing provided.

4. 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.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises 0.64 hectares of land located on the southern side of Malvern Road and is enclosed by residential development on all sides. To the east and south, the rear gardens of the houses in, respectively, Globe Road and Hillcrest Road abut the site boundary. To the west, Park Crescent runs up to the boundary of the site and was historically used as the entrance to the school site, meaning that the houses at the eastern end of the road (numbers 39 and 42) are positioned side-on to the shared boundary. To the north, the current school access is taken from Malvern Road, between numbers 64 and 70, with the rear gardens of the houses on the street frontage also backing on to the site. The former school buildings currently stand in the central third of the site, with a hard surfaced area acting as a car park for staff to the north, with a small ornamental garden planted by the pupils in the north western corner. To the south of the buildings, the playground fills the remainder of the site. The character of the surrounding area is largely residential nature with two storey semi-detached and terraced housing being the predominant building type. The topography of the site and surrounding area is such that ground levels slope gently from

Globe Road in the east towards Park Lane in the west. Globe Road and Malvern Road fall within Controlled Parking Zone RO3 which is in operation between 0830 and 1830 Monday to Saturday for resident permit holders only.

2. Description of Proposal

- 2.1 This application seeks full planning permission for the demolition of the existing buildings on the site and the construction of a new residential development with associated access road and parking areas. The proposed development would comprise a total of 35 no. three bedroom houses. A combination of 2 and 2.5 storey houses in detached, semi-detached and terraced forms are proposed in order to reflect the mixed character of the surrounding area.
- 2.2 The existing vehicular access into the site would be rebuilt with a new 5.5 metre wide road running southwards from Malvern Road into the site. The proposed road would curve gently to the west in order that it can run through the centre of the site, with houses lining either side. The proposed access road would be constructed to an adopted standard and include a separate pedestrian footway along the entire length to one side. Running from the main access road in a westerly direction would be two smaller private driveways. Parking for the proposed houses would be provided in one of three positions: to the front of the property, on-plot alongside the house on a private drive/in attached garages, or within and to the front of separate garage buildings.
- 2.3 At the entrance to the development would be a detached house to plot 1 turned so that its front elevation would face onto the access road. Plots 1 to 4, on the eastern side of the estate road, would be clustered around a short private drive, with plots 5 to 10 behind, following the edge of the proposed road and backing onto the existing properties in Globe Road. A turning head would mark the end of the proposed road and would provide a facility for refuse and emergency vehicles to turn round. Plots 11 to 17 are proposed running along the southern boundary forming a back-to-back relationship with the existing houses in Hillcrest Road.
- 2.4 Park Crescent runs up to the western site boundary. The proposed houses to plots 21 to 25 are proposed to be positioned side on to the boundary, appearing as if they are a continuation of the existing terrace to the south side of Park Crescent. To either side, plots 19, 20 and 26 to 29 would back onto the boundary but would be separated from existing neighbouring houses by either plot 18 or their own garages. Along the northern edge of the site, plots 30 to 35 would form a back-to-back relationship with the existing houses in Malvern Road, with plot 35 turned so that the principle elevation would face onto the access road.
- 2.5 There are a number of existing trees around the edge of the site. Some of these would be retained as a feature of the new development and to provide a buffer between the existing properties that surround the site and the

proposed new houses. Additional soft landscaping is proposed as part of the proposals. The proposed houses are of a traditional form, with regular shapes and pitched roofs. It is proposed that the scheme would mainly use buff bricks with red or grey roof tiles, although red bricks and weather boarding is also proposed in the palette of materials. The proposed houses would range in height with eaves heights around 4.7 metres and ridge heights ranging between 7.6 and 8.7 metres.

3. Relevant History

- 3.1 D0173.11 – Determination as to whether prior approval is required for the demolition of the existing buildings on site – Prior approval required and granted 21st October 2011

4. Consultations/Representations

- 4.1 The application has been advertised and neighbour notification letters sent to 91 local addresses with two letters of representation being received. The letters raise objection to the proposal on the following grounds:

- Noise during construction
- Potential damage to property
- Change in character of the site
- Parking problems within the locality
- The proposals being too ambitious for the site

- 4.2 The Borough Crime Prevention Design Advisor considers that the proposal does not present any material crime prevention issues but requests conditions be imposed in respect of boundary treatment, landscaping, lighting and the Secure by Design award scheme.

