



THE LONDON BOROUGH  
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DATE: 26 August 2016

To: Members of the  
**DEVELOPMENT CONTROL COMMITTEE**

Councillor Peter Dean (Chairman)  
Councillor Richard Scoates (Vice-Chairman)  
Councillors Vanessa Allen, Graham Arthur, Douglas Auld, Eric Bosshard,  
Katy Boughey, Kevin Brooks, Lydia Buttinger, Nicky Dykes, Simon Fawthrop,  
William Huntington-Thresher, Charles Joel, David Livett, Alexa Michael,  
Neil Reddin FCCA, Pauline Tunncliffe and Michael Turner

A meeting of the Development Control Committee will be held at Bromley Civic Centre on **TUESDAY 6 SEPTEMBER 2016 AT 7.30 PM**

MARK BOWEN  
Director of Corporate Services

Public speaking on planning application reports is a feature at meetings of the Development Control Committee and Plans Sub-Committees. It is also possible for the public to speak on Contravention Reports and Tree Preservation Orders at Plans Sub-Committees. Members of the public wishing to speak will need to have already written to the Council expressing their view on the particular matter and have indicated their wish to do so to Democratic Services **by no later than 10.00 a.m.** on the working day before the date of the meeting.

The inclusion of public contributions, and their conduct, will be at the discretion of the Chairman. Such contributions will normally be limited to two speakers per proposal, one for and one against, each with three minutes to put their point across.

For further details, please telephone **020 8313 4745**.

## A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 11 JULY 2016**  
(Pages 1 - 10)

**4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

In accordance with the Council's Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5pm on Wednesday 31 August 2016.

**5 PLANNING APPLICATION (16/02117/FULL1) - ORCHARD LODGE, WILLIAM BOOTH ROAD, PENGE, LONDON SE20 8BX (Pages 11 - 62)**

**6 ARTICLE 4 DIRECTION - PETTS WOOD AREA OF SPECIAL RESIDENTIAL CHARACTER (Pages 63 - 68)**

**7 FIRST REPORT OF THE EDUCATION SELECT COMMITTEE 2016/17 - THE EDUCATION LANDSCAPE IN BROMLEY (Pages 69 - 110)**

## DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 11 July 2016

### Present:

Councillor Richard Scoates (Vice-Chairman)  
Councillors Vanessa Allen, Graham Arthur, Nicholas Bennett J.P.,  
Katy Boughey, Kevin Brooks, Lydia Buttinger, Simon Fawthrop,  
William Huntington-Thresher, Charles Joel, Alexa Michael,  
Neil Reddin FCCA, Pauline Tunncliffe and Michael Turner

### Also Present:

Councillors Russell Mellor

## 8 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from the Chairman, Councillor Peter Dean. Councillor Richard Scoates acted as Chairman for the meeting.

An apology for absence was received from Councillor Eric Bosshard; Councillor Nicholas Bennett JP attended as substitute.

Apologies for absence were also received from Councillors Douglas Auld, Nicky Dykes and David Livett.

## 9 DECLARATIONS OF INTEREST

No declarations of interest were received.

## 10 CONFIRMATION OF THE MINUTES OF THE MEETINGS HELD ON 11 MAY 2016 AND 2 JUNE 2016

**RESOLVED** that the Minutes of the meetings held on 11 May and 2 June 2016 be confirmed and signed as a correct record.

## 11 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

The following oral question was received from Mr John Ince on behalf of CRA20ten Residents' Association, St Paul's Cray in relation to the "Living in Bromley" Draft Policy: Housing Supply/Bromley Valley Gym, Chipperfield Road:-

'In noting the public responses and especially in the light of the recognition by a national developer that the surrounding housing area is of a low density nature, would you (Chairman/Members) agree that the inclusion of a specific figure of 200 units is arbitrary, inappropriate and misleading for what is a

policy document, when this and other details should be left to the relevant Committee once a formal application is received?’

The Chairman gave the following response:-

‘The Committee will be considering all of the housing proposals at a later stage of the agenda and it would not be right to give a separate response on one site in advance.

In general, the Council does need to meet a housing target of over 641 new homes each year. To do so in line with national guidance it needs to be able to show that it can justify this at a site-by site level, so it is important to include a figure in the policy proposals in this consultation draft Local Plan.’

Mr Ince then submitted a supplementary question as follows:-

‘I understand the Council’s need to conform to policy but would the Chairman/Members agree that providing a specific figure of 200 instead of merely stating “an element” of housing is a clear invitation for a developer to use as a planning guideline, where no site capacity appears to have been addressed?’

The Chairman responded with the following:-

‘This is a matter which Members may discuss under the appropriate section of this agenda.’

The following written question was submitted by Mr Clive Lees, Chairman, Ravensbourne Valley Preservation Society:-

‘Further to the Chairman’s response to my written question at the DCC meeting held on 9 February 2016, I would like to ask the following:-

No valid application has yet been made. The Society note that the properties in this development were sold approximately 18 months ago yet still:-

- neighbours are blighted by a loss of privacy (privacy screens have not been installed);
- cyclists have nowhere satisfactory to park their bicycles (there is no roof on the ‘cycle shed’);
- the driveway has none of the promised soft landscaping and is therefore rather an eyesore next to what is otherwise a fine, locally listed building; and
- permission has not yet been granted for an unauthorised additional window in the north flank.

Additionally, since our last question to DCC, Mike Hammond, Highway Development Engineers, has also identified that the drive may not have been constructed in accordance with the permitted application and so this is a further complaint.

We should be grateful if the Council would now insist that the matter is regularised as a matter of urgency and advise us of what progress is being made in this respect.'

The Chairman responded as follows:-

'The application received was never made valid for a number of reasons including no fee being received. The matter has now been passed back to the Planning Investigation Team who are investigating all of the issues raised and will update you as soon as possible.'

## **12 THE STATEMENT OF COMMUNITY INVOLVEMENT (SCI) RESPONSES TO CONSULTATION AND PROPOSED REVISIONS**

### **Report DRR16/041**

Members considered responses to the six week public consultation period undertaken earlier this year, regarding the draft revised Statement of Community Involvement (SCI) (2016). Members were also requested to recommend that the revised SCI (set out as Appendix 2 of the report) be referred to the next meeting of the Executive on 20 July 2016 for approval.

The draft revised SCI was agreed for consultation by the DCC on 10 December 2015 and the Executive on 13 January 2016. The SCI set out how the Planning Authority proposed to engage with stakeholders and residents in the development plan-making process and planning application process. In total, 8 responses were received.

The Local Green Space consultation ran concurrently with the revised SCI to which 70 responses were received.

### **RESOLVED that:-**

- 1) the responses to the consultation on the draft revised Statement of Community Involvement 2016 be noted; and**
- 2) the draft revised SCI attached as Appendix 2 of the report, be referred to the meeting of the Executive on 20 July 2016 for approval.**

## 13 BROMLEY'S PROPOSED DRAFT LOCAL PLAN FOR CONSULTATION

### Report DRR16/059 – (Page references in these Minutes refer to the DCC agenda unless otherwise stated)

Members were requested to endorse the Draft Local Plan, subject to alterations agreed by the Chief Planner in consultation with the Leader of the Council and finalisation of supporting documents, for a six weeks consultation in compliance with Regulation 19 of the Town and Country Planning Regulations 2012.

The Chairman directed discussion through the sections contained in the Draft Local Plan. The following comments and proposed amendments were made by Members for the purposes set out in the recommendations:-

#### Chapter 1 - Introduction

- Page numbers to be included against each chapter listed on page 61.
- Agreed that a general description of areas within the Borough (i.e. suburban, urban, rural) be added to the introduction section.

#### Chapter 2 – Vision and Objectives

The Chairman referred to the 'boxed' text on page 70 (Vision – Bromley 2031) which had been strengthened in regard to the protection and enhancement of conservation areas and heritage assets within the Borough.

- Design and the Public Realm (page 72) – It was agreed that a clarified definition such as 'good quality' public art be included to avoid any misunderstanding that graffiti may be considered as such.

#### Chapter 3 - Spatial Strategy

This chapter focused on employment and growth of specified areas such as the economic growth of the Biggin Hill SOLDC, the Cray Business Corridor and changes to Green Belt boundaries in regard to education sites.

- It was noted that whilst taking land from the Green Belt to accommodate the expansion of schools was not ideal, some protection would be retained by its reclassification as Urban Open Space or Metropolitan Open Land.
- Page 77 - Members voted in favour of this paragraph being amended to read:- Paragraph 5: 'The London Plan 2015 imposes the minimum housing target ...'

- Conformity with the London Plan (page 77) - It was noted that the forecasted increase in employment growth of 13.6% incorporated all methods of employment including home working.

#### Chapter 4 – Living in Bromley

The Council would provide a minimum of 641 additional homes per annum. The Housing Supply Policy identified and allocated sites for residential development and outlined the timescales involved in delivering schemes. The Greater London Authority was satisfied that Bromley was achieving its housing target.

- It was necessary for a predicted number of units to be set against each development scheme as a way of planning how housing targets could be met.
- It was suggested that the proposed bus station development at Bromley North could be transferred to nearby sites. The Chief Planner explained that the Bromley North site allowed for a variation in the mix of development however, this should include transport.
- Ravensbourne, Plaistow, Sundridge Renewal Area Policy (page 119) – Whilst acknowledging that PTAL ratings were taken from the London Plan, Councillor Turner disagreed with Downham being categorised as an area of deprivation and the statement that transport links were ‘relatively poor’. Grove Park was the nearest Railway Station to Downham and operated services to several London mainline stations. The demographics of the area were changing with some properties now selling at £250k which made this a good area for starter homes. This concern could be addressed by the following revision: ‘Transport links comprise...’
- Conversion of Non-Residential Buildings to Residential Policy (page 101) – The Chief Planner explained that this was a broad policy and agreed that the text could be cross-referenced to policies on the retention of industrial units.
- Specialist and Older Peoples Accommodation (page 103) – It was acknowledged that the Borough had a large ageing population and that various types of accommodation were available. It was suggested that attempts should be made to prohibit the development of bungalows into housing consisting of two or more storeys to avoid the loss of potential accommodation for elderly people. The Chief Planner explained that in such cases, a substantial amount of evidence would need to be produced to prove that there was a need to retain bungalow accommodation and that it was more likely that the impact on the character of an area would be constraint.
- Travellers’ Accommodation (page 106) – Members were informed that Traveller sites were considered and designated as ‘Traveller sites inset

within the Green belt' for GB use; non-GB use would not be acceptable other than for Traveller purposes. The siting of static caravans (which were not considered to be houses), would need to be determined through the planning application process.

- Housing Supply (page 86, second paragraph) – concern was raised as to how the housing target of 641 units per annum, provided for the level of need across tenures within the borough. The Chief Planner explained that whilst in isolation, the Bromley housing provision was set at 641 units per annum, the housing provision and needs/requirement was balanced out across London and South East London, as shown in the London Plan.
- Backland and Garden Land Development (page 94) – Cross-reference should be added in the supporting text to flood risk assessment and nature conservation policies. Councillor Fawthrop noted that the current Policy H7 stated that exceptions did not apply in Areas of Special Residential Character (ASRCs) however, nothing about this was incorporated in the draft Local Plan Policy. The Chief Planner explained that Garden Land national policy had changed and a strengthened cross-reference to ASRCs could be added.
- It was suggested that the supporting text on page 95, paragraph 2 in relation to bio-diversity, should be strengthened to protect native habitats by, for example, ensuring that bird and bat boxes were installed when necessary. The Chief Planner explained that emphasis on priority being given to indigenous species and landscaping could be included within the 'nature conservation' section however, he would check where a cross-reference to nature conservation policy would be most appropriate.
- Travellers' Accommodation (pages 106-109) - Concern was raised about the recent increase in plots at the Travellers' site in Layhams Road which only had temporary permission. The boundary of the Star Lane site had been reduced in order to separate the site from the adjacent Green Belt. The application for one plot in Cudham Lane was granted by the High Court on appeal. It was suggested that an informative be added stating that this was designated for personal use only and that any future need would be considered should the pitch be vacated.
- Side Space (page 99) – Concern was expressed over possible terracing effects of ground floor (single storey) development. The Chief Planner noted that it was possible to address this concern through the policy on 'Residential Extensions' (page 98) as this referred to space or gaps between buildings including single storey extensions. However, the Side Space policy X (page 99) was concerned with two-storey developments.
- Accommodation for Family Members (page 99) - The Chief Planner agreed to strengthen the text to emphasise that any additional accommodation i.e. granny annexes must have access to the main dwelling house and be ancillary to it.



- Provision of Affordable Housing (page 88) – This Policy reflected what was outlined in the National Planning Policy Framework (NPPF).

#### Chapter 5 - Supporting Communities

- Education (page 130) – The Kentwood Site had been added to the list of designated sites for educational use. As a number of the courses were a vital requirement within this part of the Borough, it was requested that the current Adult Education Centre be relocated as close as possible to its original site.
- The deletion of the allocation for secondary education at Balmoral Avenue was queried, particularly noting the potential time implications for other sites such as Kentwood coming forward and the potential for school sites to drop out. The Committee was advised that consideration was given to the recommendation of the Advisory Panel, notably in respect of the number of schools in close proximity. A vote to reallocate the site at Balmoral Avenue for education use fell.
- It was agreed that the Education Policy (page 147) should place emphasis on schools expanding upwards in order to conserve Green Belt/MOL land and recreation areas.
- Valued Local Community Assets (page 124) – The Chairman emphasised the importance of public houses within local communities and considered the six months marketing period to be insufficient time. It was noted that empty buildings such as these were often inhabited by squatters and the eviction process was a long and difficult one. The six month period was retained following the fall of a vote at 7-8 to extend this to 12 months.
- Social Infrastructure (page 122) – One Member requested that emphasis be placed on new developments incorporating appropriate convenience stores; social and community services. The Chief Planner agreed that the words ‘other facilities’ be included in this text.
- Burial Space (page 151) – It was suggested that reference be made to reflect the safeguarding of plots for private burials.

#### Chapter 6 – Getting Around

- Members were generally satisfied with the Cross-over Policy.
- Access for All (pages 160/161) – The final sentence of the second paragraph of the supporting text was amended to read:- ‘Contributions towards the Mayoral cycle route programmes may be sought’.

### Chapter 7 – Bromley’s Valued Environments

- Visiting Member Councillor Mellor considered the predicted number of units required (300-400) within the Copers Cope area was too high and he requested a reduction of these figures.
- Areas of Special Residential Character (page 191) - Councillor Mellor also requested that the boundary of the existing Copers Cope ASRC be increased up to the edge of the Conservation Area in order to protect the piece of land between the two. Following a vote, Members agreed to retain the current Copers Cope ASRC boundary.
- Reintroduction of ASRC development guidelines from the 2006 UDP Appendix 1.2 was proposed to strengthen guidance.
- Councillor Fawthrop referred to the description of the Petts Wood ASRC which had been amended without reference to the three Ward Members. The Chief Planner agreed to discuss the amended description with officers and Ward Members. The amended description could then be inserted (page 7 of the supplementary agenda).

### Chapter 8 – Working in Bromley

- It was suggested that the boundary of South Camp at Biggin Hill Airport be reduced. However, Members were informed that the Airport already possessed PDRs and that the release of GB land was for business development. Requests for the release of further GB land was being independently assessed. The issue of an Article 4 Direction restricting the use of PDRs was suggested but it was noted that this could be at odds with the Strategic Outer London Development Centre designations.
- It was considered beneficial to small businesses if companies could be persuaded to sub-divide their offices into small business suites or to consider leasing small areas of larger offices. This could often be completed without the need for a separate planning permission.

### Chapter 9 – Environmental Challenges

- Whilst happy to note the Noise Pollution Policy, Councillor Fawthrop also alluded to light pollution which impacted on the landscape and nature conservation such as bats and other small species of mammal. He requested that a revision to the light pollution policy be included in the draft Local Plan (page 257).

### Chapter 10 – Delivery and Implementation

- No comments.

*Development Control Committee*  
*11 July 2016*

**RESOLVED** that subject to the amendments agreed above, the Draft Bromley Local Plan document be endorsed and referred to the Executive to agree, subject to the Chief Planner, in consultation with the Leader of the Council, being authorised to make alterations to the Draft Local Plan and finalise supporting documents as required, prior to its publication.

The meeting ended at 9.15 pm

Chairman

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**Application No :** 16/02117/FULL1

**Ward:**  
**Crystal Palace**

**Address :** Orchard Lodge William Booth Road  
Penge London SE20 8BX

**OS Grid Ref:** E: 534298 N: 169951

**Applicant :** Mr Luke Cadman

**Objections :** YES

## **Description of Development:**

Demolition of existing buildings and erection of two 4-5 storey blocks and one 5-6 storey block of flats comprising 252 residential units (84 x 1 bed, 120 x 2 bed and 48 x 3 bed including affordable housing provision), basement car parking, landscaped podium deck, open space, play space, associated access roads, private and communal landscaping, cycle parking, recycling and refuse stores and associated works including widening of existing vehicular access onto William Booth Road.

## **Key designations**

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Adjacent Metropolitan Open Land  
Open Space Deficiency  
Smoke Control SCA 6

## **Proposal**

The proposal is to demolish all existing buildings on the site and redevelop the site for 252 residential units including a change of use to Class C3. It is proposed to erect one 4 storey, one five storey and one 5-6 storey block of flats with a mixture of 1, 2 and 3 bed flats with basement parking, podium deck, access roads, soft and hard landscaping, refuse storage, cycle storage and an on-site combined heat and power (CHP) system.

The proposal comprises:

- 84 x 1 Bed flats
- 120 x 2 Bed flats
- 48 x 3 Bed flats
- 180 private market units (71.4%) and 72 affordable units (28.6%)
- 246 or 98% car parking spaces
- 27 wheelchair units and associated car parking
- Basement car parking to principal 5-6 storey block providing 86 spaces
- Surface parking providing 160 spaces
- 420 cycle parking spaces are provided in secure cycle stores
- 2 car club car parking spaces
- Mixture of building heights of between 4 and 6 storeys in height

- Modern design and appearance to buildings with flat roofs and feature glazing to all balconies/external spaces
- Largely brick construction with flush and projecting balconies
- Brick detailing, two brick colours and grey window/doors to all blocks
- Varied streetscapes and elevations in a cohesive pallet of materials
- Site layout is well spaced but concentrated to the north with communal landscaping along the southern boundary
- Set back from boundary with MOL
- Scale of buildings relates to adjoining properties and the adjoining landscape
- All ground floor units have separate access to provide a continuous frontage development to all blocks
- Vehicular access to most parts of site with parking in basement, landscaped parking areas or on-street car parking spaces
- Podium deck for community use
- Private amenity for every unit and high quality landscaped communal open space to southern and western boundaries totalling 4492sqm
- Formal Children's play space of 604sqm and informal space of 1772sqm
- High quality landscaping and tree planting throughout
- Widening of access road into site, following purchase of land/right of access from 6 owners on William Booth Road and re-provision of allocated car parking spaces on site
- Density 140 units per hectare or 439 habitable rooms
- Sustainable construction and specifications
- Internal refuse stores throughout
- CHP Plant
- Green roofs and PV panels

The application has been revised in a number of respects to address matters raised in respect of drainage, affordable housing, car parking levels and those issues identified by the GLA.

The applicant has submitted the following documents to support the application:

#### Planning Statement

This outlines the background to the application and site, the proposed development and the planning policy context. It sets out an assessment of the proposal from a policy context and the benefits of the scheme. It identifies the key considerations of the proposed development and outlines an agreement in principle to provide contributions in respect of education, health, transport (Travel Plan and car club), community facilities, affordable housing and wheelchair provision and monitoring in accordance with the Council's SPG.

It makes the following summary points in support of the proposed development:

- Will redevelop a previously developed vacant brownfield site in an accessible and sustainable location which is supported by policy
- The site is currently in a poor state of repair and visually detracts from the surrounding area
- A new residential community in a key location in Anerley providing housing of an exemplar design in a high quality landscaped setting
- The proposal will raise the profile of Anerley by providing a high quality residential development

- Scheme will deliver a third of the Council's annual housing delivery requirement
- The design is for a high quality which is sustainable over the long term
- The landscaped setting will create an attractive environment for new residents to live in
- Each unit will benefit from a balcony, roof terrace or ground floor terrace and front garden area.
- The development of new housing satisfies a variety of local needs.
- The proposal exceeds housing space standards for new residential developments

### Affordable Housing Statement

This has been revised since submission with a greater proportion of affordable rent units now being provided. It outlines the tenure split and the location of the affordable housing on the site, listing the number of bedrooms and which are wheelchair units. It proposes that 40% will be shared ownership units and 60% will be affordable rented units which equates to 37% habitable rooms and 63% habitable rooms respectively. The location of these units is towards the western corner of the site and the majority will occupy the smaller block on the western boundary. Discussions have already commenced with a Registered Provider.

The breakdown is as follows:

#### Affordable Rent:

- 1 Bed x 8 units (3 x wheelchair)
- 2 Bed x 26 units (1 x wheelchair)
- 3 Bed x 10 units

Total: 44 units

#### Intermediate:

- 1 Bed x 12 units (1 x wheelchair unit)
- 2 Bed x 17 units (2 x wheelchair unit)

Total: 29 units

273 habitable rooms = 35 % provision and a 60:40 split between affordable rent and intermediate

7 Wheelchair units = 10%

### Design and Access Statement:

This document discusses the proposed scheme in some detail and includes the site description and context of development, the constraints and opportunities and the evolution of the design. The proposal is outlined in some detail including the aims and objectives and an assessment of the proposed design and site layout. It identifies the compliance with relevant standards including Part M of the Building Regulations in respect of accessibility and wheelchair units and associated car parking. It outlines the compliance of all the residential units to London Plan Housing Standards and the indicative landscaping scheme. Amenity space provision is outlined in detail including the formal children's play space of 604 sqm and total amenity space of 2116sqm. The design and massing of the proposed buildings are addressed and how the different heights of 4-6 storeys respond to their context. This includes indicative materials (buff and brown brick with grey UPVC joinery

and metal or glass balconies) and the impact on views and townscape. It also addresses sustainability and provides a crime impact assessment and lighting.

It concludes that the Design and Access Statement demonstrates an understanding of the site and its context which has led to an appreciation of the sites characteristics and relationship with surrounding land uses. In particular, regard has been paid to the effects of the redevelopment on the character and setting of the adjacent Metropolitan Open Land (MOL) and residential amenity. The design assessment demonstrates that the proposed development is an appropriate response to the setting of the MOL and that this high quality contemporary design and landscaping scheme will be a positive contribution to the local context.

#### Town and Visual Impact Assessment:

The assessment is to consider the potential townscape and visual effects arising from the application on the site and the surrounding area. The assessment has established that the site has due to its former use and separation from the adjoining residential areas its own character, being vacant, of no particular architectural quality and the trees are of a poor quality. There is therefore an opportunity to enhance the character of the area.

The report concludes that overall the proposed development would have a beneficial effect on the townscape character of the site and the area due to the introduction of good quality design, appropriate scale and materials set within an enhanced landscape setting. Permeability will be increased and the development will complement existing development which would enhance the setting of the adjacent MOL.

In terms of the effects on views from the surrounding area the proposed development will be seen from a limited number of locations. Where it is seen it will replace views of existing vacant buildings of limited quality and introduce new planting on the site boundaries. Whilst there will be an increase in the amount of built form visible it would be more appropriate and of a high quality design. The character of the adjacent MOL is influenced by views of buildings in the surrounding area. Whilst the new development would be seen and would be larger than the existing buildings, it would be consistent with the overall character of the scene which comprises buildings of similar scale and use. The proposed planting will reduce the visual role of the buildings within the wider area over time. It is therefore considered that the character and visual amenities of the adjoining area of MOL would be enhanced by the development proposals and the requirements of policy G6.

#### Community Floorspace Assessment and Addendum:

The report identifies the previous community use of the site, the current condition of the existing buildings and the planning policy framework in respect of community uses, their protection and loss. It further outlines the socio-economic profile of Anerley, an identification of existing community use provision within a 0.5km radius of the site and the potential for accommodating alternative community uses on the site.

The report concludes that the existing buildings were constructed for a specific purpose and there is no longer a demand for the former use. The retention and continued use of the buildings is not financially viable and any scheme would require a redevelopment.

The full range of community uses, public sector and other community tenants have been assessed with a reasoned conclusion that no realistic alternative community use has been



identified. In addition any further community floorspace would potentially jeopardise the existing facilities.

It is concluded that the loss of the existing community use is appropriate and has been fully justified. The redevelopment will deliver significant planning benefits, addressing recognised deficiencies in the local area. Planning permission should therefore be granted and the loss of social infrastructure is acceptable.

The Addendum provides further clarification on why it is considered that a contribution towards Anerley Town Hall and Crystal Palace Community Development Trust (CPCDT) is the most appropriate way forward to address the loss of community use on the application site. This is due to its existing facilities, those in the wider area and the Town Hall provides a sustainable community resource in the immediate vicinity of the site that provides a range of services which respond to the identified deprivation in the neighbourhood. Its recent funding from the GLA, long term objectives and established position in the locality make it the most appropriate local resource to support and assist with additional funding to enable it to provide further improvements to general facilities in the locality.

#### Transport Statement and Addendum:

The assessment outlines the traffic and highways impacts of the proposed development. It considers the traffic generation and the capacity of the local highway network to accommodate the proposed increases and assesses this against local and national policies. It also outlines the accompanying Travel Plan and provides a Construction Management Plan and Service and Delivery Plan.

It concludes that the application site has a PTAL rating of 3 – moderate and the site is within walking distance of a number of local services, including schools, convenience stores and supermarkets. Anerley station is a 5 minute walk and Crystal Palace station is a 14 minute walk. Bus stops provide connections to a range of destinations within 4 minutes' walk of the site.

A review of road safety shows no reported incidents in the last 3 years. Existing trips are identified and trips from the proposed development have been determined using locally specific trip rates observed at the Anerley School site. This indicates the site would generate 46, 24 and 37 trips in the AM school and PM peak hours respectively.

The development is therefore anticipated to result in a net increase of 38 trips in the AM peak, 10 trips during the school peak and 28 in the PM peak. Operational assessments of the junctions located in the vicinity of the site, have confirmed that the proposed development and the net traffic that it is predicated to generate will not have a material effect on the local highway. Indeed, all junctions are predicted to continue to operate within the respective capacity thresholds.

The Addendum confirms the increase in car parking spaces on site from 240 (95%) to 246 (98%) an increase of 6 spaces. The provision and identification of up to 2 car club spaces and their availability to members of the local community. This could be increased to 3 spaces if necessary. Confirmation is provided that the new access road is to be 6.8-7.0m wide and can be dealt with under S278 and includes a 2m wide footway on either side of the new access which has been agreed in principle by the owners of the existing car parking spaces which will be relocated onto the application site.

In terms of existing on-street car parking on William Booth Road this has been measured at 79% capacity and confirmation of a commitment to fund a Traffic Study is provided with the subsequent restriction of new residents being eligible for a parking permit.

#### Travel Plan:

The Plan sets out a framework and strategy to encourage and enhance sustainable travel by both residents and visitors. It provides a commitment to minimising the impact of the development on the local transport network through encouraging the use of alternative means of transport and sustainable travel, by reducing the need to travel and providing alternatives to the car. It aims to reduce car dependency, optimise car occupancy and encourage alternative non-car travel modes.

The proposed measures are to encourage walking, cycling and use of public transport, manage car parking levels and provide electric charging points on the site and the provision of a car club. Two car club parking spaces are provided on site and new residents will be given free membership and free driving credit to encourage the use of this facility.

A Travel Pack will be distributed to all households, outlining the above measures, providing maps and public transport information, websites and access to a Travel Plan co-ordinator, cycle parking and training and full details of the car club scheme. In addition a board will also be provided on site making this information available and information about sustainable travel options.

#### Daylight, Sunlight and Overshadowing Report:

Assesses the impact of the proposed development on the daylight and sunlight currently enjoyed by existing properties and proposed dwellings in accordance with BRE Guidelines in Site Layout Planning for Daylight and Sunlight A Guide to Good Practice, 2011.

In relation to Bodleian House, Carfax House, Radcliffe House, 47-73 William Booth Road, 1 & 2 Orchard Lodge the results demonstrate that the proposals will not bisect a 25 degree line drawn from the mid-point of the windows serving the lowest level of residential accommodation and therefore in accordance with the BRE Guidelines the proposals will not have a significant implication on the daylight and sunlight enjoyed by these properties. The results identify that the proposals will not have a significant effect on the daylight and sunlight enjoyed by the neighbouring residential properties.

An analysis of the proposed development also identifies that all apartments will have a habitable room that will achieve the recommended minimum average daylight factor and that 77% of habitable rooms will be achieved. The internal courtyard flats and neighbours amenity space in all instances comply with the relevant standards and the proposed accommodation will enjoy a good level of daylight within an urban context.

#### Arboricultural Report:

The report provides a full tree survey of the site and identifies the existing trees on the site and boundaries, their category and those that are intended for removal. Overall tree coverage of the site is sparse, limited to a few ornamental trees of little merit and outgrown conifer hedges on some boundaries. Most trees are to the boundaries of the site and are of low quality and value. The proposals are for the removal of the trees on the site and the retention of the better quality trees on the boundaries. The proposals include extensive tree

planting as part of the overall scheme which will compensate for the trees to be removed. Those trees to be retained will be protected and incorporated into the design of the proposed landscaping.

#### Energy Statement:

This describes the design and technology options appraised and proposes the preferred energy strategy. The development will significantly reduce CO<sub>2</sub> emissions by incorporating a range of passive design and energy efficiency measures, including improved fabric standards beyond the requirements of the Building Regulations Part L 2013, energy efficient ventilation and low energy lighting.

The strategy proposes gas-fired CHP and efficient gas-fired boilers connected to an on-site district heating system, which will supply 80% of heating and hot water for the entire development. It is anticipated that the use of the CHP engine and communal heating network will further reduce emissions by 33.5%.

Photovoltaic systems will be provided to supply renewable energy to the development. The assessment shows that the proposed PV system will result in 2.1%CO<sub>2</sub> reduction for the entire site. This amounts to CO<sub>2</sub> savings of 35.9% and meets the required London Plan target.

Daylight and overheating issues have also been addressed accordingly.

#### Sustainability Statement:

The report summaries the sustainability measures being proposed for the development. It addresses energy, water, materials, surface water run-off, waste, pollution, health and wellbeing, management, land use, ecology and biodiversity and transport. Many of the issues are addressed in more detail under other reports.

The statement concludes that the design has considered the potential environmental impacts and how these can be managed and mitigated in line with relevant policies. The proposed development has targeted sustainability throughout the lifetime of the building. In particular energy, pollution and water efficiency measures, which will be integral to the building's design.

The proposed energy solution responds to the London Plan – Be Lean, Be Clean, Be Green principles and includes various energy efficiency measures as well as low-carbon technologies. The proposed energy strategy can achieve CO<sub>2</sub> savings of 87.7tCO<sub>2</sub> which is equivalent to 35.9% reduction over the Part L 2013 Building Regulations Target Emission Rate. The development therefore exceeds the London Plan target of 35%. All dwellings within the development will be provided with water efficient fixtures and fittings to reduce water consumption. Others matters are addressed in the additional reports submitted with the application but high sustainability principles are established throughout the proposal.

#### Air Quality Assessment:

The report identifies the existing air quality indicators the predicted levels air quality levels without development of the site and predicated levels with the development of the site as proposed. The report covers both air quality associated with traffic movements and an assessment of the construction phase and associated activities.

It concludes that under the 'no development' scenario air quality levels are maintained and within recommended levels. With the proposed development it is predicted that there will be a minor increase in the annual mean NO<sub>2</sub> concentration at the selected receptors therefore this will result in a negligible increase above the 'no development' scenario.

A further Air Quality Neutral Assessment as required by the London Plan highlights that emissions from road traffic vehicles from the proposed development would be above the calculated benchmarks and therefore specific mitigation measures are required. These would include a travel plan to encourage different forms of transport rather than private vehicles, restrictions on car parking spaces, provision of cycle storage and the use of a car club.

Emissions from operational plant, i.e. boilers and the CHP plant requires no mitigation.

In relation to the construction phase activities the risk is low to medium and overall not significant however mitigation measures to minimise the impact are identified and recommended.

#### Impact of Noise Sources:

This is to determine the impact of the existing noise environment on the proposed residential development and identifies mitigation measures required.

External amenity noise levels are predicted to fall within the recommended criteria of 55dB<sub>L</sub> for amenity areas for the majority of the site. There is a slight increase on the upper floors due to facing towards the school and railway line. This is not considered to be detrimental to the development. It is recommended that mitigation to the upper floors of facades facing the railway line is in the form of upgrading of the trickle vent to the upper floors. Internal noise levels are acceptable across the development and noise does not present a constraint to development

#### Surface Water/SUDS Strategy:

This has been significantly revised since originally submitted and identifies the surface water and sustainable urban drainage systems (SUDS) options for the site and those measures that have been incorporated into the design including their management. It is identified that on-site water storage will be provided by way of a new dry pond adjacent to the southern boundary of the site, a tanked system for storm conditions, 90% green roofs, the landscaped podium. Permeable paving is also proposed throughout. These measures have reduced outflow from the site of 12l/s.

#### Utilities Assessment:

This outlines the existing utilities, location of services and works and connections that will be required, including water, gas, electricity and telephone services.

#### Flood Risk Assessment:

The report is a full assessment of all potential risks from flooding and a technical assessment of the relevant issues. The report looked at flood sources to and from the site in the context of the existing and proposed development. The proposed development is classified as 'More Vulnerable' according to the NPPF Vulnerability Classification; however due to its location within the Flood Zone 1, it is considered appropriate under the requirements of the Sequential Test.

The risk of flooding from fluvial, sewer and artificial sources is considered low. The risk of surface water flooding at the site is also low-moderate, and any potential off-site impacts will be addressed through effective surface water management options. The site investigation on ground conditions has shown the risk of flooding from groundwater is low.

#### Archaeological Assessment:

The report assesses the historic use of the site and its potential for likely archaeological remains. There are no designated or undesignated archaeological assets on the site and it is not located in an Area of Archaeological Significance. The site has low archaeological potential for all periods of human activity. The impact of previous development has been severe and widespread and any potential remains present are likely to have been degraded or removed entirely, no further mitigation is considered necessary.

#### Statement of Community Involvement:

This outlines the public consultation process that the applicants have undertaken, prior to the submission of the application. This includes a leaflet posted in the local area (5,670), a public exhibition on 25<sup>th</sup> November 2015 and meetings and discussions with local representatives, including the James Dixon School, Local and Ward Councillors and Residents Associations. Door to door canvassing also took place in the local area, including letters and a consultation website and a Members Pre-application Site Visit.

#### Geotechnical and Geoenvironmental Report:

A ground survey report and desktop study of the sites history and intended site investigation have been provided. Initial site investigations have taken place including relevant soil, soil gas, surface water and ground water sampling have been undertaken and have identified various contaminants. Further sampling and remediation is therefore required.

#### Ecological and Biodiversity Impact Assessment:

This addressed all ecological issues on the site and includes details of a Phase 1 appraisal, Bat survey including internal and external assessments of the existing buildings and a badger survey. The surveys found little evidence of bats or badgers using the site with bats using the potential for the site to be used as foraging. None of the buildings displaced evidence of use by bats. There was no evidence of other protected species. The closest statutory site is Dulwich Upper Wood Local Nature Reserve sited 1.3km northwest of the site and the nearest SSSI is Croham Hurst sited 6.3km to the south of the site. There is therefore unlikely to be any direct impact on these designations as a result of the proposed works. On site there is no habitat of any significance.

It is recommended that the landscape strategy uses native species which may provide new foraging resources for bats and will increase the biodiversity value of the site and support wildlife. The removal of suitable bird nesting habitat should be completed outside of nesting season and only removed after a survey by an ecologist. The reports conclude there is no overriding ecological constraint to development.

#### Lighting Calculations Report:

This addresses light from street lamps and lighting of the roads, footway and external car parking areas. The report includes a lighting layout to provide the minimum level of light required on the site. This includes 6m high lighting columns to the main road layout and 1m

high LED bollard lights to the car park areas and within the landscaped areas. The 6m high column lights have been designed so that no direct light is emitted above the horizontal; glare and light spill have been mitigated as far as practicable by the use of directional LED units.

## **Location**

The application site is 1.8 hectares and is accessed from the western end of William Booth Road, the main access road from the western edge of Anerley Road, to a series of cul-de-sac developments that are predominantly two storey terraced dwellings. Two storey dwellings and their private gardens adjoin the north eastern boundary of the site. To the southeast of the site is James Dixon Primary School and the north western boundary is the former Anerley Boys School site which has now been redeveloped by two four storey residential buildings, Darwin House and Radcliffe House on Worcester Close and further blocks of flats comprising Scholars Court off Madeline Road. All of the land to the north-west, south-east and south of the site is within Metropolitan Open Land (MOL).

The site comprises an enclosed estate formed by a series of mainly one and two storey buildings with the exception being a single four storey building to the east of the site. The site slopes in a north to south direction with a drop of approximately 5m in ground level. The site was previously used as a remand centre and most recently as a residential institution caring for people with Autism. The site is currently vacant.

## **Comments from Local Residents**

Nearby properties were notified and representations have been received which can be summarised as follows:

27 letters of objection, 2 neutral letters raising concerns and a petition with 38 signatures have been received. Objections have been raised on the following grounds:

- Impact on William Booth Road (WBR) which is already dangerous, with unsuitable access and road must be improved
- Concern regarding construction vehicles and who these will be managed esp. during peak school hours, this needs to be addressed
- Development should not be extended in the future towards the school in the future.
- Parking is already a problem at the school during pick up and drop off hours and already high in the day
- Safety risk to pedestrians
- Concern access for emergency vehicles
- Impact of construction noise on school children
- Parking spaces do not account for multi-car households, more car parking is required for all residents
- An additional access road should be considered as the cul-de-sac is not large enough for this level of increased activity
- Height of new development is excessive
- Overlooking of the school
- Parking on WBR is already at capacity
- Overdevelopment in a medium density area

- WBR comprises 2-3 storey dwellings with pitched roofs, new development will be out of place
- Loss of open feeling in WBR and MOL contrary to policies G2, G6 and G8 of the UDP
- Proposed design bulky buildings contrary to BE1 of the UDP
- Detrimental impact on character of WBR and Sycamore Grove
- Negative effect in visual amenities which will be lost and not in keeping with spatial standards
- WBR is quiet and new development will cause chaos esp. during school pick up/drop off
- Increase in crime/litter/antisocial behaviour and noise due to increase in occupants
- WBR is single lane due to double parking which is not acceptable
- Increased pedestrian activity on local footpaths, close to dwellings causing a detrimental impact on local residents, loss of privacy and detrimental impact on quality of life.
- Transport assessment took place outside of peak school hours
- Boundary hedges removed and trees will take a long time to mature so will be years before the impact of the buildings is softened
- Detrimental impact on traffic safety and pupils of the nearby school
- A smaller development would fit better within the surrounding area and neighbourhood
- More traffic and congestion
- People park in WBR for the station
- Additional people using overcrowded transport infrastructure and trains
- Is the access wide enough for increased traffic
- Increased traffic noise and impact on quiet enjoyment of existing properties
- Increased threat to safety of children
- High rise flats will block out light and overlooking of houses and gardens
- Views from houses affected and open character lost
- Poor design and mass and bulk of the development is intrusive
- Disturbance during buildings works and living in the middle of a building site
- Too many flats and too high
- All existing vegetation should be preserved as contributes to green character of area and acts as a barrier
- Consultation process not adequate
- Existing footpaths also need upgrading to cope with increased use and were not intended for this level of use
- Development should not be allowed on this site
- Has the impact on existing services been taken into account esp. schools and GP's
- WBR is a child friendly neighbourhood that will be totally changed
- Wheelchair access needs to be improved at the alleyway at end of Owen Walk and the corner of Anerley Road and WBR
- Access for those with disabilities also needs to be considered if to be used by new residents and existing footpaths and crossing upgraded to current standards (currently below)
- A 20mph speed limit and speed bumps introduced
- Dust from the development impacting local residents and their health

- 5 storey blocks will dwarf the surrounding buildings and be twice the height of adjoining buildings, efforts to minimise the impact are not sufficient
- Where will visitors and delivery vehicles park
- Existing local services have been cut and cannot support such an increase in additional residents
- Will the developers be charging for car parking spaces which will cause even greater parking pressure in the local area.
- This proposal is not sensitive to local residents and their quality of life.