- 4.3 The London Fire Brigade raise no objection subject to the provision of an additional fire hydrant within the site.

- 4.4 The NHS Outer North East London has advised that the site is located in an area of health deficiency and as such have requested a financial contribution to off set the development would have on existing health services.

- 4.5 Natural England raises no objection to the proposal but recommended that an emergence bat survey be carried out. This was undertaken in August 2011.

- 4.6 Thames Water has raised no objection to the proposal.

- 4.7 The Environment Agency has no comments to make on the proposals.

- 4.8 English Heritage have assessed the Archaeological Desk Based Assessment submitted with the application and consider that the proposals

are unlikely to effect archaeological remains and as such archaeology need not be a consideration in the determination of the application.

5. Relevant Policies

5.1 National Planning Policy

Planning Policy Statement 1 'Delivering Sustainable Development', Planning Policy Statement 3 'Housing', Planning Policy Statement 9 'Biodiversity and Geological Conservation', Planning Policy Guidance Note 13 'Transport', Planning Policy Statement 22 'Renewable Energy', Planning Policy Guidance Note 24 'Planning and Noise' and Planning Policy Statement 25 'Development and Flood Risk' are also relevant. Government guidance relating to highway matters contained within 'Manual for Streets' published by The Department for Transport in 2007 is also considered to be a material consideration.

5.2 Regional Planning Policy

Following its recent adoption in July 2011 the London Plan is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (children's play facilities), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 6.14 (freight), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature), 7.21 (trees and woodlands) and 8.2 (planning obligations).

There is also a range of Supplementary Planning Guidance to the London Plan.

5.3 Local Planning Policy

Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP15 (environmental management), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC6 (affordable housing), DC7 (lifetime homes and mobility housing), DC11 (non-designated sites), DC21 (major developments and open space), DC29 (educational premises), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC48 (flood risk), DC49 (sustainable design and construction), DC50 (renewable energy), DC51

(water supply and drainage), DC53 (contaminated land), DC55 (noise), DC56 (light), DC58 (biodiversity and geodiversity), DC59 (biodiversity in new developments), DC60 (trees), DC61 (urban design), DC63 (crime), DC70 (archaeology) and DC72 (planning obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are material considerations.

In addition, Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Protection of Trees During Development SPD, Heritage SPD, Landscaping SPD and Sustainable Design and Construction SPD are material considerations.

6. Staff Comments

6.1 The issues arising from this application are the principle of development, the density and layout of the new development, the design of the development and its impact on the character and amenity of the locality, the impact of the development on local residential amenity, parking and highway matters, the impact on trees and landscaping, affordable housing and the impact on community infrastructure.

6.2 Principle of Development

6.2.1 The application site is previously developed land having most recently been in use as a primary school. Policy DC27 of the LDF states that planning permission for the redevelopment of a community facility will be granted where (a) it can be demonstrated that there is no longer a need for the facility affected, either in its current use or any alternative use or (b) where suitable alternative provision is made. The Edwin Lambert School closed in July 2011 following a move into a new building off of Granger Way now known as Hylands School. Staff are of the view, having regard to the above that the loss of this community facility is acceptable and that the proposal complies with Policy DC27 in this respect. The principle of residential development on this site is considered to be acceptable having regard to Policies CP1 and DC11 of the LDF, subject to the detailed design of the proposals.

6.2.2 Government guidance relating to sustainable development is contained within PPS1. This document refers in particular to the need to locate new development on land within existing urban areas. With reference to housing and sustainability local planning authorities are encouraged to make effective use of land within urban areas. The redevelopment of the site would therefore contribute to the principles of urban regeneration and sustainability. The proposed residential redevelopment would contribute to the London Plan objective of increasing the overall supply of housing, specifically relevant is Policy 3.3.