15 letters of support have been received with the following comments:

- Support family housing
- Plenty of new car parking for residents
- Derelict site being brought back into use and built on
- Affordable housing is a benefit
- Will bring more people, money and business to the area
- Will improve the area and Anerley is in need of regeneration
- Good for the area and good use of disused buildings
- We need more houses and people need places to live
- Designs are good and in keeping with existing developments
- Development not overwhelming when viewed from MOL
- Welcome additional housing and affordable housing

## **Consultee Responses**

### The Greater London Authority (GLA):

London Plan policies on housing, affordable housing, urban design, inclusive access, sustainable development and transport are relevant to this application. In general the scheme is supported in strategic planning terms. However, further information and discussion, as stated below, is required to ensure the proposal complies with the London Plan.

Principle of development: The change in land use from social infrastructure to residential accommodation is supported in strategic planning terms; provided the Council are satisfied there is no identified local need for other forms of social infrastructure on this site.

Housing: The proposal is in accordance with London Plan policies 3.3, 3.4, 3.5, 3.8 and 3.11. The applicant should confirm the quantum of playspace provision to be provided on site and provide details of any off-site provision.

Affordable Housing: The applicant is providing 35% affordable housing by habitable room with a tenure mix of 58% intermediate and 42% affordable rent. This meets Bromley Council's affordable housing policy requirements.

Urban Design: Generally the urban design approach is supported; however, there are concerns regarding the level of car parking to be provided on site, and the applicant should further consider the interaction of the scheme with the adjacent MOL.



Inclusive access: The applicant should include details of how disabled people access the site from William Booth Road. The Council should secure compliance with Building Regulations M4 (2) and M4 (3) via condition.

Sustainable Development: The carbon dioxide savings exceed the target set within Policy 5.2 of the London Plan. However, the comments in this report should be addressed before compliance with London Plan energy policy can be verified. The proposal complies with London Plan policies 5.12 and 5.13. Conditions securing the drainage approach and climate change adaption measures should be included within the application when it is referred back to the Major.

Transport: TfL encourage the applicant to reduce on-site car parking provision. TfL recommends 3 years free car club membership is offered to residents, secured by the s106 agreement. The Travel Plan should be secured via the s106 and the Construction Logistics Plan and Delivery Servicing Plan should be secured by condition.

Recommendation: That Bromley Council be advised that while the application is generally acceptable in strategic planning terms, the application does not yet comply with the London Plan, for the reasons set out in the report; but the possible remedies set out in that paragraph could address these deficiencies.

#### Highways:

The site is located within an acceptable walking distance to Anerley Rail Station located south east of the site. There are also five bus routes within an acceptable walking distance of the site. Whilst located beyond an acceptable walking distance (960m) Crystal Palace Rail Station is located approximately 1km north of the site. The site has a public transport accessibility level (PTAL) of 3 across the majority of the site rising to 4 in the north east corner, on a scale of 0 to 6b where 6b is most accessible.

**Vehicular Site Access:** Vehicular access to the site is via William Booth Road off Anerley Road. The existing would be widened to 6.0m wide this will result in relocation of parking spaces; however more details are required. The above works (i.e. road widening) should be secured by section 278 agreement.

**Car parking:** A total of 240 car parking spaces are proposed for the development, equivalent to a parking ratio of 0.95 spaces per dwelling. 25 parking spaces will be provided for disabled users and 20% active and 20% passive electric car charging spaces will be provided in accordance with the London Plan.

A car club is also proposed for the site, and up to two car parking spaces near to the site access will be allocated for car club vehicles. Although the applicant has provided some measures to reduce the reliance on private car usage I believe that the applicant should increase the parking ratio to 1:1.

**Cycle Parking:** A minimum of 420 cycle parking spaces will be provided to satisfy the FALP standards, with six short stay spaces provided for visitors to the residential development. This is acceptable.

Off-Site Parking: Off-site parking in the vicinity of the site on local streets, including William Booth Road, is currently uncontrolled and this office has identified that it will be important for the development to provide sufficient car parking capacity on site such that overspill parking off-site should not be necessary.

The intention is therefore that all resident and visitor parking associated with the proposed development will be accommodated on the site itself and this has been important in considering the proposed level of provision.

Whilst a parking survey of local streets has not been conducted, a review of information relating to the consented extension of the James Dixon Primary School has been undertaken and it is noted that the TA approved in support of that planning application included parking surveys of the utilisation of on-street spaces in the local area including William Booth Road, Sycamore Grove and Robinia Close. The surveys, undertaken on Tuesday 13th May 2014, identified that at peak, the observed parking on local streets did not exceed 79% of the available parking capacity, thereby confirming that parking capacity is still available on the local highway at peak times and that double parking or other similar practices should not unduly affect traffic flow.

#### Trip Generation

##### Existing Trip Generation

##### Former Site Trip Generation (Peaks Only)

Peak	Arrivals	Departure	Total
AM (0800-0900)	8	0	8
School (1430-1500)	2	12	14
PM (1700-1800)	0	9	9

##### Proposed Trip Generation

Initial Trip Rates: The TRICS database was interrogated for a range of site combinations including private flats, non-private flats and mixed ownership flats to derive an indicative trip rate for the proposed development. For the purposes of analysis, all sites within London in the mixed private / affordable use class with between 30 and 300 dwellings, in areas of between PTAL 1 – 4 (inclusive), were selected.

##### Initial Residential Trip Rates (per unit)

Peak	Arrivals	Departure	Total
AM (0800-0900)	0.105	0.197	0.302
School (1430-1500)	0.105	0.158	0.263
PM (1700-1800)	0.167	0.035	0.202

Locally Specific Trip Rates: To consider the potential trip generation characteristics of the proposed development in further detail, in the specific

context of the proposed land use and local area, it was previously identified that a development comprising of a total of 217 flats (Phase 1 = 129, Phase 2 = 88) is located immediately adjacent to the Orchard Lodge site. Both Phases 1 and 2 are complete.

Validation of Locally Specific Trip Rates: The survey was conducted on Thursday 4th June 2015 between the hours of 0800-0900 in the morning and 1430-1800 in the afternoon/evening. The data has subsequently been reviewed and a summary of the observed information, translated into trip rates (based on the total of 217 flats) is presented below at.

TABLE - Observed Residential Trip Rates (per unit) for the Anerley School Development – 04/06/15

Peaks	Arrivals	Departures	Total
AM (0800-0900)	0.037	0.147	0.184
School (1430-1500)	0.037	0.060	0.097
PM (1700-1800)	0.092	0.055	0.147

Application of the observed trip rates (above Table) to the proposed development of 252 flats therefore indicates that the site would be expected to generate 46, 24 and 37 trips in the AM, School and PM peak hours respectively as summarised below

Peaks	Arrivals	Departures	Total
AM (0800-0900)	9	37	46
School (1430-1500)	9	15	24
PM (1700-1800)	23	14	37

Net Trip Generation: The net impacts of the development proposals have subsequently been considered. In traffic generation terms, this is based upon the proposed development traffic minus the existing site traffic associated with the current land uses.

The net traffic impact of the proposed development is summarised at TABLE below, based upon the current draft scheme proposals of 252 dwellings. This shows that there is anticipated to be a net increase of 38, 10 and 28 vehicles in the AM, School and PM peaks respectively

Scenario	AM Peak	School Peak	PM Peak
Proposed (252 units)	46	24	37
Former Use	8	14	9
Net Trip Generation	38	10	28

An appraisal of William Booth Road and the junction with Anerley Road was conducted, in order to ensure that sufficient capacity was available to accommodate a proposed development at the Orchard Lodge site in the order of 200 dwellings. Details of that assessment were submitted to LBB who subsequently confirmed that the capacity of William Booth Road should not

constrain the proposed development, based on the information provided. Since that time, further pre-application discussions with officers at LBB have resulted in the proposals being updated to reflect an increased density of the proposed development, to allow a greater numbers of homes to be provided (252).

Car Parking: Liaison with LBB to date has confirmed that the maximum standards set out within their UDP (2006) provide the current guidelines for parking provision in the borough. For residential development, the standards allow up to one space per one or two bed unit and up to 1.5 spaces for larger three bed units. A slightly lower level of maximum provision is set out for affordable housing.

Under the latest London Plan, the proposals would be defined as being within PTAL range 2-4 and classified as 'urban', with around 350 habitable rooms per hectare and 110 units per hectare. As such, the development proposals would sit between the "up to one space per unit" and "up to 1.5 spaces per unit" maximum residential parking guidelines.

Further guidance is contained in the 'Parking Standards Minor Alterations to the London Plan' which were published in March 2016, however, this only affects parking standards in outer London boroughs with low PTAL (0-1), or in some areas of PTAL 2.

As such, a total of 240 car parking spaces are proposed for the development, equivalent to a parking ratio of 0.95 spaces per dwelling. This level of provision falls under the 100% provision preferred by Bromley; therefore the applicant should increase this ratio to 1:1

25 parking spaces will be provided for disabled users and 20% active and 20% passive electric car charging spaces will be provided in accordance with the London Plan.

A car club is also proposed for the site, and up to two car parking spaces near to the site access will be allocated for car club vehicles. This is welcomed; the applicant should also encourage the new occupiers by providing 2 year free membership.

Cycle Parking: A minimum of 420 cycle parking spaces will therefore be provided to satisfy the FALP standards, with six short stay spaces provided for visitors to the residential development. This is acceptable.

The trips generated by the London Autistic Spectrum Condition Centre have been estimated as 8, 14 and 9 trips in the AM, School and PM peaks respectively. Trips for the proposed development have been determined using locally specific trip rates observed at the Anerley School site, which is located adjacent to the Orchard Lodge site and consists of 217 flats. Application of the observed trip rates to the proposed development of 252 flats therefore indicates that the site would be expected to generate 46, 24 and 37 trips in the AM, School and PM peak hours respectively.

The proposed development is therefore anticipated to result in a net increase of 38 trips in the AM peak, 10 trips during the school peak and 28 in the PM peak. Operational assessments of the junctions located in the vicinity of the site, forming the study area, have confirmed that the proposed development and the net traffic that it is predicted to generate will not have a material effect on the local highway, all junctions are predicted to continue to operate within the respective capacity thresholds.

The applicant should address the following:

Car parking ratio should increase to 1:1

A car club is also proposed for the site, and up to two car parking spaces near to the site access will be allocated for car club vehicles. This is welcomed; the applicant should also encourage the new occupiers by providing 2 year free membership

A sum of £25000 should be secured for the future parking and traffic study within the area. This would also include any additional traffic management measures to be carried out as a result of the development including upgrading of crossing facilities to toucans at Anerley Road. The works on the highway would need to be secured by Section 278 agreement.

The Travel Plan submitted as part of the application is satisfactory.

#### Transport for London (TfL):

*Location:* The site is bound by Worcester Close and residential properties to the north, residential properties to the east, and playing fields to the south and west. The site is located a significant distance from the Transport for London Road Network (TLRN). The closest sections of the Strategic Road Network (SRN) are the A212 Church Road approximately 800m north west of the site and the A234 High Street Beckenham approximately 1km east of the site. The site is located within an acceptable walking distance to Anerley Rail Station located south east of the site. There are also five bus routes within an acceptable walking distance of the site. Whilst located beyond an acceptable walking distance (960m) Crystal Palace Rail Station is located approximately 1km north of the site.

The site has a public transport accessibility level (PTAL) of 3 across the majority of the site rising to 4 in the north east corner, on a scale of 0 to 6b where 6b is most accessible.

*Vehicular Site Access:* Vehicular access to the site is via William Booth Road off Anerley Road.

*Trip generation and modal split:* TfL considers the trip generation methodology and impact assessment to be acceptable. Furthermore, TfL is satisfied that the proposed development is unlikely to have a negative impact on the operation of the strategic highway network or public transport network.

*Car parking:* 242 car parking spaces are proposed, which equates to a car parking ratio of 0.96 spaces per unit. Whilst the provision proposed equates to slightly less than 1 space per unit, the London Plan states that 'all developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit'. Given the sites good (3) to above average (4) PTAL and given existing car ownership levels within the surrounding ward (48%), TfL consider that the level of car parking proposed seems overly excessive for a modern day development. TfL would therefore encourage the developer to further reduce the on-site car parking provision.

Disabled parking and Electric Vehicle Charing Points (EVCP) including passive provision will be provided in accordance with the London Plan, which is welcomed by TfL.

A car club is proposed for the site, and up to two car parking spaces near to the site access will be allocated for car club vehicles. TfL support the provision of a car club and would also recommend that each household in the development is given 3 years free car club membership on first occupation to be funded by the applicant and secured by the s106 agreement.

*Cycle Parking:* 420 long-stay and 6 short-stay cycle spaces will be provided on site which is in accordance with the London Plan, and is welcomed by TfL. Short-stay spaces for visitors should be located within the public realm. All cycle parking spaces should also be easily accessible from cycle routes and appropriate signage, should be provided.

*Travel Plan:* A Residential Travel Plan has been produced, although it is noted that a copy of this has not been included on Bromley's planning application portal. TfL expects the final travel plan to be secured, monitored, reviewed, and enforced through the s106.

*Freight and Servicing:* A Construction Logistics Plan (CLP) and Delivery and Servicing Plan (DSP) have been produced and the final detailed version should be secured by condition.

*Mitigation:* In accordance with London Plan policy 8.3, Community Infrastructure Levy, the Mayor commenced CIL charging for developments on 1st April 2012. It is noted that the proposed development is within the London borough of Bromley, where the Mayoral charge is £35 per square metre Gross Internal Area (GIA). Further details can be found at: <http://www.london.gov.uk/publication/mayoralcommunity-infrastructure-levy>.

In summary, TfL welcome further discussions with the applicant and Bromley Council on car parking, car club membership and the travel plan.

#### Environmental Health:

*Noise* The site has generally moderate noise levels. Only very limited acoustic mitigations are necessary which can be covered by the following condition:

Details of a scheme of acoustic mitigation fully in line with the recommendations of the acoustic report (Grant Acoustics report reference GA-2015-0048-R1-RevA of 29<sup>th</sup> April 2016) shall be submitted to the Local Planning Authority for written approval prior to the development commencing. Once approved the scheme shall be implemented in full and permanently maintained thereafter.

*Contamination*\_The contamination report finds that the site is affected by various contaminants and further sampling and remediation is necessary to make the site suitable for the proposed use. K09 condition should be attached

*Air Quality*\_No air quality assessment has been submitted for this development and the submitted document refers to a development in the London Borough of Haringey. An assessment is necessary in advance of determination of the application as this is a major development in the AQMA.

Conditions are highly likely to be required to control air quality impacts both during construction phase and also in respect of electric charging and other mitigations.

*Lighting*\_The submitted details are acceptable but the development should be fully in accordance with the lighting calculation report.

I would recommend this is mandated by condition or a condition for later submission of final lighting scheme

*Informatives*\_I would recommend that the following informative is attached:

Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

*Additional Comments*: In respect of the new assessment I have the following comments:

The assessment finds there will be ‘a very minor increase in the annual mean NO<sub>2</sub> concentration at the selected sensitive receptors, with a magnitude ranging from 0.19 to 1.80%. The difference comparing the ‘no development’ and the ‘with development’ scenario for all receptors is considered to be ‘negligible’ in accordance to the IAQM/EPUK guidance.’ Consequently I do not object further on air quality grounds however I would recommend that the following conditions are attached to mitigate and minimise the impact, including cumulative impacts, as far as possible:

- An electric car charging point shall be provided to a minimum of 20% of car parking spaces with passive provision of electric charging capacity provided to an additional 20% of spaces.  
Reason: To minimise the effect of the development on local air quality in accordance with Policies 6.13 and 7.14 of the London Plan
- All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA’s supplementary planning guidance “Control of Dust and Emissions During Construction and Demolition” dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used

during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/> Further information and guidance is available at <http://content.tfl.gov.uk/construction-logistics-plan-guidance-for-developers.pdf>

Reason: To protect local amenity and air quality in accordance with London Plan policies 5.3 and 7.14

- Construction works shall not begin until a Construction Logistics Plan to manage all freight vehicle movements to and from the site (identifying efficiency and sustainability measures to be undertaken during construction of the development) has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved Construction Logistics Plan or any approved amendments thereto as may be agreed in writing by the Local Planning Authority.

Reason: To ensure that construction works do not have an adverse impact on the transport network in accordance with London Plan Policy 6.14 and to minimise the impact of construction activities on local air quality in accordance with London Plan Policy 7.14.

- Demolition works shall not begin until a dust management plan for protecting nearby residents and commercial occupiers from dust has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of demolition methods, all dust suppression measures and the methods to monitor emissions of dust arising from the development. The development shall not be carried out other than fully in accordance with the approved dust management plan.

*Drainage:* Reviewing the submitted Surface Water/SUDs Strategy carried out by iD Ltd dated April 2016, I note that attenuation is provided to restrict surface water run-off to 30l/s. I would like to highlight that the site has more potential for more SUDs to be incorporated to restrict surface water run-off to greenfield run-off rate.

Could the applicant consider the following:

- Although we are pleased to see green roofs being incorporated, we would like those green roofs to be extended to all the blocks and to be considered as a source control.
- Could the applicant consider the undercroft car park area as an over ground storage for extreme events.

*Additional comments:* Reviewing the submitted surface water strategy carried out by Infrastructure Design (iD) Ltd with issue 2 dated July 2016, I note the following:

- The proposed development will benefit from a selection of SUDs features including pond, green roofs and permeable paving.
- The combined pond and tank will provide 490m<sup>3</sup>.
- The discharge rate will be limited to 12l/s for all events including the 1 in 100 plus 30% climate change.

Please impose the following condition:



Prior to the first occupation of the development hereby approved drainage works shall be carried out in accordance with the submitted surface water strategy report carried out by Infrastructure Design (iD) Ltd with issue 2 dated July 2016. The approved works shall be carried out in strict accordance with the approved plan and document and shall be permanently retained in operational order thereafter.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties.

#### Thames Water:

##### Waste Comments

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit [thameswater.co.uk/buildover](http://thameswater.co.uk/buildover)

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We

would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer.

#### Water Comments

The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

#### Metropolitan Police Designing Out Crime Officer:

As you are aware, I have met with Fairview Estates previously in relation to this development, and this is noted on Page 62 of the Design and Access Statement. Unfortunately the security measures proposed are not enough for Secured by Design purposes and therefore I feel that the information provided does not go far enough to achieve Secure by Design standards, which is important, especially given the guidance within NPPF paragraphs 58 and 69 which state:-

Paragraph 58 of National Planning Policy Framework clearly states that local and neighbourhood policy should 'create safe and accessible environments where the fear of crime does not undermine quality of life or community cohesion.'

Paragraph 69 of this document 'promoting Healthy Communities' underlines this statement by encouraging the planning system to play an important part in facilitating 'safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.'

This will be a major development in the Penge area, and I feel that should this application proceed, it should be able to achieve the security requirements of Secured by Design with the guidance of Secured by Design New Homes 2016 and the continued involvement of the South East Designing Out Crime Office. Secured by Design can be applied very successfully to this type of development and I also believe that the adoption of these standards will help to reduce the opportunity for crime and anti-social behaviour, creating a safer, more secure and sustainable environment.

Because I feel the development would be suitable to achieve Secured by Design accreditation, I would seek to have the agreed 'Secured by Design' condition attached to any permission that may be granted in connection with this application and that the wording is such that the development will follow the principles and physical security requirements of Secured by Design.

By the inclusion of such measures this development will satisfy the needs of local policy H7 (vii) and BE (viii) as well as demonstrating how such measures will be incorporated to minimise crime as contained in DCLG circular 01/2006 paragraph 8

Whilst I accept that with the introduction of Approved Document Q of the Building Regulations from 1st October 2015 it is no longer appropriate for local authorities to attach planning conditions relating to technical door and window standards, I would encourage the planning authority to note the experience gained by the UK police service over the past 26 years in this specific subject area.

That experience has led to the provision of a physical security requirement considered to be more consistent than that set out within Approved Document Q of the Building Regulations (England); specifically the recognition of products that have been tested to the relevant security standards but crucially are also fully certificated by an independent third party, accredited by UKAS (Notified Body). This provides assurance that products have been produced under a controlled manufacturing environment in accordance with the specifiers aims and minimises misrepresentation of the products by unscrupulous manufacturers/suppliers and leads to the delivery, on site, of a more secure product.

I feel that the benefits of certified products should be pointed out to applicants and that the Local Authority encourages applicants to achieve this more appropriate standard. It is also important to note that policies relating to the design and layout of a new development, which aim to reduce crime and disorder, remain unaffected.

#### Historic England – Archaeology:

##### *Recommend Approval of Archaeological Desk Based Assessment*

The Greater London Archaeological Advisory Service (GLAAS) provides archaeological advice to boroughs in accordance with the National Planning Policy Framework and GLAAS Charter.

The National Planning Policy Framework (Section 12 para 128) is most relevant. Having considered the archaeological desk-based assessment report prepared by CgMS Consulting Ltd dated May 2016 in respect of the above planning application pertaining to this site, I am happy to recommend its approval.

##### *Recommend No On-Going Archaeological Interest*

It is concluded that there is no discernible on-going archaeological interest with this site and that no further action should be taken at the pre-determination stage or by condition. Please note that this response relates solely to archaeological considerations.

#### Housing:

Having looked at their proposed amendments I have the following comments:

1. Clarification on the total number of habitable rooms which appears to be less than suggested.
2. 10% of wheelchair units are required and this should include 2 and 3 bed units.
3. The proportion of 3 bed AR units is high and there should be a greater proportion of 2 bed units to reflect the breakdown of need in the Borough.

Further comments:

We are satisfied with the mix of adapted units on the site. There needs to be a mix of 1, 2 and 3 bed adapted units rather than the 1 beds proposed. Is it possible to maximise the space in the 2 bed (so that there are two double bedrooms rather than a double and a single) that would be the more practical. The 2B wheelchair units should be 2 bed 4person as, they generally have more equipment etc. and need the extra space.

The split is better but should be one or two of the 1 bed w/chair units to general needs and make one or two of the 3 bed general needs units w/chair accessible.

Ignoring those that need step free access and partial adaptations there are currently:

- 22 x households needing 1B fully w/chair adapted accommodation.
- 25 x households needing 2B fully w/chair adapted accommodation.
- 24 x households needing 3B fully w/chair adapted accommodation
- 4 x households needing a 4B fully w/chair adapted accommodation.

## **Planning Considerations**

In determining planning applications, the starting point is the Development Plan and any other material considerations that are relevant. The adopted Development Plan in this case includes the Bromley Unitary Development Plan (UDP) (2006) and the London Plan (March 2015). Relevant policies and guidance in the form of the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG) as well as other guidance and relevant legislation, must also be taken into account.

### Relevant UDP policies:

H1 Housing Supply  
H2 Affordable Housing  
H3 Affordable Housing – payment in lieu  
H4 Supported Housing  
H7 Housing Density and Design  
T1 Transport Demand  
T2 Assessment of Transport Effects  
T5 Access for People with restricted mobility  
T6 Pedestrians  
T7 Cyclists (see London Plan)  
T9 Public Transport  
T10 Public Transport  
T12 Residential Roads  
T15 Traffic Management  
T18 Highway Safety  
BE1 Design of New Development  
BE4 Public Realm  
BE7 Railings, Walls and Means of Enclosure  
NE3 Nature Conservation  
NE7 Development and Trees  
NE12 Landscape Quality and Character  
NE13 Green Corridors  
G2 Metropolitan Open Land

G6 Land adjoining Green Belt and Metropolitan Open Land  
C1 Community Facilities  
C2 Community Facilities and Development  
ER4 Sustainable and Energy Efficient Development  
ER7: Contaminated Land  
ER10 Light Pollution  
ER15 Water Conservation  
IMP1 Planning Obligations

Planning Obligations SPD

Affordable Housing SPD

### Emerging Bromley Local Plan

A consultation on draft Local Plan policies was undertaken early in 2014 in a document entitled Draft Policies and Designations Policies. In addition a consultation was undertaken in October 2015 in a document entitled Draft Allocation, further policies and designation document. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

### Relevant Draft Policies and Designations (2014)

5.1 Housing Supply  
5.3 Housing Design  
5.4 Affordable Housing  
5.11 Specialist and Older Peoples Accommodation  
5.13 Renewal Areas  
5.15 Crystal Place, Penge and Anerley Renewal Area  
6.1 Community Facilities  
6.3 Social Infrastructure in New Developments  
6.6 Educational Facilities  
7.1 Parking  
7.2 Relieving congestion  
7.3 Access to services for all  
7.4 Highway infrastructure provision  
7.5 Transport Investment Priorities  
8.1 General design of development  
8.4 Wildlife Features  
8.6 Protection Species  
8.7 Nature and trees  
8.11 Landscape Quality and Character  
8.13 Biodiversity and access to Nature  
8.15 Metropolitan Open Land  
8.18 Land Adjoining Green Belt or Metropolitan Open Land  
8.25 Public Rights of Way and Other Recreational Routes  
10.3 Reducing flood Risk  
10.4 Sustainable Urban Drainage Systems  
10.10 Sustainable design and construction  
10.5 Contaminated Land

- 10.9 Light Pollution
- 10.10 Sustainable design and construction
- 10.11 Carbon reduction, decentralised energy networks and renewable energy
- 11.1 Delivery and implementation of the Local Plan

Draft Allocation, further policies and designation document (Sept 2015)

Chapter 5: Living in Bromley

Chapter 6: Supporting Communities

Chapter 7: Getting Around – Revised Draft Parking Policy

Relevant London Plan 2015 policies:

- 2.6 Outer London: vision and strategy
- 2.14 Areas for regeneration
- 3.1 Ensuring equal life chances for all
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people play and informal recreation facilities
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.12 Negotiating affordable housing
- 3.16 Protection and enhancement of social facilities
- 3.17 Health and social care facilities
- 3.18 Education facilities
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.0 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green roofs and development site environs
- 5.12 Flood Risk Management
- 5.13 Sustainable drainage
- 5.21 Contaminated Land
- 6.3 Assessing effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public realm
- 7.6 Architecture
- 7.17 Metropolitan Open Land
- 7.19 Biodiversity and access to nature

## 8.2 Planning Obligations

## 8.3 Community Infrastructure Levy

The Mayors Housing SPG (2015) is also relevant

Policy guidance in the National Planning Policy Framework and Guidance are also relevant.

### Relevant Paragraphs in the NPPF (2012)

Para 17: Core planning principles

Paras 29 - 41: Promoting sustainable transport

Paras 47 – 50: Delivering a wide choice of high quality homes

Paras 56 – 66: Requiring Good Design

Paras 69-78: Promoting healthy communities

Paras 93-103: Meeting the challenge of climate change & flooding

Paras 109-125: Conserving and enhancing the natural environment

Paras 188-195: Pre-application engagement

Paras 196-197: Determining applications

Paras 203-206: Planning conditions and obligations

### **Planning History**

There are a number of applications relating to the existing buildings on site. However, the following applications are of most relevance:

07/02218 - Demolition of existing buildings and erection of two/three storey building to provide extension for young offenders institute (including basement accommodation) comprising 36 bedrooms with communal dining/living areas and classrooms/offices and ancillary facilities with additional car parking – Approved.

07/0264 – Single storey front extension – Approved

08/02691 – Two storey extensions to existing bedrooms – Approved

10/00879 – Three extensions attached to Wing A, B and C – Withdrawn

11/03514 – 6 single storey extensions – Approved

15/00346 – Retrospective application for the retention of 2 single storey extensions to wing B – Approved

## Conclusions

It is considered that the main planning issues relating to the proposed scheme are as follows:

- Principle of development and loss of existing Community Use
- Density, Layout, Scale and Design
- Impact on adjacent Metropolitan Open Land (MOL)
- Affordable Housing
- Housing Standards
- Landscaping and Amenity
- Impact on Neighbouring Properties
- Highways and Transport
- Other Technical Considerations

### **Principle of development and loss of existing Community Use**

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 15 of the NPPF identifies the presumption in favour of sustainable development and that development which is sustainable should be approved without delay. There is also a clear need for additional housing to meet local demand and needs.

Paragraph 49 of the NPPF clarifies that applications for housing developments should normally be approved for a change to residential use and any associated development from commercial buildings where there is an identified need for additional housing, provided there are not strong economic reasons why such development would be inappropriate. The Government's guidance to provide housing on brownfield sites is also likely to increase further with the intended revisions to the NPPF as identified in their consultation document.

The London Plan seeks mixed and balanced communities in accordance with Policy 3.9, which states that communities should be mixed and balanced by tenure and household income, supported by effective design, adequate infrastructure and an enhanced environment. Policy 3.3 establishes a housing target, whereas Policies 3.11 and 3.12 confirm that Boroughs should maximise affordable housing provision, where 60% of provision should be for social housing (comprising social and affordable rent) and 40% should be for intermediate provision where priority should be accorded to the provision of affordable family housing.

UDP Policy H1 requires the Borough to make provision for at least 11,450 additional dwellings over the plan period acknowledging a requirement to make the most efficient use of sites in accordance with the density/location matrix. As a brownfield site with vacant buildings, subject to being able to demonstrate that the site is no longer required for community use, increased housing provision could make a valuable contribution to the Borough's housing supply. However, it is necessary to demonstrate that an appropriate density can be achieved having regard to the context of the surroundings, standard of accommodation to be provided and detailed design considerations. It is noted that this proposal would represent a third of the Council's required housing allocation for a year. This should be afforded significant weight in the overall planning balance.



A recent appeal decision reference 3144248 concluded that the Council does not currently have the required 5 year housing land supply, and therefore this weighs in favour of granting permission for the provision of additional housing on this site in accordance with paragraphs 14 and 19 of the NPPF.

Policy C1 of the UDP, Draft Policy 6.1 of the LP and Policies 3.16 and 3.17 of the London Plan seek to prevent the loss of community facilities unless it can be demonstrated that there is no longer a need for them or alternative provision is to be made in an equally accessible location. As part of any proposal for redevelopment of the site, including a change of use to Class C3 residential, the requirements of these policies must be met and demonstrated and a Community Floorspace Assessment has been submitted in support of the application and identifies why the site is not required or suitable for community purposes as required under Policy C7.

The site was constructed and occupied for many years as a remand centre and was no longer required when such services were rationalised nationally. In more recent years the site was used as a residential institution caring for people with Autism, (which was an unauthorised use) but was no longer required due to changes in funding and care and this use vacated the site in July 2015. The site has been unused since and no subsequent use has been forthcoming.

London Plan policy 3.16 clarifies that “the suitability of redundant social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.” The applicants have submitted with their application a detailed and thorough assessment of existing facilities in the locality and whether there are any deficiencies which could be addressed. It has identified that there is a wide range of existing facilities and organisations across a wide area and has identified that there is no current deficiency in any sector. This process has not, therefore, identified a legitimate community use that would occupy the whole site and due to its size it would only be suitable for a small number of alternative uses. The fact there is no need for the existing facility, its buildings or the site for the original use for which it was intended or future alternatives uses results in support for a redevelopment proposal for housing.

In addition the Mayor of London’s Social Infrastructure Supplementary Planning Guidance (SPG) 2015 notes that more efficient use of land by social infrastructure provision offers the opportunity to address housing and social infrastructure needs at the same time. It states that if it can be demonstrated that it is not practical or viable for the service/facility to continue operating for a community use it may be that a redevelopment could better optimise the site.

It is worth noting that the site has not been marketed, as the existing development was built for a specific purpose and it would be impractical to convert the buildings for an alternative community use. The submitted reports conclude that due to the nature and form of the buildings, their deterioration over the years and structural and construction issues, which includes asbestos materials any viable option for a school, health centre or other use would require a comprehensive redevelopment of the site. Consequently, due to the site and building constraints an alternative and financially viable use for the whole site is now being put forward.

The Community Floorspace Assessment and Addendum also clarify that the redevelopment for housing will deliver significant planning benefits to the wider area by redeveloping an underused site in an urban location and they have also put forward a contribution of £30,000

towards Anerley Town Hall and Crystal Palace Community Development Trust as the most appropriate way to address any loss of the community use on the site. This money can be used towards the upkeep of existing community services which already respond to local needs and identified deprivation in the wider area. The applicants are of the view that the long term objectives and established position of these organisations make a more appropriate contribution for local community needs and ensures a sustainable community resource to provide general facilities in the locality.

Furthermore the Councils Planning Obligations SPG also highlights the need to provide a wide range of community facilities, and existing community organisations and local partners should be the starting point for negotiations for any local community benefit to address any identified needs. The proposed contribution therefore complies with UDP Policies C2 and IMP1 and the Planning Obligations SPG

It is therefore considered that a strong case has been made which identifies why this proposed residential development should be supported in light of the relevant land use policy considerations identified and furthermore substantial additional weight, on balance, should be given to contributing towards the housing land supply in the Borough. All the above matters have been adequately addressed and justified and therefore, the principle of a residential use of this site should be supported in line with the relevant housing policies in the UDP, Draft Local Plan and London Plan.

### **Density, Layout, Scale and Design**

The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. UDP Policy BE1 sets out a list of criteria which proposals will be expected to meet, the criteria is clearly aligned with the principles of the NPPF as set out above.

The plans show the scale, mass, layout and the design of the proposed development with floor plans showing the size, level of occupation and mix of units within each block. Further perspectives of the development have been submitted to show the intended design approach including more detailed images to show the detailed design and expected features of the proposed buildings. The proposed plans provide detailed consideration of the relationship between the existing buildings around the site and the proposed buildings which are arranged in three blocks of flats, with the layout of parking areas, landscaping, pavements, communal spaces and refuse and cycle storage across the site.

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Policy 7.4 and with public transport capacity. Table 3.2 identifies an appropriate residential density range related to a sites setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL). For 252 units a density of approximately 140 dwellings and 439 habitable rooms per hectare is proposed, this is within the upper range of

the London Plan for an urban location. The site is within PTAL zone 3-4 with the majority being sited within PTAL 3 where there is a maximum range of 450 habitable rooms and 145 units per hectare. The parameters identified in the Density Matrix need to be taken into account, but these policies related to density are intended to optimise not maximise development with the priority that the site is well designed, providing a high quality environment for existing and future occupiers whilst respecting the spatial characteristics of the surrounding area, in particular the adjoining MOL.

The scale, form, layout and design of the proposed development is considered to be good and of a high quality. The site has the potential for a high density of units, with the height of buildings higher than existing and adjoining development. This is due to the site being on the edge of the existing built development, set back from its boundaries and without a specific street frontage. The site therefore does not need to rigidly fit in with an existing form of development and can be treated as being individual in character.

The design of the proposed buildings is also of a high quality with an innovative approach to the design being put forward. A relatively compact form of development is proposed which is concentrated towards the northern part of the site, whilst providing a more structured landscaped buffer/ amenity area towards the southern part of the site which results in an efficient use of the land and is considered to accord with policies H7 of the UDP and 3.4 of the London Plan.

The proposed site layout and design elements of the proposed buildings have been refined throughout the design process and include a number of well-considered aspects which contribute to the acceptability of the proposal. These include the incorporation of a frontage development for all ground floor flats with individual entrances and clearly defined communal entrance points. The relationship of parking and amenity areas has been separated and is well defined and the proposed cores to the buildings are small and are served by natural light and ventilation. In addition a high proportion of the units are dual aspect flats with no north facing single aspect units. The design and layout of the proposal is considered to be acceptable and in accordance with the above planning policies.

The design approach put forward for the redevelopment of this site for a large number of residential properties and how the various elements interrelate as a whole is therefore considered to result in a modern approach to the design of new residential communities. The layout of the site as a whole is considered to be well designed and accords with good urban design principles outlined in planning policies and guidance.

The proposal is still for a large central building (up to 6 storeys in height towards the western end) which forms a significant increase in the mass of development on the site. However, the scale and mass of the blocks have been stepped and staggered throughout and therefore the heights of the roof line vary across the proposed blocks. This breaks up the mass and form of the proposed buildings across the site and provides visual interest, visually breaking up the elevations. In addition, interest has been incorporated to the proposed elevations, with the introduction of different brick colours and brick detailing to provide relief and break up the long elevations of the different blocks. It is considered however that the introduction of a greater palette of materials and elevational treatment/details (such as a different material or a different form of its application to different parts of the elevations) would merit further consideration. Whilst the submitted design already incorporates a varied approach, this could be addressed through materials and building detail conditions.

Some detailed elements of the elevations have already been submitted with the application and give some indication to the design details being put forward however, it is considered necessary to condition most of these details to include reveals, balconies, window details etc. In addition an external materials and samples condition is also required.

The submitted Town and Visual Impact Assessment provides some context for the proposal and identifies the potential visual impact of the proposed development in the immediate area. This document clarifies that the impact of the development is limited within the context of the overall adjoining development and existing buildings and will not result in a negative visual impact on the character of the area. This is due to a detailed assessment of the character, building heights and form of existing buildings and proposing different heights of buildings across the site and setting the buildings off the site boundaries. The elevations are also of a brick construction, in keeping with the brick elevations of the adjoining buildings to the site. The proposal is therefore appropriate for the site and surroundings and is not considered to have a detrimental impact on the character of the immediate area.

In conclusion this design approach is considered an appropriate way forward in the context and character of the locality. This is an important factor but this should not restrict a different approach being taken on this site, for the reasons discussed above, and as a result it is reasonable to treat the application site on its own merits. The proposal would therefore complement existing development and enhance the overall design quality within the locality. The development complies with a significant number of design policies, whilst also taking into account the impact on adjoining residential developments and the MOL land which shall be discussed further below.

### **Impact on adjacent Metropolitan Open Land (MOL)**

The site adjoins Metropolitan Open Land (MOL) which is afforded the same protection as the Green Belt. Policy G6 of the UDP seeks to protect the MOL from adjacent development and the impact on the visual amenities from the MOL need to be assessed in any consideration of the proposed development. In addition Policy G2 of the UDP, Draft Policies 8.15 & 8.18 of the Local Plan and Policy 7.17 of the London Plan are also relevant.

The proposal has given consideration to the adjoining MOL and its visual amenities by setting back the built form from the southern and south western corner of the site. The proposal is, however, for substantial buildings and a significant form of development close to the MOL which being set back a good distance from the boundary is considered sufficient to minimise the overall impact. The proposed communal/ amenity area /open space adjacent to the boundaries with the MOL also results in an improved site layout and visual connection with the MOL and overall a good use of this space. The proposed design also allows some views through the site, although limited. The impact is further reduced by proposed tree planting.