6.2.3 The proposal includes the demolition of existing buildings on the site, although prior approval has already been given by the Council to demolish

the buildings on the site (reference D0173.11). The buildings on the site are not of particular historic or architectural merit and there is no objection in principle to their demolition.

6.3 Density and Site Layout

6.3.1 The application site has an area of approximately 0.64 hectares and proposes 35 units, giving a development density of 55 units per hectare. This is slightly beyond the density range of 30-50 units per hectare set out in Policy DC2 of the LDF and Policy 3.4 of the London Plan. Members will be aware that the advised density ranges are one of number of criteria employed to assess the appropriateness of a proposal. Staff consider that the density of development proposed is not unacceptable in principle subject to the proposals achieving a suitably high standard of quality and urban design.

6.3.2 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 seeks that new residential development conforms to minimum internal space standards set out in the plan. Although the proposed development has been designed in accordance with the Lifetime Homes standard a number of the proposed houses would have internal space standards below those set out in the London Plan. For example plot 1 would achieve 81 square metres whereas the London Plan seeks 87 square metres. For plots 2, 7, 8, 15, 16, 19 and 20 internal floor spaces of 80 square metres would be achieved whereas the London Plan seeks 96 square metres. The London Plan 2011 was adopted post-submission of this planning application and staff are of the view that the proposed internal space standards which would be achieved are acceptable. Whilst not complying with this aspect of the London Plan staff consider that the proposal would provide decent quality living environments for future occupiers and that a refusal on this ground alone would not be reasonable.

6.3.3 The Council's Supplementary Planning Document for residential design advises that in most cases, new developments should respond to traditional street patterns. In this case the application site is a roughly rectangular shaped parcel of land joined on all four sides by existing residential development. Staff are of the view that the location of the site and the limited access points to it presents limited opportunity for the proposed development to replicate the nearby Victorian grid based street patterns. Notwithstanding this, staff are of the view that the proposed cul de sac site layout would relate satisfactorily to the surrounding area and would be of comparable layout to previous infill developments in the locality. The proposed site layout would provide spacing between buildings with landscaped areas to soften the built form. The layout of buildings on the site would provide active frontages with clear distinctions between public and private space and high levels of natural surveillance. It is considered that the arrangement and setting of the proposed buildings would be compatible with development in the surrounding area. Whilst it is acknowledged that a

number of the houses would be positioned in a manner tight to the proposed access road this is not judged to be harmful as the site would effectively set its own character.

6.3.4 In respect of amenity space the Supplementary Planning Document places emphasis on new developments providing well designed quality spaces that are usable. This proposal would see each of the proposed houses provided with private rear garden areas. The proposed garden areas would vary in size between 31 square metres for plot 21 and 104 square metres for plot 1. Members are invited to exercise their judgement as to whether the smaller rear garden areas would provide sufficient amenity space for the proposed houses. Staff are of the view that the proposed rear garden areas, whilst of limited area compared to existing development in the locality, would provide each house with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

6.3.5 The provision of amenity space is not only important for providing external space for future occupiers but also provides space between buildings. The proposed houses would have rear garden areas of varying depth of between 5.5 for plot 16 and 16 metres for plot 1. Staff acknowledge the proposed garden depths would be significantly shorter than those presently found for the Victorian housing surrounding the site where garden depths average 32 metres for properties in Park Crescent and 22 metres for properties in Globe Road. Notwithstanding this staff are of the view that the depths of the proposed rear gardens would not be harmful to local character. Given the nature of proposed site layout staff are of the view that the configuration of buildings is such that the proposed garden depths would not appear overly cramped.

6.3.6 The submitted plans show detailed information in respect of proposed hard and soft landscaping including new tree planting. Staff are of the view that the proposed landscaping is acceptable and would help to create a pleasant and attractive high quality environment for future occupiers. If Members are minded to approve this proposal the applicant would be required to submit further details for approval in this respect.

6.4 Design/Impact on Street scene

6.4.1 National policy guidance set out in PPS1 and PPS3 recognise the need for high quality design in residential development. In particular, PPS1 states that good design can help promote sustainable development; improve the quality of the existing environment; attract business and investment; and reinforce civic pride and a sense of place. As a consequence Council policy and guidance seeks to ensure that new residential development responds to the distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context. PPS1 also advises that local planning authorities should not attempt to impose architectural styles or particular tastes nor to stifle innovation, or originality.