The Town and Visual Impact Assessment confirms the impact on the open landscape and on the visual amenities of the MOL land is acceptable and provides a context to the proposals and the wider area and includes views from within the land and the wider setting of the MOL. The proposal is therefore considered to be acceptable in terms of its impact on the MOL which has been minimised with the proposed layout and siting of the buildings that is considered to be in accordance with Policy G6 of the UDP.

Furthermore, the submitted drawings indicate the possibility of providing pedestrian links to the adjoining MOL land from the proposed development. Whilst this is positive and could be supported in principle given the potential improvement to permeability from the site and the MOL to the wider built environment, the ownership of the MOL has not been confirmed and there are questions over the deliverability of this element of the proposed scheme. Accordingly this has only been afforded limited weight in the overall consideration of the scheme.

### **Affordable Housing**

The development provides affordable housing on site in accordance with Policy 3.11 of the London Plan and UDP Policy H2 by way of a planning obligation under Policy IMP1 of the UDP. Heads of Terms have been provided with the application with the accommodation schedule setting out which units are to be affordable, full details of tenure, size and mix with indicative details of a registered provider. A policy complaint scheme based on the proposed level of development should deliver 35% of habitable rooms as affordable, of which a 60:40 split of affordable rented and shared ownership is required.

London Plan policy requires new housing development to offer a range of housing choices in terms of the mix of housing sizes and types, taking into account the housing requirements of different groups. The proposal provides 1, 2 and 3 Bed Units of policy compliant sizes and information has been provided in respect of the level of occupation and tenure split which includes

The proposal provides a good variation of units which results in a good overall mix of unit sizes and is policy compliant. This has been amended since submission with a revision to the scheme being proposed and a significant increase in the provision of affordable rented accommodation on the site and a wider range of unit sizes. Affordable rented units include 1, 2 and 3 bed units and 1 and 2 bed shared ownership units. The 10% wheelchair units are now spread across both tenures, provided as both affordable rent and shared ownership.

The scheme provides a total of 72 affordable units, (43 Affordable Rent and 29 Intermediate).

The overall scheme has been designed to provide tenure integration and all affordable housing units located towards the western part of the site will have the same external appearance, design and entrance arrangements as the private housing. Further revisions have been suggested by the Council's Housing Team to increase the size of the two bed 4 person units and provide some 3 bedroom affordable rented wheelchair units. This request has been put to the Applicants, who have considered these aspects of the scheme. However the Applicants have advised that it would not be possible to accommodate these changes without increasing the size of all the proposed buildings on the site. Notwithstanding the above, the proposal submitted provides a policy compliant scheme from a planning perspective and an appropriate mix of unit sizes and an appropriate tenure split on site, whilst responding adequately to the housing needs of these groups. On this basis, the submitted scheme is acceptable and in accordance with planning policies and guidance in all regards. It is therefore supported in principle.

The proposed development therefore complies with Policy 3.11 of the London Plan and policy H2 of the UDP and is a fully compliant scheme in accordance with the Council's Affordable Housing Supplementary Planning Guidance Document.

## **Housing Standards**

The Mayor's Housing SPG deals with the quality of residential accommodation, setting out baseline and good practice standards for dwelling size, room layouts and size, circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including cycle storage facilities) as well as core and access arrangements. Table 3.3 of the London Plan sets out the minimum space standards for new development and Annex 1 of the Housing SPG set out the current standards.

All of the proposed units meet the minimum standards in all respects and ensure that all baseline standards are met and units are capable of providing a good standard of accommodation throughout. Single aspect north facing units have been designed out of the proposal and single aspect flats are kept to a minimum with a high proportion of units being dual aspect. Internal circulation space in the cores benefits from natural light and ventilation and all proposed buildings would have access by lifts. The scheme therefore complies with housing standards and policy requirements in the London Plan.

Policies 3.5 and 3.8 of the London Plan require that all new housing should be built to high internal and external standards and that 10% of new housing should be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. The proposed development complies with this requirement.

Building Regulations Part M now form the technical basis for housing provision and wheelchair adaptability and units. It has been confirmed that the proposed wheelchair and affordable units comply with Part M 4(2) for the non-wheelchair dwellings & 4(3) for wheelchair user dwellings and this will need to be conditioned accordingly.

A Wheelchair and Accessibility section has been submitted in the Design and Access Statement to show that all units are designed in accordance with the above standards and also (where still applicable) the South East London Housing Partnership Wheelchair Homes Design Guidelines for affordable housing. This statement indicates which units are wheelchair adaptable and which units within the Affordable Housing provision are wheelchair units, along with allocated parking bays for these units and their proximity to their respective accommodation. All these details are considered to be acceptable.

In addition, 10% wheelchair provision has been provided across the market housing.

The plans submitted show full provision of the appropriate wheelchair standards and the design and layout has addressed this and the other required standards throughout.

## **Landscaping and Amenity**

The landscaping of any large housing proposal is of key importance to the quality of the resulting development, the public realm and its perception and as such should be given considerable weight in the design process. The plans have given an emphasis on the landscaping across the site and given it the priority required for a site of this size. Mature landscaping and trees are proposed throughout and this assists in incorporating the proposal within the site as it integrates it within the wider locality and softens the impact of the increase of development and buildings on the site.

The inclusion of three principal communal amenity /open spaces within the proposal is a benefit and their purpose and intended use by the occupiers is defined. The proposed hard and soft landscaping design for the podium deck incorporates this element into the overall design of the development and it is noted that the soft landscaping is anticipated to be of a high quality. It is considered that the proposed landscaping has significant benefits to the overall design and layout of the site as a whole, in accordance with design and planning policies.

Nevertheless, conditions are necessary for detailed hard and soft landscaping details to be submitted for further consideration. Details are also required in respect of the children's play space, biodiversity measures and streetscape aspects.

The design of the ground floor units allows for the provision of their own entrances and useable amenity space which provides legibility and active frontages at ground level. The features of the principal elevations at ground floor and the proposed entrance arrangements to the upper flats further improves the overall legibility and character of the proposed development. This has been further enhanced by the inclusion of terraces at ground floor level on the podium deck. Boundary treatment to terraces/amenity areas will be important to provide security and privacy whilst retaining an active frontage which needs to be conditioned, as well as details of the proposed balconies.

Private amenity space is indicated as being provided for all units in the form of terraces, front gardens or balconies and complies with the requirements set out in the Housing SPG, including the incremental size in line with occupation. This aspect therefore complies with the relevant planning policies.

### **Impact on Neighbouring Properties**

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The site is fairly well contained and largely separated from neighbouring developments by virtue of the existing boundary treatments except for some of the properties in William Booth Road. Most of the existing residential development is also set back from the boundaries with either private gardens or access/circulation space in respect of the flats at Bodleian House, Carfax House and Radcliffe House. The boundaries and the existing residential developments adjacent are sensitive and consideration has been given to any potential impact. The proposed buildings are also set back from the boundaries, as a result of the proposed site layout and parking areas, which will help to reduce any impact by way of overlooking, loss of privacy or daylight/sunlight impact. A daylight and sunlight assessment has been submitted which confirms that there will be no noticeable impact on the daylight and sunlight to all neighbouring properties and existing amenities will be retained.

The closest dwellings to the application site are those located on the south-western side of William Booth Road which are sited a minimum of 24m from the proposed rear elevation of the closest proposed block of flats, where a 4 storey block of flats is being introduced in relative proximity to these dwellings, and where the existing built development on site is more limited

and of a smaller scale. However, it should be noted that some of these adjacent residential properties are already affected by an existing four storey building sited a similar distance from the boundary at the rear of Nos. 63/65 William Booth Road which was also used for residential accommodation.

The proximity of this scale of building and its potential impact on existing and perceived residential amenities by way of overlooking, loss of privacy and outlook has been considered and having regard to the separation distances and proposed landscaping of mature trees and shrubs between the two buildings it is not considered that the development would give rise to a significantly detrimental impact on existing residential amenities to justify a refusal of planning permission. Further details of the proposed planting and boundary treatments will need to be secured by appropriately worded conditions. It has therefore been demonstrated that the proposal would not cause significant harm to neighbouring residential amenities, including the submission of a daylight and sunlight assessment which addresses all existing residential properties and their private amenity areas. Overall, the impact on adjacent residential properties is minimised with limited overlooking or loss of privacy.

In terms of the increase in traffic movements and the additional noise and disturbance that this could generate, there will clearly be an increased level of noise and disturbance as a result of this proposal which is to be expected of a development of this size. However, given that this is a previously developed site which had and would have given rise to its own impacts in terms of traffic, including a greater proportion of commercial traffic serving the site it is considered on balance that the increase proposed is acceptable. In respect of the proximity of a car parking area to the rear of properties in William Booth Road and further impacts on existing residential amenities, a landscaped buffer is proposed along this boundary which would reduce the impact of additional activities and as discussed previously further details of the treatment to this boundary will be expected by condition.

It is therefore considered that the impact on existing residential amenities as a result of this proposal are, on balance, acceptable and the scheme complies with Policy BE1 of the UDP.

### **Highways and Transport**

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. All developments that generate significant amounts of movement should be supported by a Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, safe and suitable access to the site can be achieved for all people. It should be demonstrated that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. The NPPF clearly states in Paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.

London Plan and UDP policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Policies T1, T2, T3 and T18 of the UDP are relevant and car parking standards within the UDP should be used as a basis for assessment. The requirements for car and cycle parking laid out within Tables 6.2 and 6.3 of the London Plan and the subsequent amendments. In addition to the requirements of Policy 6.13 include that 1 in 5 spaces should provide electrical charging points.



Consideration should also be given to the location of the required 10% of wheelchair spaces and their proximity to the respective wheelchair accommodation. Cycle spaces should also be provided under these policies.

The proposed development has complied with the relevant requirements throughout, including the provision of electric charging points, 240 cycle spaces and appropriate storage facilities within the proposed buildings.

The site layout and submitted revisions to car parking provision across the site are supported and have a number of urban design and amenity benefits. The landscaping of these parking areas is also seen an important factor to minimise the visual impact of the number of spaces proposed. The revised level of parking provision is now at 98% which is slightly below the 1:1 ratio requested by Highways but more than required under the London Plan policies and that identified by the GLA and TfL. This slight under provision is considered to be addressed sufficiently by the measures proposed to minimise car use and the integration of Car Club facilities.

The submitted Transport Assessment and associated documents also show the likely trip generation in comparison to the existing use, with accompanying plans accurately showing the servicing strategy and swept path analysis, particularly in relation to the basement car parking areas. It includes an indicative Construction Management Plan, Service Delivery Plan and includes a Travel Plan. It concludes that the site is within easy walking distance to a number of local facilities including Anerley Train Station which limit the need to travel by car and measures have been put in place to minimise car use in the long term on the site.

These measures include 420 secure cycle parking spaces, the provision of access to a car club and the provision of car club spaces on site and the submission of a Residential Travel Plan.

The car club would be available to all new residents and existing residents within the locality and provides 2 cars (with the possibility of a 3<sup>rd</sup>) to be available with free membership for a 3 year period and a credit for mileage for all residents. This would therefore reduce the need for a car.

The submitted Travel Plan identifies a number of measures to increase the use of public transport, walking and cycling including up to date details of all services, timetables and routes. Packs will be provided to all new residents and a Travel Plan Co-ordinator will be available. This service will also be available online and on a centrally located noticeboard within the development site. These measures are therefore considered to significantly reduce the need for a car by residents.

These measures and the agreement to pay £25,000 to Highways towards a Traffic Study in the area are considered to reduce the need for a car for residents and justify the 98% provision of car parking spaces on-site. All of these elements are also to be tied into a s106 Legal Agreement to ensure their provision and retention on site. Discussions are also continuing in respect of securing that new residents would not be allowed to apply for a Residents Parking Permit in a future if a Controlled Parking Zone was to be implemented in the area. The mechanism by which this can be controlled is in the form of a 'Restricted Address Register' that would need to form part of the requirements of the Highways Contribution and a revised Travel Plan to advise future residents that they are unable to

apply for a permit. Both measures will need to be implemented and a revision to the wording of the Travel Plan has been requested.

For these reason it is not considered that on-street car parking is likely to be increased as a result of this development, even during peak school pick-up and drop-off hours. The site is in a sustainable location which limits the need to own a car and provides alternatives. Therefore the proposed car parking at 98% is acceptable on this occasion. The proposal therefore accords with planning policies in these regards.

Further, conditions can be imposed to require a more detailed Construction Management Plan, a Delivery and Servicing Plan and to secure the Travel Plan, car parking and cycle parking spaces.

The application site is accessed from William Booth Road, with a fairly narrow point of access into the site; this is a key issue in the redevelopment of the site. The applicants have advised that agreement has been reached with six separate and adjoining land owners in respect of widening the existing access road on to William Booth Road. This will result in the loss of 10 existing car parking spaces which shall be re-provided and allocated separately to the land owners within the development site. (These 10 spaces are in addition to the 246 car parking spaces). The proposal is to provide a 6.8-7.0m wide carriageway which has been agreed in principle with Highways, (the existing access being 4.8m). The impact on William Booth Road has been fully addressed and dealt with in the Transport Assessment. The works are not considered to result in any harm to residential properties adjoining the site or a harmful impact on visual amenities within William Booth Road. Further details of the works and surface materials, as well as their implementation, shall be required by condition.

With regard to refuse, internal bin storage areas are proposed at ground level within the proposed buildings. These bins, where necessary, will be moved to bin collection points on collection days by a Management Company.

In conclusion the highways aspects generated by the proposed development have all been adequately addressed and can be conditioned or dealt with in the s106 legal agreement and consequently are found to be acceptable and in accordance with planning policies.

### **Other Technical Considerations**

#### **Section 106 legal agreement**

Policy IMP1 (Planning Obligations) and the Council's Planning Obligations SPD states that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance. A Section 106 (S106) Legal Agreement is required. The draft Heads of Term have been agreed in principle and include:

- Affordable housing provision in line with policy requirements
- Provision of 10% wheelchair units
- Healthcare contribution of £284,508 towards Beckenham Beacon Clinical space
- Education contribution of £875,142.90 towards St John's CE Primary School
- Contribution towards community facilities at Anerley Hall (£30,000)

- Contribution towards a comprehensive traffic study within the vicinity of the site (£25,000)
- Car Club and Travel Plan
- Reimbursement of the Councils legal costs.

### Trees and Ecology

The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes; minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF addresses ecology in paragraph 109 which states, the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitments, which include establishing ecological networks that are more resilient to current and future pressures. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

UDP Policies NE2, NE3 and NE5 seek to protect wildlife features and protected species requiring development proposals to incorporate appropriate mitigation where damage may occur. Policy NE7 requires proposals for new development to take particular account of existing trees and landscape features on the site and adjoining land.

There are a number of trees to the boundaries of the site which are to be retained where possible. A tree survey/arboricultural report has been submitted with the application which assesses these trees and identifies those trees to be retained which are of some merit. Two mature trees and a number of sampling groups are to be removed but overall most mature trees are to be retained and are within Category C except one Horse Chestnut which is a retained Category B tree and is sited on the boundary of the site. Most trees on the site offer little amenity value and are of poor quality. The proposed landscaping scheme and extensive tree planting proposed will largely off-set any losses and will result in a greater level of tree coverage and biodiversity enhancement. There is also an old conifer hedge to part of the southern boundary which is to be removed and replaced with native planting. The proposed landscaping scheme is part of the overall proposals being put forward and is integral to the design. This scheme would be dealt with by condition.

The ecological assessment identified limited use of the site by protected species and no habitats of significance. Mitigation measures identified use of native species in the landscaping scheme and clearance of potential bird nesting habitat outside of nesting season. However, it is also entirely appropriate for a development of this nature and scale to enhance opportunities for ecology and biodiversity as part of a detailed scheme (for example through the inclusion of bird/bat boxes, log piles etc.). Consequently, due to the size of the development being proposed details of the appropriate provision of such biodiversity features can be dealt with by condition. The proposed green roofs also add further to the enhancement of biodiverse features and habitats.

### Drainage

The site is not in a Flood Zone but a Flood Risk Assessment (FRA) has been submitted due to the size of the site and a Drainage Statement which demonstrates how the principles of Sustainable Drainage Systems have been applied to the development in line with the guidance contained in the NPPF and the London Plan. The hierarchical approach to SUDS selection has been used at the investigation stage to help select the most sustainable

drainage techniques for the site. The proposed surface water drainage system has been significantly revised since submission and now includes a much greater proportion of green roofs and onsite attenuation. Land has been set aside specially for SUDS in the form of a dry pond to the south of the site and an underground attenuation tank for storm events. A tanked system has only been considered as all other options in the hierarchy are not possible. A condition to ensure full compliance with the drainage statement will be required.

### Sustainable Development and Renewable Energy

The London Plan provides the policy framework in respect of sustainable construction and renewable energy, and in particular Chapter 5 of the London Plan (2015) and the Supplementary Planning Guidance entitled Sustainable Design and Construction. In addition, Policy BE1(vi) of the UDP, regarding sustainable design, construction and renewable energy is also relevant.

Policy 5.11 'Greens roofs and development site environs' requires major development proposals such as this to include green roofs. Living roofs provide an optimum environment for photo-voltaic panels as well as providing considerable benefits to a scheme in terms of ecology, sustainability and drainage.

The application is accompanied by an energy assessment which shows how the need for energy is to be minimised in accordance with the energy hierarchy. The development has been designed to use less energy; is to be supplied as efficiently as possible and should use renewable energy where feasible. The Energy Statement shows how the development will provide energy efficiency savings that exceed the requirements of the Building Regulations 2013 by 35.9% and includes calculations of both carbon dioxide emissions and energy (in KWh) and show how options for producing renewable energy have been considered.

The Energy Statement has demonstrated the feasibility of installing the particular measures proposed and concludes that a CHP Plant and Solar PV panels are the most appropriate renewable energy solutions.

A sustainability statement has been submitted to accord with Policy 5.3 "Sustainable Design and Construction" and demonstrates how the proposal will meet the minimum standards regarding sustainable design principles as set out in the Mayor's SPG. It also identified how it accords with Policy 5.6 "Decentralised Energy in Development Proposals".

### Air Quality

An air quality report has been submitted which identifies only a marginal increase in air quality in the local area which overall would have a negligible impact. This has been assessed and the report is fit for purpose. A number of conditions are however recommended to ensure and address matters which could subsequently affect air quality and these would need to be added to any approval.

### Contamination

A desktop Land Contamination Study and initial Site Investigations Report accompanies the application where some ground contamination has been identified and where further sampling will be required. A condition will need to be attached to any permission to secure a

contaminated land assessment and an appropriate remedial strategy in accordance with Policy ER7 of the UDP.

#### Secured by Design

The proposal should incorporate Secured by Design principles as required by Policy BE1 (vii) and H7 (vii) to take account of crime prevention and community safety. Paragraphs 58 and 69 of the NPPF are also relevant. Compliance with the guidance in Secured by Design New Homes 2014 and the adoption of these standards will help reduce the opportunity for crime, creating a safer, more secure and sustainable environment. A condition securing measures to minimise the risk of crime will need to be attached.

#### Children's play space

As family sized units are proposed London Plan policy 3.6 and the Mayor of London's Supplementary Planning Guidance "Providing for children and young people's play and informal recreation" requires suitable provision of a children's play space of 704.2 sqm. The formal play space proposed for young children will need to be fenced and is visible from within properties. Further details of this play space are to be submitted by condition, but it will need to be adaptable, imaginative and well integrated into the overall landscaping scheme. The formal play space has been provided at the south western corner of the site and is 604sqm and an informal play area of 1772sqm, further details will be required with the submission of details to include types of play equipment and age range.

#### Environmental Impact Assessment

As the development is proposing more than 150 dwellings it was necessary to "screen" the proposal as to whether it requires to be accompanied by an Environmental Assessment under the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015. The process identified that no EIA was required and an opinion was issued on 3<sup>rd</sup> May 2016.

#### **Conclusion**

The proposed development is considered to result in a sustainable form of residential development on this brownfield site which complies fully with planning policies in all regards. The applicants have provided sufficient supporting information to address the relevant issues and have made revisions where necessary to overcome any concerns.

The provision of 252 additional units would make a significant contribution to the Council's 5 year Housing Land Supply.

The design and layout of the proposed development is modern, whilst respecting the character of the locality and minimising the impact on the MOL. Good urban design principles have been established throughout and the proposal complies with all the relevant housing standards and criteria.

A policy compliant affordable housing scheme is being provided and contributions made where required and in accordance with policy guidance and IMP1 of the UDP. The application is therefore recommended for approval.

Background papers referred to during the production of this report comprise all documents on files listed in the Planning History, excluding exempt information.

**RECOMMENDATION: PERMISSION BE GRANTED (SUBJECT TO PRIOR COMPLETION OF A SECTION 106 AGREEMENT relating to Affordable Housing, 10% Wheelchair Units, Contributions towards Education, Health Care, Anerley Hall Community Facilities and Parking/Traffic Study, Car Club and legal costs) and any Direction by the Mayor of London**

**As amended by revised documents dated 25<sup>th</sup> and 27<sup>th</sup> July 2016**

**And subject to the following conditions:**

**1. The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

**REASON: Section 91, Town and Country Planning Act 1990.**

**2. The development hereby approved shall be carried out strictly in accordance with the application plans, drawings and documents as detailed below:**

- Proposed Location Plan FNH417\_1005 dated 05.05.2016
- Existing Site Plan FNH417\_1002 dated 05.05.2016
- Existing Site Elevations 1 FNH 417\_1003 dated 05.05.2016
- Existing Site Elevations 2 FNH 417\_1004 dated 05.05.2016
- Proposed Site Plan FNH 417\_1006 Rev B dated 07.07.2016
- Proposed first Floor Blocks D-G & N FNH417\_1027 dated 05.05.2016
- Proposed First Floor Blocks H, J, K, L & M FNH417\_1028 dated 05.05.2016
- Proposed Second Floor Blocks D-G & N FNH417\_1029 dated 05.05.2016
- Proposed Second Floor Blocks H, J, K, L & M FNH417\_1030 dated 05.05.2016
- Proposed Third Floor Blocks D-G & N FNH417\_1031 dated 05.05.2016
- Proposed Third Floor Blocks H, J, K, L & M FNH417\_1032 dated 05.05.2016
- Proposed Ground Floor Blocks D-G & N FNH417\_1025 dated 05.05.2016
- Proposed Roof Plan FNH 417\_1013 Rev A dated 07.07.2016
- Wheelchair adaptable Unit – Plot 45 FNH417\_1060 dated 05.05.2016
- Wheelchair fully compliant Unit – Plots 2 & 30 FNH417\_1061 dated 05.05.2016
- Wheelchair adaptable Unit – Plot 158 FNH417\_1062 dated 05.05.2016
- Proposed Elevations FNH 417/1050 dated 05.05.2016
- Proposed Elevations FNH 417/1052 dated 05.05.2016
- Proposed Elevations FNH 417/1053 dated 05.05.2016
- Proposed Elevations FNH 417/1055 dated 05.05.2016
- Landscape Design Strategy FNH417 LS/01B dated 07.07.2016
- Landscape Design Strategy Internal Courtyard FNH417 LS/02 B dated 07.07.2016
- Landscape Design Strategy – Ground Level Layout FNH417 LS/03 dated 07.07.2016
- Design and Access Statement June 2016 dated 13.07.2016
- Town and Visual Impact Assessment April 2016 dated 05.05.2016
- Affordable Housing Statement 22 July 2016 dated 25.07.2016
- Daylight, Sunlight and Overshadowing Report 28<sup>th</sup> April 2016 dated 05.05.2016
- Transport Assessment and Appendices April 2016 dated 05.05.2016
- Transport – Supporting Letter and Email dated 04.08.2016
- Impact of Noise Sources on Proposed Residential Development 29<sup>th</sup> April 2016 dated 05.05.2016
- Archaeological Desk Based Assessment May 2015 dated 05.05.2016
- Geotechnical and Geoenvironmental Interpretative Report April 2016 dated 05.05.2016

- Air Quality Assessment 29 April 2016 dated 24.06.2016
- Level 2 Flood Risk Assessment 26.04.2016 dated 05.05.2016
- Ecological and Biodiversity Impact Assessment March 2016 dated 05.05.2016
- Sustainability Statement 29 April 2016 dated 05.05.2016
- Energy Statement 29.04.2016 dated 05.05.2016
- Foul Water, Surface Water and Utilities Assessment April 2016 dated 05.05.2016
- Statement of Community Involvement April 2016 dated 05.05.2016
- Arboricultural Report Part 1 Tree Survey and Part 2 Impact Assessment dated 05.05.1026
- Lighting Calculation Report April 2016 dated 05.05.2016
- Community Floorspace Assessment April 2016 dated 05.05.2016
- Addendum to Community Floorspace Assessment 6<sup>th</sup> July 2016 dated 13.07.2016
- Surface Water/SUDS Strategy July 2016 dated 04.08.2016
- Residential Travel Plan April 2016 dated 05.05.2016

**Reason:** To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority when judged against development plan policies in the London Plan 2015 and UDP 2006.

**3. Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences, (excluding demolition) and the development shall be completed strictly in accordance with the approved levels.**

**REASON:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

**4. Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.**

**REASON:** In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties and to minimise the impact of construction activities on local air quality in accordance with London Plan Policy 7.14.

**5. Demolition works shall not begin until a Dust Management Plan for protecting nearby residents and commercial occupiers from dust and other environmental effects has been submitted to and approved in writing by the local planning authority. The plan shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The development shall be carried out in accordance with the approved details.**

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of adjacent properties and the wider area.

**6. Development should not be commenced, (excluding demolition) until Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine**

the magnitude of any new additional capacity required in the system and a suitable connection point.

**REASON:** To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

**7. No part of the development hereby permitted shall be commenced (excluding demolition) prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to and approved in writing by the Local Planning Authority.**

a) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works, and no remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.

b) The approved remediation works shall be carried out in full on site in accordance with the approved quality assurance scheme to demonstrate compliance with the proposed methodology and best practise guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.

c) Upon completion of the works, a closure report shall be submitted to and approved in writing by the Authority. The closure report shall include details of the remediation works carried out, (including of waste materials removed from the site), the quality assurance certificates and details of post-remediation sampling.

d) The contaminated land assessment, site investigation (including report), remediation works and closure report shall all be carried out by contractor(s) and approved in writing by the Local Planning Authority within 1 month of completion of the development.

**REASON:** In order to comply with Policy ER7 of the Unitary Development Plan and to prevent harm to human health and pollution of the environment.

**8. Details of the proposed widening and amendments to the access road from William Booth Road to the site, to include footpaths, kerbs, relocation of car parking spaces, all hardsurfacing materials and a timescale for completion and/or stages of works shall be submitted to and approved in writing by the Local Planning Authority before work commences (excluding demolition) and shall be implemented as agreed in the details to be approved and retained in perpetuity.**

**REASON:** In order to comply with Policies BE1 and T1 and T3 of the Unitary Development Plan and in the interest of the visual amenities of the area.

**9. Details and samples of the materials to be used for the external surfaces of the building to include all joinery, glazing, lintels, reveals and balcony details and screens shall be submitted to and approved in writing by the Local Planning Authority before any above ground works are commenced. The works shall be carried out in accordance with the approved details.**



**REASON:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

**10.** Details of a scheme of hard and soft landscaping, which shall include planting schedules, the size and species of trees and plants, details of the proposed children's play area and equipment and the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the above ground works. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

**REASON:** In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

**11.** Before above grounds works commence details of ecological enhancement measures across the site shall be submitted and approved and be fully implemented. This should including different types of bird boxes and feeding points, bat boxes and a Loggery for Stag Beetles and shall be retained thereafter.

**REASON:** In accordance with policy NE3 of the Unitary Development Plan and policy 7.19 of the London Plan.

**12.** Details of a scheme of acoustic mitigation fully in line with the recommendations of the acoustic report (Grant Acoustics report reference GA-2015-0048-R1-RevA of 29<sup>th</sup> April 2016) shall be submitted to the Local Planning Authority for written approval prior to the commencement of above ground works. Once approved the scheme shall be implemented in full and permanently maintained thereafter.

**REASON:** In accordance with Policy BE1 of the Unitary Development Plan and Policy 7.15 of the London Plan 2015.

**13.** The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development hereby permitted, and implemented in accordance with the approved details. The security measures to be implemented in compliance with this condition shall seek to achieve the "Secured by Design" accreditation awarded by the Metropolitan Police.

**Reason:** In the interest of security and crime prevention and to accord with Policies H7 and BE1 of the Unitary Development Plan.

**14.** Details of the finished surfaces of the access roads and parking areas, which shall include all hard surfacing materials, lighting columns, bollards and any other street furniture shall be submitted to and approved in writing by the Local Planning Authority before commencement of works above ground level and the works shall be completed in accordance with the approved details before any of the dwellings hereby permitted are first occupied.

**REASON:** In order to comply with Policy H7 of the Unitary Development Plan and in the interest of the visual amenities of the area.

**15. Prior to first occupation of the development hereby approved a scheme for any external lighting that is to be installed on the buildings, including measures to prevent light spillage and pollution, to include justification that the lighting is the minimum needed for security purposes shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting as approved shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.**

**REASON: In order to minimise possible light pollution to the locality and to comply with Policy BE1 of the UDP.**

**16. Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site and private areas as approved and shall be permanently retained thereafter unless otherwise agreed by the Local Planning Authority.**

**REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.**

**17. Prior to the first occupation of the development hereby approved drainage works shall be carried out in accordance with the submitted surface water strategy report carried out by Infrastructure Design (iD) Ltd with issue 2 dated July 2016. The approved works shall be carried out in strict accordance with the approved plan and document and shall be permanently retained in operational order thereafter.**

**Reason: To reduce the impact of flooding both to and from the proposed development and third parties and to ensure satisfactory means of surface water drainage and to accord with Policy ER13 of the Unitary Development Plan.**

**18. Before any part of the development hereby approved is first occupied, bicycle parking shall be provided at the site in accordance with details hereby approved and shall be permanently retained thereafter.**

**REASON: In order to comply with Policy T7 and Appendix II.7 of the Unitary Development Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.**

**19. No part of the development hereby permitted shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority of arrangements for establishment of a Car Club to serve the development. The approved arrangements for the Car Club shall be in operation before first occupation of any part of the development and shall be permanently retained thereafter.**

**REASON: In order to provide for the transport needs of the development and comply with Policies T3 and T18 of the Unitary Development Plan.**

**20. Before commencement of the use of the land or building hereby permitted parking spaces, basement parking and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land indicated or in such a position as to preclude vehicular access to the said land.**

**REASON:** In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

**21.** While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

**REASON:** In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

**22.** The development shall be implemented in full accordance with the energy strategy assessment hereby approved which includes the provision of 35.9% CO2 emissions savings, use of a CHP and Solar PV Panels to achieve a reduction in carbon dioxide emissions of 33.5% and 2.1% respectively from on-site renewable energy generation.

**REASON:** In order to seek to achieve compliance with the Mayor of London's Energy Strategy and to comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2015).

**23.** The arrangements for storage of refuse (which include provision for the storage and collection of recyclable materials) and the means of enclosure shown on the approved drawings shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

**REASON:** In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities and in the interests of visual amenity.

**24.** The scheme to light the access drive and car parking areas hereby approved shall be fully implemented in accordance with Lighting Calculations Report dated April 2016 before the development is first occupied and the lighting shall be permanently retained thereafter unless otherwise agreed with the Local Planning Authority.

**REASON:** In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

**25.** Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on the elevations or the roof of the building without the prior written approval of the Local Planning Authority.

**REASON:** In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy BE1 in the Unitary Development Plan.

**26.** Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the external elevations of the buildings hereby approved.

**REASON:** It is considered that such pipes would detract from the appearance of the building(s) and to comply with Policy BE1 in the Unitary Development Plan.

**27. The proposed development shall be constructed and managed in accordance with the submitted Air Quality Assessment dated 29 April 2016 and the identified mitigation measures for demolition and construction activities. These measures shall be fully implemented throughout the proposed demolition and construction process.**

**REASON: To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policy 7.14 of the London Plan.**

**28. The green roofs hereby approved development shall be constructed in accordance with the plans hereby approved and maintained thereafter. The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. Evidence that the roofs have been installed as approved shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.**

**REASON: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015)**

**29. The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' for the units identified in the application as non-wheelchair units and shall be permanently retained thereafter.**

**REASON: To comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016 and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.**

**30. The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(3) 'wheelchair user dwellings' for the units identified in the application as wheelchair units and shall be permanently retained thereafter.**

**REASON: To comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016 and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.**

**31. The Travel Plan hereby approved shall be implemented in accordance with the agreed timescales and details contained within including its continued monitoring and shall not be varied without the prior approval of the Local Planning Authority.**

**REASON: In order to ensure appropriate management of transport implications of the development and to accord with Policy T2 of the Unitary Development Plan.**

**32. An electric car charging point shall be provided to a minimum of 20% of car parking spaces with passive provision of electric charging capacity provided to an additional 20% of spaces.**

**Reason: To minimise the effect of the development on local air quality in accordance with Policies 6.13 and 7.14 of the London Plan.**

**33. All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set**

out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/> Further information and guidance is available at <http://content.tfl.gov.uk/construction-logistics-plan-guidance-for-developers.pdf>

Reason: To protect local amenity and air quality in accordance with London Plan policies 5.3 and 7.14.

#### **Informatives**

**1. Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.**

**2. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.**

**3. You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.**

**Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)**

**4. You should consult Street Naming and Numbering/Address Management at the Civic Centre on 020 8313 4742, email [address.management@bromley.gov.uk](mailto:address.management@bromley.gov.uk) regarding Street Naming and Numbering.**

**5. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.**

**6. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.**

**7. Conditions imposed on this planning permission require compliance with Part M4 of the Building Regulations. The developer is required to notify Building Control or their Approved Inspector of the requirements of these conditions prior to the commencement of development.**

**8. All works to trees and clearance of vegetation should take place outside of the bird nesting season unless under supervision by a suitably qualified Ecologist.**

**Application:**16/02117/FULL1

**Address:** Orchard Lodge William Booth Road Penge London SE20 8BX

**Proposal:** Demolition of existing buildings and erection of two 4-5 storey blocks and one 5-6 storey block of flats comprising 252 residential units (84 x 1 bed, 120 x 2 bed and 48 x 3 bed including affordable housing provision), basement car parking, landscaped podium deck, open space,



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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## London Borough of Bromley

### PART ONE - PUBLIC

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**Decision Maker:** **DEVELOPMENT CONTROL COMMITTEE**

**Date:** **Tuesday 6 September 2016**

**Decision Type:** Non-Urgent                      Non-Executive                      Non-Key

**Title:** **ARTICLE 4 DIRECTION - PETTS WOOD AREA OF SPECIAL RESIDENTIAL CHARACTER**

**Contact Officer:** Tim Horsman, Planning Development Control Manager  
Tel: 020 8313 4956    E-mail: Tim.Horsman@bromley.gov.uk

**Chief Officer:** Chief Planner

**Ward:** Petts Wood and Knoll;

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1. Reason for report

The issue for consideration by Members is whether the Council should seek, with the use of an Article 4 Direction, to withdraw permitted development rights for alterations to the front slopes of roofs of properties in the Petts Wood Area of Special Residential Character.

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2. **RECOMMENDATION(S)**

**Members are invited to consider whether Executive should be requested to confirm a non-immediate Article 4 Direction withdrawing permitted development rights for front roof alterations in the Petts Wood Area of Special Residential Character with a 12 month delay.**

### Corporate Policy

1. Policy Status: Existing Policy:
  2. BBB Priority: Quality Environment:
- 

### Financial

1. Cost of proposal: Possible compensation
  2. Ongoing costs: Possible additional costs from increased number of planning applications
  3. Budget head/performance centre: Planning
  4. Total current budget for this head: £
  5. Source of funding: Existing budget
- 

### Staff

1. Number of staff (current and additional):1
  2. If from existing staff resources, number of staff hours: 4
- 

### Legal

1. Legal Requirement: None:
  2. Call-in: Not Applicable:
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes Report requested by Ward Cllr
2. Summary of Ward Councillors comments: Supports issue of Article 4 Direction

### 3. COMMENTARY

- 3.1 The Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO) grants various rights to householders to alter or extend their dwelling houses without the need to obtain planning permission. This is referred to as permitted development . One such right (under Part 1 of Schedule 2, Class C) is to carry out alterations to the roof of a dwelling house. Provided any alteration does not protrude more than 150mm beyond the plane of the slope of the original roof (such as would normally be the case with a roof light or “Velux” window) it can be undertaken as permitted development. This particular right does not differentiate between general residential areas and designated areas such as Conservation Areas and Areas of Special Residential Character, and it is therefore possible for householders in any area to insert roof lights in the front roof slopes of their houses without the need to obtain planning permission from the Council.
- 3.2 Article 4 of the GPDO allows for the making of a direction that can withdraw specified permitted development rights. This does not prevent the development to which it applies but instead requires that planning permission is first obtained from the local planning authority for that development.
- 3.3 The properties in the Petts Wood Area of Special Residential Character (ASRC) date from the late 1920s and early 1930s. While the houses were built over a number of years, in a number of similar though varied styles, the road layout and plot sizes were established in an overall pattern. Today the layout remains largely intact. Some properties already have front rooflights.
- 3.4 The issue for consideration by Members is whether the Council should seek to withdraw permitted development rights for roof lights in the ASRC. This decision should be based on whether the automatic right under permitted development to insert windows into front roofslopes is considered to potentially cause harm to the character and appearance of the area and therefore merit consideration by the Local Planning Authority rather than being permitted development. It should be noted that there are no Article 4 Directions currently within the Borough which remove this specific permitted development right in areas other than Conservation Areas, and Members are asked to carefully balance the potential harm with the costs of preparing and issuing a Direction and any subsequent additional work generated by future applications which would not attract a fee with the benefits this proposal would bring about.
- 3.5 Guidance issued by DCLG on the Planning Practice Guidance website ([http://planningguidance.communities.gov.uk/blog/guidance/when-is-permission-required/what-are-permitted-development-rights/#paragraph\\_034](http://planningguidance.communities.gov.uk/blog/guidance/when-is-permission-required/what-are-permitted-development-rights/#paragraph_034)) sets out that the use of Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. There should be a particularly strong justification for the withdrawal of permitted development rights relating to a wide area
- 3.6 In procedural terms there are two main types of article 4:
- non-immediate direction (permitted development rights are only withdrawn upon confirmation of the direction by the local authority following local consultation; and
  - immediate directions (where permitted rights are withdrawn with immediate effect, but must be confirmed by the LPA following local consultation within 6 months, or else the direction will lapse).
- 3.7 Article 4 Directions cannot be applied retrospectively to development undertaken before a direction comes into force and any planning application required as a consequence of an Article 4 Direction is exempt from the usual planning application fee.
- 3.8 There are circumstances where LPAs may be liable to pay compensation having made an Article 4 Direction, although the potential liability is limited in many cases by the time limits that apply. Compensation may be payable to those whose permitted development rights have been withdrawn if they:
- refuse planning permission for development which would have been permitted development if it were not for an Article 4 Direction; or

- grant planning permission subject to more limiting conditions than the GDPO would normally allow as a result of Article 4 Direction being in place.