- 6.4.2 The character of the surrounding area is drawn predominantly from Victorian semi detached and terraced housing constructed on a grid based street pattern. Despite the houses in the surrounding area being predominantly from the Victorian period each group of properties has its own individual character as the buildings were developed by different builders at differing times. The overriding character is however that of two storey pitched roof buildings.
- 6.4.3 The application site has a limited frontage to Malvern Road and as such the proposed development would be largely hidden from view by the houses that surround the site. Given the location of the site the proposed development would effectively set its own character. The proposed houses would be broadly comparable with surrounding two storey dwellings in terms of form and general proportions. It is considered that the design and appearance of the proposed dwellings is of an acceptable quality, in accordance with relevant guidance. Given the nature of surrounding built form, comprising mainly two storey housing, staff consider, that the proposal would not have an adverse impact upon the street scene or character of the area.
- 6.4.4 The submitted plans indicate that external materials for the proposed houses would comprise of facing brickwork and weather boarding with UPVC framed windows with concrete tiled roofs. The materials chosen for the proposed development are contemporary and durable and would require minimal maintenance. Staff are of the view that the proposed materials would provide a suitably high quality appearance for the development. The proposed materials would give the development an attractive and distinctive character, which staff consider would be complimentary to the existing local area. Further details of materials including samples can be requested via condition.
- 6.4.5 The design of the proposed development is such that it would be fully accessible to those with disabilities, with all of the houses to meet the Lifetime Homes standards. In addition four of the plots (1, 18, 26 and 35) have been specifically designed to meet wheelchair housing standards. The proposal is considered to accord with Policy DC7 in this respect and would provide residential accommodation to meet the needs of individuals throughout their lives through changing circumstances.
- 6.4.6 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in principle in this respect, subject to the imposition of conditions requested by the Borough Crime Prevention Design Advisor.

6.5 Impact on Amenity

- 6.5.1 Access into the application site is presently taken from Malvern Road with a single road passing adjacent to no. 64. The proposal would see a new road taken into the site running southwards from Malvern Road through the existing access corridor. The proposed carriageway would be sited centrally

within the access corridor enabling the provision of a soft landscaped buffer to either side. Subject to details of landscaping and boundary treatment staff are of the view that the proposed access road would have an acceptable impact on the amenity of adjoining occupiers. The proposal would result in an increase in the amount of noise and general disturbance to those properties flanking the access road. However, the proposal is for a residential development and it is not normally considered that residential traffic and other such activities would detract from the amenities of an existing residential area.

- 6.5.2 At the entrance to the development would be a group of four houses clustered around a short private drive. The proposed houses to plots 1 and 2 would result in a flank to back relationship with those properties adjoining the site to the east in Globe Road. A flank to back would result with no. 60 to 70 Globe Road with a separation distance of between 20 and 25 metres. No windows are proposed within the flank east facing walls of the proposed houses. The change in ground levels across the local area is such that the application site is located at approximately 0.5 metres below the adjoining rear gardens of those properties fronting Globe Road. Having regard to the separation distance described above together with the change in levels staff consider this relationship to be acceptable. Although the houses to plots 1 and 2 would be sited in a manner fairly close to the bottom of adjoining rear gardens the house to plot 1 would be separated by a single storey garage. The proposed house to plot 2 would be within 0.5 metres of the boundary however the change in ground levels is judged to be sufficient to prevent the house from appearing unduly overbearing in the rear garden environment.
- 6.5.3 The proposed houses to plots 5 to 10 would result in a conventional back to back relationship with those properties to the east in Globe Road. The houses to plots 5 to 10 would be sited at between 8 and 9 metres from the eastern site boundary. Back to back distances of between 28 and 31 metres would be achieved. Having regard to the above distances staff are of the view that the proposed houses would be sufficiently removed to prevent harm to residential amenity. A block of three garages is proposed to the rear of nos. 86 and 88 Globe Road. This building would be single storey in form and be of a hipped roof design with an overall height of 4.7 metres. Staff are of the view that the proposed garages would not have a harmful impact on amenity.
- 6.5.4 A pair of houses (plots 11 and 12) is proposed to the south east corner of the site to the rear of nos. 90 and 92 Globe Road. The proposed house to plot 11 would result in a flank to back relationship with the adjoining properties in Globe Road. A separation distance of at least 22 metres would be achieved. No windows are proposed within the east facing flank of the house to plot 11. There is a change in ground levels at this end of the site with the adjoining rear gardens of those properties fronting Globe Road set approximately 0.6 metres above the level of the site. Having regard to the separation distance described above together with the change in levels staff consider this relationship to be acceptable.