- 3.9 Compensation may be claimed for abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights. Under section 107 of the Town and Country Planning Act 1990 this could include ‘...any expenditure incurred in the preparation of plans for the purposes of any work, or upon other similar matters preparatory to it...’ It could also include any loss of value although this would be difficult to calculate.
- 3.10 For certain permitted development rights, including those for roof alterations and insertion of roof lights, compensation can only be claimed if an application is submitted within 12 months following the effective date of the direction. Alternatively, if the LPA gives an “early notice” of between 12 months and 2 years of the making of the direction (using the non-immediate direction process referred to above) then no compensation can be claimed.
- 3.11 In Bromley Borough, Article 4 Directions have been in place in Conservation Areas such as Alexandra Cottages since 2004, Chancery Lane since 1984, and Barmead Road since 1992. These cover a wide range of possible alterations to the fronts of properties, including the installation of roof lights (specifically in Alexandra Cottages). The intention of each direction has been to safeguard the character of the Conservation Area. Whilst the detail of regulations and procedure have changed over the years it should be noted that no compensation claims were made in respect of any of these Article 4 Directions – nor did they lead to a proliferation of requests for directions in other conservation areas. There has been some increase in workload arising from applications for proposals (such as window replacements) that did not previously require planning permission. There are currently no Article 4 Directions relating to roof alterations in any ASRC, and therefore no direct comparison available.
- 3.12 Compensation could be avoided however if the making of the notice were delayed for 12 months after local consultation – in which case no compensation would be payable. If Members wish to pursue this Article 4 Direction it is recommended that it is done on this basis.
- 3.13 The views of residents will be an important factor in helping Members decide on how to proceed. The “early notice” procedure enables time for local consultation to be carried out before a Direction needs to be confirmed.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The withdrawal of permitted rights for certain classes of development as a result of issuing an immediate Article 4 Direction may give rise to claims for compensation by landowners in certain circumstances.
- 4.2 By issuing a 12 month non-immediate Direction under Article 4, it is unlikely that any compensation claims will be payable.
- 4.3 Planning applications for works for development restricted by an Article 4 Direction which would otherwise be permitted development do not attract a fee. Any planning applications for works restricted by the proposed Article 4 Direction would represent a cost to the Council to process. It is not possible to quantify this potential cost.
- 4.4 In this case, it is expected that the risk of substantial compensation is low, due to the circumstances set out in section 3.

#### **5. LEGAL IMPLICATIONS**

- 5.1 Article 4 of the GPDO 2015 (as amended) allows LPAs to withdraw specified permitted development rights for specified sites within their areas.

**5. PERSONNEL IMPLICATIONS**

6.1 There is a possible minor increase in workload arising from Article 4 Directions with no increase in fee income since applications would be exempt from a fee under national legislation.

<b>Non-Applicable Sections:</b>	Policy implications
Background Documents: (Access via Contact Officer)	Petts Wood Area of Special Residential Character statement (2006 Unitary Development Plan) Town and Country Planning (General Permitted Development)(England) Order 2015

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Report No.  
CSD16124

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker: DEVELOPMENT CONTROL COMMITTEE**

**Date: 6 September 2016**

**Decision Type:** Non-Urgent                      Non-Executive                      Non-Key

**Title: FIRST REPORT OF THE EDUCATION SELECT COMMITTEE  
2016/17 - THE EDUCATION LANDSCAPE IN BROMLEY**

**Contact Officer:** Philippa Gibbs, Democratic Services Officer  
Tel: 020 8461 7638    E-mail: Philippa.Gibbs@bromley.gov.uk

**Chief Officer:** Director of Corporate Services

**Ward:** (All Wards);

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1. Reason for report

To report the recommendations made by the Education Select Committee at its first meeting held on 25 May 2016.

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2. **RECOMMENDATION**

**That the Development Control Committee respond to the relevant recommendations in the report.**

### Corporate Policy

1. Policy Status: Not Applicable:
  2. BBB Priority: Children and Young People Excellent Council
- 

### Financial

1. Cost of proposal: Not Applicable:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: 2016/17 Budget – Democratic Services
  4. Total current budget for this head: ££335,590
  5. Source of funding: N/A
- 

### Staff

1. Number of staff (current and additional): 8 posts (7.27fte)
  2. If from existing staff resources, number of staff hours:
- 

### Legal

1. Legal Requirement: None:
  2. Call-in: Not Applicable:
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All users of Education Services in the Borough
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable



### 3. COMMENTARY

- 3.1 The Education Select Committee held its first meeting on 25 May 2016 and considered 'The Education Landscape in Bromley'.
- 3.2 The purpose of the inquiry was to examine what role the Council would have in education once all maintained schools had become academies.
- 3.3 The report is attached at **Appendix A**.

<b>Non-Applicable Sections:</b>	Financial Implications, Legal Implications, Personnel Implications
Background Documents: (Access via Contact Officer)	<a href="#">Minutes of the Education Select Committee – 25 May 2016</a>

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**FIRST REPORT OF THE EDUCATION SELECT COMMITTEE  
2016/17**

**THE EDUCATION LANDSCAPE IN BROMLEY**

Meeting Date: Wednesday 25 MAY 2016

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# Education Select Committee 2016/17 – First Report - The Future Education Landscape in Bromley

## 1. Introduction

The Education Select Committee met on May 25<sup>th</sup> 2016.

Present: Cllr Nicholas Bennett JP (Chairman), Cllr Neil Reddin (Vice Chairman)

Councillors Kathy Bance MBE, Kim Botting, Alan Collins, Judi Ellis, Chris Pearce and Stephen Wells.

Mrs Mary Capon, Mrs Joan McConnell, Mrs Alison Regester, Tajana Reeves, Mrs Myleen Williams.

Four witnesses gave evidence at the hearing;:

Cllr Peter Fortune, Portfolio Holder for Education, London Borough of Bromley

Mrs Jane Bailey, Director of Education, London Borough of Bromley

Mrs Sam Parrett OBE, Chief Executive and Principal of Bromley College of Further and Higher Education

Mrs Jo Brinkley, CEO and Executive Head teacher of the Spring Partnership Trust.

Written evidence was provided by Mrs Brinkley. The Director of Education and Mrs Parrett gave PowerPoint presentations and provided written evidence.

The Committee gives its sincere thanks to the witnesses for their evidence.

## **2. Executive Summary – Recommendations**

- 2.1 That the Leader of the Council considers realigning Portfolio Responsibilities to create a Children and Family Portfolio including Youth Offending and Housing.**
- 2.2 That the Council make representations to the Department for Education to strengthen the ‘*duty to co-operate*’ of other parts of the education sector so as to enable the Local Authority fulfil its statutory responsibilities.**
- 2.3 That the Council make representations to the Department for Education that when an authority reaches a position whereby a substantial majority of schools are academies that a ‘critical mass’ has been reached and that the remaining schools be required to convert.**
- 2.4 That the Portfolio Holder for Education establishes the Government’s intentions regarding admission criteria for church schools in order to consider resuming discussions with the Catholic Archdiocese for Southwark with a view to the provision of a secondary school.**
- 2.5 That the Council notes the urgent need to plan and provide for between 30 and 35 additional forms of entry for secondary education by 2021 and recommends that the Development Control Committee, through the Local Plan, ensures that there are sufficient sites to ensure this can be achieved.**
- 2.6 That the Development Control Committee be requested to consider how funding from the Council’s Community Infrastructure Levy could be used for education purposes.**
- 2.7 That the Portfolio Holder for Education considers how the role of the Council as a corporate parent might be strengthened so as to improve the education outcomes for Children Looked After.**
- 2.8 That the Education Department considers whether there is scope for co-operation in the field of SEN provision with Bromley College of Further and Higher Education.**
- 2.9 That the Portfolio Holder and the Director of Education prepare a staffing structure for consideration by the Education Select Committee at its September 2016 meeting.**
- 2.10 That the Portfolio Holder report back to the Education Select Committee on which services currently sold by the Education Department would be economically viable and sustainable once the future role and structure of the Department is decided.**
- 2.11 That the Council explores what further co-operation could be undertaken with the Bromley College of Further and Higher Education in helping people into work and acquiring skills for employment.**

**2.12 That the Master Plan for Biggin Hill be expedited to enable an Academy for Aeronautical, Engineering and Motor Vehicles to be established at the Airport by Bromley College of Further and Higher Education.**

DRAFT

### 3. Background

3.1 The purpose of the inquiry was to examine what role the Council would have in education once all maintained schools had become academies.

3.2 Bromley is on track to become the first authority in England to have no maintained schools by 2017. The Government's White Paper, "*Educational Excellence Everywhere*" envisages a reduction in the education responsibilities of local authorities.

3.3 Bromley Local Authority has already made the commitment that all of its schools should become academies. It has been working closely with the Department for Education (DfE) and its maintained schools to encourage them to apply for academy status.

3.4 As at March 2016, 79% of Bromley's schools are academies. DfE officials are in regular contact with Bromley local authority to discuss the progress of schools applying to become academies. This work includes defining the most appropriate Multi Academy Trusts (MATs) for schools to join, and meeting small groups of governing boards and head teachers to discuss governance and explain the process of academy conversion.

3.5 The Education Select Committee had before them a report from the Council's Director of Education which highlighted the key priorities and policies of the various teams within the Education Department. This report covered:

- The Education White Paper and the Role of the Local Authority;
- Key Strategic Partners in Education;
- School Performance and Infrastructure;
- School Governance;
- School Place Planning;
- Special Educational Needs and Disability;
- Early Intervention and Family Support Services;
- The Education Department, Staffing and Structure.

### 4. Education White Paper

4.1 The Government published the Education White Paper '*Educational Excellence Everywhere*' in March 2016. The paper reiterated the Government's strategy to develop a school-led educational system with the aim of every school being an academy, working in multi-academy trusts overseen by Regional School Commissioners and the Department for Education. An analysis of the implications for local authorities when the proposals in the White Paper are translated into law is attached at **Appendix 1**.

4.2 The Committee also received a review of statutory duties. This showed 178 current duties of which 66 would cease after the forthcoming Education Act. The Review is attached as **Appendix 2**.

4.3 The White Paper indicates that, in future, local authorities will focus on three key areas:



- Ensuring every child has a school place, including that there are sufficient schools, special schools and alternative provision places to meet demand;
- Ensuring the needs of vulnerable pupils are met, including: identifying, assessing and making provision for children with special educational needs (SEN); promoting school attendance and tackling absence; ensuring alternative provision is available for excluded pupils or those who cannot attend mainstream schools; safeguarding children and working with schools to ensure they understand and discharge their safeguarding duties; and supporting vulnerable children;
- Acting as champions for all parents and families including: listening to and promoting the needs of parents, children and the local community; supporting parents in navigating the admissions system; supporting parents to understand and navigate local SEN arrangements; and championing high standards locally for all pupils, working with the Regional Schools Commissioner to tackle underperformance.

4.4 In answer to questions from the Select Committee, the Director of Education reported that although the number of statutory duties of the Local Authority would reduce, the Local Authority would retain responsibility for safeguarding amongst other things. In relation to this duty all schools would continue to have a duty to co-operate with the Local Authority. The Children's Safeguarding Board would retain its responsibilities and the Local Authority would be looking at how the system could be strengthened. Recently a Primary Head teacher and a Secondary Head teacher had joined the Board and it was considered that this would help to develop and enhance relationships moving into the future.

4.5 The Committee considered the reduction in statutory duties and the end of operational control of schools. It was noted that in many authorities' children and family services were part of the same department and political responsibility because of the common and intertwined issues. In addition most housing provision centred round support for families and young people leaving care. It was further noted that, in Bromley, Care Services accounted for the majority of the budget and that a realignment of responsibilities would not only provide a better 'natural fit' but a more balanced portfolio in terms of duties and financial oversight.

## **RECOMMENDATION 1**

**That the Leader of the Council considers realigning Portfolio Responsibilities to create a Children and Family Portfolio including Youth Offending and Housing.**

## **5. Strategic Partners**

The main strategic partners in delivering quality education to children and young people in Bromley include:

## **5.1 Schools and the Further Education College:**

Officers continue to work closely with all schools and Bromley College of Further and Higher Education to develop the infrastructure and the quality of education in the Borough, with safeguarding underpinning everything we do. This requires close working especially in the areas of governance, schools expansion and basic need, admissions, school performance and attendance. The work being undertaken with Bromley College and their Educational Trust is an important partnership in developing improved provision for vulnerable children and improving work related educational opportunities.

## **5.2 The Department for Education, the Education Funding Agency and the Regional Schools Commissioner**

It is acknowledged by all parties that the new education landscape requires strong partnership working between the Council and national government and its agencies. The Regional Schools Commissioner's role in decisions around new academies and school improvement is to be strengthened and all recognise that working closely in partnership is the best way to ensure that the right decisions, influenced by the local knowledge of the Council, are made for children and young people in Bromley.

## **5.3 Parents and Communities**

The Council needs to build on its relationships with parents and communities to ensure it can act as a champion for parents effectively. We need to continue to encourage engagement of parents in local communities, having a voice in schools planning and decision making in order to support children's attainment and to help them achieve their potential. In particular, we need to focus on supporting parents of vulnerable children and children with SEN.

## **5.4 Other Partners**

Partners in Social Care, Health and the Police will continue to play an important role in the safeguarding of young people, their attainment and wellbeing.

## **6. Academies and school performance**

6.1 In terms of developing close co-operation with both academies and the Regional Schools Commissioner, the Director of Education emphasised the importance of working in partnership and developing robust relationships in order to share information. To this end, good communication will be key. In response to the Chairman, who asked what powers a local authority would have if a partner failed to co-operate with the authority in its statutory duties, the Director explained that it was not anticipated that the resolution of any issues that may arise would be driven through statute.

6.2 The Council's role in overseeing the performance of all schools and academies will continue to be valued by partners. An important addition to the team will be a dedicated data analyst who can monitor the performance of academies as well as, temporarily, any remaining maintained schools. Where an academy is seen not to be

performing to expectations we will continue to provide challenge and work with DfE colleagues to broker solutions.

## **RECOMMENDATION 2**

**That the Council make representations to the Department for Education to strengthen the ‘*duty to co-operate*’ of other parts of the education sector so as to enable the Local Authority fulfil its statutory responsibilities.**

6.3 The Portfolio Holder emphasised that this was very much an evolving process and that as a leader in the field of academy conversions the London Borough of Bromley would need to be pro-active in feeding back to the Department for Education any policy issues as they arise. The Chairman commented that although the Government had backed away from compulsory academisation of all schools by 2021 in many authorities a ‘tipping point’ would be reached whereby it was uneconomic and unsustainable to provide services to a small number of maintained schools left with an authority. The Portfolio Holder agreed that a ‘critical mass’ would be reached.

## **RECOMMENDATION 3**

**That the Council make representations to the Department for Education that when an authority reaches a position whereby a substantial majority of schools are academies that a ‘critical mass’ has been reached and that the remaining schools be required to convert.**

6.4 Mrs Parrett confirmed that if the Bromley Futures Academy was successful in navigating the Free School application process it would provide places for 50 pupils and would open in 2018.

6.4 The Committee noted that the Bromley Beacon Academy was expected to take girls with social, emotional, and mental health needs. Mrs Parrett confirmed that these pupils were currently schooled within the pupil referral until system and would transfer out of their existing provision.

## **7. Provision of Catholic Secondary School**

7.1 In response from a question from the Catholic Church representative on the Select Committee highlighting that Bromley was the only London Borough without a Catholic Secondary School, the Director of Education recognised the desire of the Catholic Community to have a Catholic Secondary School in the Borough. Any new school would now have to be approved through the new Free School process as it was no longer in the gift of the Local Authority. The Chairman noted that it has been indicated that the Government may change the current restriction on the number of pupils which the Church could require to be practising adherents. This could mean that the Catholic Bishops may review their position on new schools. It was noted that in the successful appeal against planning permission for new homes at the former All Saints School site a commitment was made by the Archdioceses that the proceeds of the sale of the land would be used for Bromley pupils.

## **RECOMMENDATION 4**

**That the Portfolio Holder for Education establishes the Government's intentions regarding admission criteria for church schools in order to consider resuming discussions with the Catholic Archdiocese for Southwark with a view to the provision of a secondary school.**

### **8. Sufficiently of School Places**

8.1 In September 2015 the Council consulted on proposed changes to the open space designations affecting a number of schools. It sought to re designate school sites from Green Belt and Metropolitan Open Land (MOL) to Urban Open Space. Additionally a number of new sites were proposed as specific education allocations. The Council will be consulting on its Local Plan Proposed Submission Draft this summer.

8.2 In relation to ensuring that there was planning for a sufficient number of school places, the Director of Education reported that Officers were working closely with the Education Funding Agency (EFA). The Education White Paper had made it clear that if Local Authorities failed to established enough school places the Government would intervene however no information had been provided concerning what form any intervention would take.

8.3 The Portfolio Holder stressed that choice of school place and need for school places were two very different entities and in order to give parents any choice the Local Authority would need to deliver extra school places. This was a function of the planning system and something that would need to be resolved during the coming year.

8.4 The Committee noted that the provision of sufficient schools places was a monumental problem for Bromley as a local authority. It was clear that between 30 and 35 FE would be required by 2023 and it took time to build a school. If action was not taken soon there would be a serious problem as the Local Authority would be unable to fulfil its statutory duties and could be facing Government intervention.

## **RECOMMENDATION 5**

**That the Council notes the urgent need to plan and provide for between 30 and 35 additional forms of entry for secondary education by 2021 and recommends that the Development Control Committee, through the Local Plan, ensures that there are sufficient sites to ensure this can be achieved.**

### **9. Community Infrastructure Levy (CIL)**

9.1 The Council is undertaking viability work into the potential for a Bromley CIL. The Council will consider the findings and, assuming the decision is to progress a local CIL, the Council will consult on a Preliminary Draft Charging Schedule (PDCS). This will show the proposed CIL charges on different types of development, supported by an Infrastructure Delivery Plan identifying the infrastructure required to support the

delivery of the Local Plan to 2031. The range of infrastructure to be funded from the CIL will also be identified, and will be published later as its draft Regulation 123 list of infrastructure on which CIL can be legitimately spent. The Council will have to decide if education is included on this list.

9.2 In terms of decisions surrounding whether the needs of schools could be partially met through funding from the CIL in the way in which Section 106 monies have previously been earmarked, the Portfolio Holder confirmed that no decisions had been reached however, the Education Department was making representations along the lines that the money should be available for this purpose.

## **RECOMMENDATION 6**

**That the Development Control Committee be requested to consider how funding from the Council's Community Infrastructure Levy could be used for education purposes.**

### **10. Special Educational Needs and Disability (SEND)**

10.1 The Special Educational Needs Service continues to deliver the reforms set out in the Children and Families Act 2014. Following on from Bromley Pathfinder work a four year transition plan is in place to transfer Statements of Special Educational Needs into Education Health and Care Plans. A range of activities have ensured that SEND processes are statutory compliant and the Bromley Local Offer has been published. This provides information on universal, targeted and specialist activities available for young people with SEN/D and their parents.

10.2 A SEND Strategy "Working Together to Improve Outcomes" 2015-2020 is in place with 16 key priorities and a robust action plan maps and monitors progress of the deliverable objectives in the strategy.

10.3 The Department for Education has commissioned Ofsted and the Quality Care Commission (CQC) to inspect local areas on their effectiveness in fulfilling their new duties in respect of the Children and Families Act 2014 and Bromley was chosen to be part of a 5 day pilot Local Area Ofsted which took place in October 2015.

10.4 The Inspectors reviewed all the services involved in ensuring that children with SEN/D were identified appropriately and holistically. This included Education, Care and Health services. Whilst there was no formal published feedback from Ofsted on the outcomes from the pilot inspection, the overall report back was very positive and outlined the identification and meeting of needs in appropriate timeframes as a area of strength. There was also very positive feedback from parents and young people on their involvement in the process.

10.5 The Preparing for Adulthood Service was also highly commended for their work progressing positive outcomes in preparing young people for their transition to adulthood.