- 6.5.5 The proposed houses to plots 11 to 17 would be located to the southern end of the site and would result in a conventional back to back relationship with those properties fronting Hillcrest Road. The proposed houses would have rear garden depths of between 5.5 metres and 10.5 metres and would achieve back to back distances of at least 31 metres. The proposed house to plot 16 would be sited closest to the southern site boundary with the garden area of this house varying in depth between 5.5 and 7.5 metres. Members are invited to exercise their judgement in respect of the acceptability of this rear garden depth. The internal configuration of the house is such that the upper floor window which would be nearest to the boundary would serve a bathroom. The proposed house would also achieve a decent back to back distance of 31 metres. It is for these reasons that staff consider, on balance, the proposed back garden depth to be acceptable.
- 6.5.6 The proposed house to plot 18 would be sited to the western side of the site adjacent to the boundary with no. 42 Park Crescent. Members are invited to exercise their judgement with regard to the impact of the proposed house on this property. The change in ground levels in the local area is such that the garden area of no. 42 is located at a lower level than the site by approximately 0.6 metres. The proposed house would be removed from the boundary by a metre and has been specifically designed with a hipped roof. The proposed house would be sited at a distance of 20 metres from the rear main wall of no. 42. Staff are of the view that the distance of separation is such that the house would not be harmful to the outlook of occupiers of the adjoining property. The proposed house has been specifically designed internally so that the two windows nearest to the boundary with adjoining property would be obscure glazed to prevent overlooking.
- 6.5.7 Park Crescent runs up to the western site boundary. The proposed houses to plots 21 to 25 are proposed to be positioned side on to the boundary, appearing as if they are a continuation of the existing terrace to the south side of Park Crescent. The siting of these houses is not judged to result in any adverse impact on adjoining properties.
- 6.5.8 The proposed houses to plots 19, 20 and 26 to 29 would be sited towards the centre of the site with the rear elevations facing west. The proposed houses would be separated from the western site boundary by either plot 18 or their own garages. The houses would be removed from the boundary by at least 17 metres which is judged to be an acceptable distance to prevent any undue overlooking or a loss of privacy. A block of four garages is proposed to the rear of plots 26 to 29. The proposed building would project 4.5 metres beyond the rear of no. 39 Park Crescent. The building would be single storey in form, set off the boundary by 1.5 metres and be of a hipped roof design with an overall height of 4.7 metres. Given the siting of the proposed building and its single storey form staff are of the view that the garage building would have an acceptable impact on amenity.
- 6.5.9 To the northern edge of the site two terraces of houses are proposed (plots 30 to 35) backing onto the existing properties fronting Malvern Road. The

proposed houses would be removed from the boundary between 11 and 8 metres given the tapering nature of the site. The proposed houses would achieve back to back distances of between 22 and 25.5 metres. At the present time the outlook of nos. 50 to 64 Malvern Road towards the site is formed by a dense row of coniferous trees which would be removed as a result of this proposal. Staff are of the view that whilst the outlook from these properties would be different the siting of the proposed houses is such that no material harm to result amenity would result.

6.5.10 It is acknowledged that the outlook for those properties which back onto the application site would be noticeably different to the existing situation. These properties have benefited for a number of years from a borrowed outlook afforded by the single storey form of the existing school buildings. Although staff acknowledge that the outlook for properties backing onto the site would be different this is considered to be acceptable given the separation distances described above.

6.5.11 The proposed site layout would introduce parking courts in close proximity to several parts of the site boundary. The proposed parking courts would be separated from the site boundaries by landscaped buffer strips which, in conjunction with boundary treatment, staff consider would limit the impact of noise from vehicles

6.6 Environmental Impact

6.6.1 A phase 1 land contamination desktop study has been carried out and details submitted with the application. A condition is recommended in respect of land contamination issues. The proposal is therefore judged to be compliant with Policy DC53 of the LDF and Policy 5.21 of the London Plan.

6.6.2 An energy strategy and sustainability statement have been submitted with the application. The energy strategy indicates that a 20% reduction in emissions would be achieved and the proposed development would meet Code for Sustainable Homes Level 3. It is recommended that the aims of these statements be secured by condition. It is noted that the London Plan 2011, adopted post-submission of the application, seeks to achieve a 25% reduction in CO₂ emissions over Building Regulations, which is equivalent to the energy requirement of Code Level 4. The application will meet Code Level 3 with reasonable endeavours to meet Code Level 4. However, this would require further renewable energy measures, which cannot be fully accommodated within the design of the scheme and that the scale of changes needed would not be viable. Some units across the development will however meet Policy 5.2 of the London Plan. It is further noted that Policy 5.2 does not require the scheme overall to achieve Code Level 4, just in respect of the energy element of the rating system. Staff consider, on balance, that the energy efficiency of the development proposed is acceptable.

6.6.3 The application site has been subject to ecological and arboricultural surveys. These reports have identified potential impacts associated with the redevelopment of the site. The application site is currently occupied by the former school buildings, large areas of hard surfacing and some limited areas of amenity grass. Given this the site is judged to be of low ecological value. The presence of some trees on the site and the vacant buildings could provide suitable habitat for bats. In recognising this applicant has commissioned an ecological survey, which found no evidence of bats roosting anywhere on the site. The report makes a number of recommendations to mitigate the impact of the development on the environment and suggests potential enhancement measures. Staff are of the view that the proposed development is acceptable in this respect and it is recommended that a planning condition is imposed to secure the recommendations of the ecological survey within the development.

6.6.4 Policy DC60 of the LDF sets out a general presumption in favour of the retention of trees. The application site has been subject to a detailed arboricultural survey, which identifies that the site presently contains 18 trees of mixed condition and age that need to be removed in order to enable the successful redevelopment of the site. Staff are of the view that the loss of trees is acceptable having regard to the findings of the arboricultural survey and the fact that their loss could be mitigated through a landscaping scheme. Measures to ensure the protection of the trees to be retained in the development along with details of a landscaping scheme could be secured via condition.

6.7 Parking and Highway Issues

6.7.1 Access to the development would be taken from Malvern Road with a new road being provided through the centre of the site and terminating at a turning head area to the southern end of the site. The proposed access road would be constructed to an adoptable standard and include separate pedestrian footways. The proposed turning and access arrangements are considered to be acceptable and would meet the access and servicing needs of the development. Staff acknowledge that a residential development of the size proposed is likely to result in additional vehicle movements however it is not considered that this would be to such an extent that a refusal of this application could be reasonably justified.

6.7.2 In respect of car parking Policy DC33 seeks to ensure that development proposals provide adequate off street car parking. The Council's adopted car parking standard recommends the provision of 1.5-2 spaces per unit in this location. The proposed development would provide 68 parking spaces equating to 1.9 spaces per unit. Staff are of the view that the level of parking to be provided is acceptable. It is noted that the proposed level of car parking exceeds that set out in the new London Plan, which sets 1.5–1 space per 3 bed unit. However, this is not yet based on PTAL zones, which will be part of a forthcoming Housing SPG. Furthermore, Policy 6.14 of the London Plan recognises that London is a diverse city that requires a flexible approach to identifying appropriate levels of car parking provision across

boundaries. This means ensuring a level of accessibility by private car consistent with the overall balance of the transport system at the local level. The site is outside of any designated town centres and has a low PTAL level. Staff therefore consider that having regard to local site circumstances and as the current London Plan standards are not based on PTAL's the levels of parking can be assessed flexibly and are considered acceptable.

6.7.3 Globe Road and Malvern Road fall within Controlled Parking Zone RO3 which is in operation between 0830 and 1830 Monday to Saturday for resident permit holders only. Staff have given consideration as to whether request a planning obligation to prevent future occupiers from applying for residents parking permits but have concluded that this is not justified given the level of parking proposed within the development.

6.7.4 The proposed development would incorporate provision for secure cycle storage within the curtilage of each property. Staff are of the view that the proposal accords with Policy DC36 in this respect and that further details could be secured via condition.

6.7.5 Policy DC40 advises that planning permission will only be granted for developments where suitable waste and recycling storage facilities are provided. In this case it is envisaged that refuse and recycling would be stored within the rear garden area of each property using the black and orange sack method. On collection day the sacks would then be placed at the property boundary for roadside collection. In the event that Members are minded to grant planning permission a condition requiring further details in this respect could be imposed. A swept path analysis has been provided with the application to show that a refuse vehicle would be able to enter the site, pass other vehicles and turnaround.

6.8 Affordable Housing

6.8.1 The application proposes that four houses within the development would be provided as affordable housing. This equates to 11% of the units. Plots 30 to 32 would be made available for affordable rent through a Registered Social Landlord (RSL). Plot 34 would be sold though a shared ownership or equity provision scheme in partnership with an RSL. The applicant has submitted a viability appraisal in support of this application, which demonstrates that the development would not be viable with a percentage of affordable housing greater than 11%. Staff have assessed the applicant's financial appraisal and are satisfied with its findings. Staff are satisfied that the proposal complies with Policy DC6 of the LDF and makes suitable provision for affordable units within the scheme.

6.9 Community Infrastructure

6.9.1 Policy DC72 of the LDF outlines that in order to ensure that new development is in line with the principles of sustainable development financial contributions may be sought from developers. As outlined above the proposed development is likely to place a greater demand on the local

highway network and as it is reasonable to request a contribution towards local highway improvements. A sum of £35,000 has been agreed in this respect.

6.9.2 The Council has taken a decision through its Cabinet that the receipt from the sale of this site will be used to fund the new school which has been built to replace it. For this reason no education contribution has been sought from the applicant in this instance.

6.9.3 The NHS Outer North East London has advised that the site is located in an area of health deficiency and as such the NHS has requested a financial contribution to off set the development would have on existing health services. Within the local area existing GP practices are above the recommended threshold resulting in longer waits to see a doctor. At present the Council has no specific planning policies in respect of healthcare provision. Although the proposed development is relatively moderate in scale staff are satisfied that the development is likely to place a greater demand on local health care provision and such it is considered to be reasonable to request a contribution. Following negotiation with the applicant a contribution of £12,000 for health has been agreed. Whilst this is less than the figure requested by the NHS the amount is considered to be reasonable to the scale of the development and takes account of the applicant's viability appraisal.

7. Conclusion

7.1 In conclusion, the loss of the existing school and the residential redevelopment of the site is considered to be acceptable in principle. The proposal is considered to be acceptable in terms of layout, scale, form, massing and visual impact. Staff are of the view that, allowing for areas of judgement, the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The development is considered to be acceptable in respect of parking and highway issues. The proposal makes provision for 11% of the units to be provided as affordable housing, which falls below that required by Policy DC6 of the LDF. However, the applicant has submitted a viability assessment to justify the amount of affordable to be provided. The viability assessment has also been provided to justify the amount of Section 106 contributions arising from the development. Staff are of the view that allowing for areas of judgement the proposals are acceptable in all other respects and it is recommended that planning permission is granted subject to the completion of a legal agreement and the imposition of conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions are required through a legal agreement.

Legal 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 resources will be required for the drafting of a legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity. The proposed houses would be constructed to meet the Lifetime Homes Standard, which means that they will be easily adaptable in the future to meet the changing needs of occupiers.

BACKGROUND PAPERS

Application form, plans and supporting statements received on 23rd June 2011 with revised plans received on 12th and 25th August 2011.