Other positive outcomes identified through the pilot inspection include:

- ✓ Reduced tribunal appeals due to robust mediation by SEN staff;
- ✓ Bromley as part of a 10 borough consortium, reviewing quality and costs of independent provisions and working towards joint commissioning;

- ✓ Effective implementation of non- statutory support for SEN via Pupil Resource Agreements

10.6 Bromley is a member of the ten borough joint commissioning project. The aim of the project is to ensure that the commissioning of independent school placements is done efficiently and effectively using the joint commissioning power of all the south London Boroughs. Placements need to be of good quality and cost effective; delivering very specific outcomes for those Bromley young people with very complex and enduring special educational needs. The project has been successful in attracting grant funds to deliver these outcomes at minimum cost to the local authorities. This will result in savings over time.

10.7 Priority work streams for the future include:

- Developing the future model for delivering SEN services 0-25
- Realigning current services and resources to deliver high quality cost effective statutory services across the full age range;
- Implementing specialist place planning to ensure quality provision in borough;
- Working with the ten borough consortium to ensure that when there is no provision in-borough to meet highly complex needs that it is commissioned at a fair price.

Future provision requirements:

- Reducing out of borough provision;
- Re-shaping specialist provision to meet projected future demands;
- Revisiting the model for sensory provision which continues to be directly line managed by the Local Authority.

10.8 At the meeting, the Director for Education highlighted that Bromley was a Pathfinder Local Authority in this area. As a result of this status a great deal of work has already taken place with parents being fully involved. There now has to be an emphasis that Education, Care and Health Plans were for those with complex needs who fell within the criteria that the title suggested and this would require a shift in culture. There was a strong SENCO Forum within the Borough and this was very helpful in enabling learning and the sharing of policy and strategy. The priority for the Local Authority has to be early intervention, working with SENCOs to ensure that they are able to identify young people that require additional help and support.

10.9 The Director of Education reported that within the Borough there are approximately 8,000 children with an identified need and of these approximately 1,600 had a statement or health plan. There are 48 children in specialist out-of-borough provision. There is a clear focus on keeping as many as possible in borough and this would require ensuring that there was a fit-for-purpose offer for some of the more complex young people residing within the Borough.

10.10 In relation to SEN Transport, the Director of Education reported that Officers were continually looking at ways to manage the SEN Transport budget efficiently. The Portfolio Holder highlighted the importance of ensuring that as many children with EHC plans/statements are educated within the Borough, thus keeping children near their homes and transport costs at a minimum.

10.11 The Director of Education confirmed that the Education White Paper sought to strengthen the roles of Corporate Parents and the Virtual Head teacher in order to drive improvements in the educational achievement of children in care.

#### **RECOMMENDATION 7**

**That the Portfolio Holder for Education considers how the role of the Council as a corporate parent might be strengthened so as to improve the education outcomes for Children Looked After.**

10.12 The Committee noted that Bromley College provided some excellent provision for SEN students and queried whether this could be expanded in co-operation with the Council in view of the Council's duties in this area. In response, Mrs Parrett confirmed that there are priority places for Bromley children however, as the reputation of the College grew this was becoming increasingly difficult. However. With the proposed merger of both Greenwich College and Bexley College with Bromley College new opportunities may arise.

#### **RECOMMENDATION 8**

**That the Education Department considers whether there is scope for co-operation in the field of SEN provision with Bromley College of Further and Higher Education.**

### **11. Education Department Staffing and Structure**

11.1 The Director for Education now reports directly to the Chief Executive and has a team of five Heads of Service, overseeing the work of the Education Department in the following areas:

- School Place Planning and Admissions
- Special Educational Needs and Disability;
- School Standards and Early Years;
- Access and Inclusion (vacant);
- Adult Education.

11.2 The Director reported that this is a much reduced central team compared to previous years to reflect the Council's diminished role in the oversight of academies. However, she said, it is clear that we need to have more robust processes in place to support the management of school exclusions as well as the strategic oversight of co-ordinated in-year admissions and will be seeking to fill the vacant post of Access & Inclusion.

#### **RECOMMENDATION 9**

**That the Portfolio Holder and the Director of Education prepare a staffing structure for consideration by the Education Select Committee at its September 2016 meeting.**

## **12. Term time Holidays**

12.1 In relation to attendance, the Director of Education reported that the recent High Court judgement in the Isle of White case regarding term time holidays had not yet had any impact on requests for such holidays in Bromley's maintained schools. The Portfolio Holder stressed that the view of the Local Authority was that the best place for children was in school.

## **13. Sold Services**

13.1 In relation to sold services to schools, the Director of Education highlighted that the Local Authority sold very few services to schools. There is a small free school meals checking service, elements of the education welfare service is traded and data packs are sold to a number of schools.

13.2 Mrs Brinkley explained that the Local Authority had a wealth of experience developed over many years. This experience could reveal a number of opportunities for sold services to schools as it is clear that, as a result of the academisation agenda, there are now a number of emerging business leaders in schools who could benefit from this expertise with schools not wanting to lose the expertise of local authorities which has been developed over a long period.

## **RECOMMENDATION 10**

**That the Portfolio Holder report back to the Education Select Committee on which services currently sold by the Education Department would be economically viable and sustainable once the future role and structure of the Department is decided.**

## **14. Providing Skills for the Future**

14.1 Mrs Parrett provided a comprehensive written report on the range of services which the newly enlarged Bromley College of Further and Higher Education would provide as one of the constituent parts of the proposed new South East London Group of Colleges which would shortly include Greenwich Community College and Bexley College of FE.

14.2 The College is providing the following to students under the age of 19

- ✓ Substantial vocational FE provision for 16-19 year old learners up to Level 3;
- ✓ A new Career College for Hospitality, Food and Enterprise based at the Orpington Campus – one of only three in England;
- ✓ The 'Nido Volans Centre' for students with complex learning disabilities;
- ✓ Apprenticeship provision through a South London Apprenticeship Company;
- ✓ Through the sponsored Bromley Educational Trust (BET) a Multi Academy Trust provision at Midfield Campus (Primary) and Hayes



Campus (Secondary) of the former LA services for pupils at risk of being or who have been permanently excluded;

- ✓ Also under the BET is the Bromley Beacon Academy, a special secondary school for 40 boys. This would be expanded in September 2016 to include provision for Key Stage 5 for boys and Key Stage 2-5 for girls;
- ✓ Plans are in place for an 11-18 Technical Academy/UTC in Health and Wellbeing Sciences at Westmoreland Road.

14.3 For older students Higher Education courses are offered in partnership with Canterbury Christ Church College.

14.4 In response to questions from the Committee, Mrs Parrett reported that labour market information was used to identify the potential skills that employers would require in the future and thus determine the College's curriculum. Bromley College was continually reviewing its ability to deliver the necessary skills for the evolving labour market. In this respect the College's offer was very much market led. Provision was constantly being reviewed and developed to match the market for jobs and the future requirements of employers.

14.5 The Committee was informed that 4,000 students attending the College are adults over 25, and are therefore likely to be individuals who are 'up-skilling' or retraining.

14.6 Mrs Parrett explained to the Committee that over the next three years there would be 300,000 new jobs in the construction industry. As a result of this there was a need to ensure that skills were readily available locally and that potential workers had a good understanding of emerging technologies in the industry with these types of skills being provided by the pan-London Construction Career College.

#### **RECOMMENDATION 11**

**That the Council explores what further co-operation could be undertaken with the Bromley College of Further and Higher Education in helping people into work and acquiring skills for employment.**

14.7 In relation to the proposed Academy at Biggin Hill for Aeronautical, Engineering and Motor Vehicles, Mrs Parrett explained that the Local Authority was now master planning the area. One residual problem was whether the land would be transferred and at what price however, the College was receiving excellent support from the Local Authority. One area of uncertainty was whether the financial commitment that had been made by the Greater London Authority would remain with the change of London Mayor.

#### **RECOMMENDATION 12**

**That the Master Plan for Biggin Hill be expedited to enable an Academy for Aeronautical, Engineering and Motor Vehicles to be established at the Airport by Bromley College of Further and Higher Education.**

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## White Paper: Educational Excellence Everywhere (March 2016)

### Implications for Bromley

The White Paper states:

Bromley local authority has already made the commitment that all of its schools should become academies. It has been working closely with the DfE and its maintained schools to encourage them to apply for academy status.

As at March 2016, 79% of Bromley's schools are academies. DfE officials are in regular contact with Bromley local authority to discuss the progress of schools applying to become academies. This work includes defining the most appropriate MATs for schools to join, and meeting small groups of governing boards and head teachers to discuss governance and explain the process of academy conversion.

No Bromley maintained school is currently in an Ofsted category of concern. DfE officials continue to work closely with Bromley to support any vulnerable schools to join strong MATs, helping to drive up standards for children across the Bromley area. (p 69)

White paper reference	Anticipated impact
<p>Local authorities should act as advocates for their electorate, challenging school providers to deliver high educational standards and better outcomes for children; the local authority's education duties will focus on three areas:</p>	<ul style="list-style-type: none"> <li>• <b>Governance:</b> there is no expectation that the LA retains a relationship with governing boards and MATs. The DfE will no longer require academies to reserve places for parents on governing boards; appointments will be made according to skills. <i>It is therefore recommended that the governor services function ceases to operate from April 2017 when it is anticipated that all Bromley schools will have converted.</i></li> <li>• <b>School improvement:</b> the LA will no longer carry out this</li> </ul>

	<p>function as there will be a shift to a school led system. Remaining duties are oversight of testing arrangements (this could be commissioned from another organisation) and possibly SACRE (tbc). <i>The schools standard team will become redundant and we are planning to effect this by December 2016.</i></p> <ul style="list-style-type: none"> <li>• There is reference to the role of <b>lead member and director of children’s services</b> changing; members will need to consider the current arrangement of separating care services from education.</li> </ul>
<p><b>a. Ensuring every child has a school place</b> including that there are sufficient school, special school and alternative provision places to meet demand. Local authorities will retain responsibility for this in a fully academised system. The government will support them by continuing to provide substantial funding to allow them to deliver sufficient places, as well as by creating places through the free schools programme. As in the past, we expect that they will use their strong relationships with local schools to deliver the places needed in a local area, including planning ahead where necessary to support applications through the central free schools programme or to seek proposals for presumption free schools. Where local authorities are failing in this duty, the government will not hesitate to intervene. Local authorities will also work with schools and parents in developing local school transport policies, giving schools the opportunity to provide school transport services where that makes sense locally; and take a lead in crisis management and</p>	<ul style="list-style-type: none"> <li>• The paper indicates that <b>planning</b> restrictions surrounding school building and expansion will be relaxed; currently a consultation is underway on increasing the square meterage that a school can build on without permission from 100 to 250 sq mtrs.</li> <li>• When a maintained school converts the land will automatically go to The Secretary of State who will issue the lease, rather than the current arrangement where The Council gives 125 year lease and retains ownership of the land.</li> <li>• It is possible that the current limitation of a maximum of 50% faith places for faith schools will be relaxed. This is of particular interest to Bromley as it would allow for a Catholic secondary academy to open using the free school route.</li> <li>• Central crisis management and emergency planning services need to be retained and communication routes and possibly support for individual schools strengthened.</li> </ul>

<p>emergency planning</p>	<ul style="list-style-type: none"> <li>• Early years duties remain and there is expansion linked to the new 30 hours free education programme to be implemented from September 2017 : <i>it is planned that the Early Years Funding Team move to Liberata</i>. In addition there is a small team that leads on early years quality (raising standards across the nearly 800 providers but focusing on those less than good and not yet inspected) and <i>this function could be commissioned from another organisation</i>. The sufficiency duty could be aligned with the work of the school place planning and admissions service.</li> </ul>
<p><b>b. Ensuring the needs of vulnerable pupils are met</b> including identifying, assessing and making provision for children with special educational needs and disability and looked after children; promoting school attendance and tackling persistent absence; ensuring that alternative provision is available for head teachers to commission for children and young people excluded from school or otherwise unable to attend a mainstream school, leading on safeguarding responsibilities for all children, including those in unregulated settings, educated at home and children missing education, as well as children at risk of radicalisation; working with schools to ensure that they understand and discharge their safeguarding duties; and supporting vulnerable children, for example, acting as the ‘corporate parent’ for looked after children, using the statutory Virtual School Head role to work with schools and other agencies on promoting their educational achievement and progress, and deciding how to spend the</p>	<ul style="list-style-type: none"> <li>• This is a significant retained area of responsibility with the local authority seen as the champion for ensuring all vulnerable children’s educational and well-being outcomes are met.</li> <li>• <b>AP academies:</b> the significant change is that mainstream schools will commission places from alternative providers rather than the current situation where the LA is commissioner (high needs block). The LA will still be responsible for ensuring that we have a sufficiency of AP places.</li> <li>• <b>Virtual head teacher role:</b> much emphasis is put on the importance of this position in ensuring that pupil premium plus expenditure is outcomes driven. It is also likely that the educational needs of adopted children will become the responsibility of the virtual head teacher through a legislative change.</li> <li>• <b>Education welfare officers:</b> it appears that there is no anticipated change to current statutory function sitting</li> </ul>

<p>Pupil Premium Plus</p>	<p>with the LA. A decision will need to be made as to whether Bromley wants to continue to offer a traded element to the service. Currently this is deemed successful in that schools that buy in the service have fewer court cases but this element is subsidised by Bromley.</p> <ul style="list-style-type: none"> <li>• <b>Safeguarding:</b> this major responsibility continues to sit with the LA but, within a changing external landscape, how this duty is undertaken will require a review and possibly an increase in resources. Currently early years safeguarding training is managed by the early years team and a slicker approach might be to bring it together under the LADO.</li> <li>• <b>SEN:</b> Changes to high needs funding will demand radical changes to how we manage this funding stream. We are already reviewing the function and purpose of The Phoenix Centre and also need to realign provision of deaf services where The Council is currently a direct provider of deaf teaching through The Griffins Centre and Darrick Wood School.</li> </ul>
<p><b>c. Acting as champions for all parents and families</b> including listening to and promoting the needs of parents, children and the local community – working alongside elected mayors; supporting parents in navigating the system through a continuing role in admissions; supporting children, young people and parents to navigate local SEND arrangements (such as providing information, advice and support) and engaging them in designing and co-producing local SEND policies, service commissioning</p>	<ul style="list-style-type: none"> <li>• This gives a clear remit for a lead member while also implying that The Council works in partnership with the RSC and local MATs, retaining shared strategic oversight of school provision in Bromley. This duty also encompasses the provision of practical current information and service-user engagement. This places the LA as an advocate and influencer rather than having direct change control, which will require sensitive manoeuvring to be effectively delivered. The current</li> </ul>

and delivery; and championing high standards locally for all pupils, for example, by encouraging high performing providers to establish new school places and where necessary calling for action from the Regional Schools Commissioner to tackle underperformance

Information, advice and support service, that sits with Rachel Dunley and operates out of the children's centres, already provides direct support to parents and families and it is anticipated that any increase in direct family work would be through this team.

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**Review of Statutory Duties**

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Children and Young People	Children and Young Persons Act 1963 Section 37. Secondary - The Children (Performances) Regulations 1968.	Duty on local authority to consider licence applications for children to take part in performance or take part in paid sports or paid modelling work.	Local authorities have a duty to safeguard children who take part in performances by ensuring adequate protections are in place, for example, regulating the hours of performance and breaks, the provision of a chaperone to protect the child's welfare and the provision of education when children are missing school. This legislation is currently being reviewed to see how it can be updated, streamlined and made more proportionate to risk.	Education Welfare	YES	
Education	Education Act (EA) 1996 Section 13A. Section 13A was inserted by Section 1 of Education and Inspections Act (EIA) 2006 - duty to promote high standards and the fulfilment of potential. Amended by Para 3, Schedule 2 of Apprenticeship, Skills, Children and Learning Act (ASCL) 2009.	No formal title and in practice is linked to Section 13 (general responsibility for education) and 14 (securing sufficient schools) duties.	For local authorities to be responsible for securing that sufficient education is available to meet the needs of the population in their area.	Strategic Place Planning	YES	
Education	Education Act (EA) 1996 Section 14 . General duty on local authorities to secure sufficient schools in their area. Section 14 (3A) added by Section 2 of Education and Inspections Act (EIA) 2006 – to secure diversity of provision of schools and increasing opportunities for parental choice. Secondary legislation - The Information as to Provision of Education (England) Regulations 2008	Referred to as place planning duty but is in fact general duty to secure sufficient schools in their area. Local authorities to secure sufficient primary and secondary schools. To complete the annual Surplus Places Survey (renamed for 2010 as the School Capacity Collection). This data has been gathered in some form since 1994.	For local authorities to be responsible for securing sufficient primary and secondary schools in their area. The survey provides the Department for Education and Partnership for Schools with data on the number of surplus school places, and the areas of projected shortfall, across England, and the actions local authorities are taking to address this.	Strategic Place Planning	YES	
Education	Education Act (EA) 1996 Section 14A, added by Section 3 of Education and Inspections Act (EIA) 2006.	Local authorities to consider and respond appropriately to parental representations about school provision in relation to local authorities' functions under Section 14 of the Education Act 1996.	For local authorities reasonably to consider parental representations regarding the provision of schools. To respond accordingly, including outlining any proposed action, or where it is considered action is not needed, to explain the reasons for this.	Strategic Place Planning	YES	
Education	Education Act 1996 Section 457	Charges and remissions policies required by all governing bodies.	To provide clarity about what can and cannot be charged for.	Finance	NO	
Education	Education Act 1996 Section 458	Charges for board and lodging at boarding schools.	Intended to insure that maintained boarding schools are funded for the cost of board and lodging by parental fees but the local authority must ensure the level does not exceed cost of provision; and that where such education is necessary (as opposed to desirable) for a pupil the parents do not bear the cost of it but rather the pupil's home local authority does, by remitting the fees or paying to the maintaining local authority.	Finance	NO	
Education	Education Act 1996 Section 409 & Part 10, Chapter 2 of the Apprenticeships, Skills, Children & Learning Act (ASCL) 2009, amended by Education Act 2011 section 45.	Complaints about the curriculum in maintained schools.	S409 requires local authorities to consider complaints about the curriculum, religious education and collective worship referred to them after the complaint has been considered by school governing bodies. This duty was removed in some areas following the partial commencement of the complaints provision in ASCLA 2009. This duty is therefore currently in force in all local authorities except the 14 areas where the Local Government Ombudsman complaints service operates. In those areas such complaints can currently be considered by the LGO. The duty on the remaining English local authorities to investigate complaints will be removed when Section 45 of the Education Act 2011, which restricts Section 409 of the EA96 to Wales, is commenced. This is expected to happen in August 2012.		NO	
Education	Education Act 1996 Section 19 (3A) and (3B). Secondary: Education (Provision of Full-Time Education for Excluded Pupils) England Regs 2007(SI 2007/1870). Education Act 1996 Sections 3A and 19 and schedule 1, amended by section 3 of the Children Schools and Families Act 2010. Secondary - enactment regulations apply other areas of education law to Pupil Referral Unit (PRU).	Statutory duty for the local authority to provide full time education from the sixth day of exclusion for permanently excluded pupils and for pupils who are excluded from a pupil referral unit for a fixed period of more than 5 days. To make arrangements for the provision of suitable education at school or otherwise for each child of compulsory school age who, for reasons of illness, exclusion or otherwise, would not receive it unless such arrangements were made. Local authorities may establish pupil referral units to discharge their duty but do not have a duty to do so.	This ensures that children who cannot (for whatever reason) be in mainstream education, continue to receive full time education unless it is not in the child's best interests. These measures were introduced to make exclusions a more effective sanction and to reduce the disruption to a child's education caused by exclusion.	Behaviour Support	YES	This statutory duty seems questionable in light of the Education White Paper proposal that Alternative Provision funding from the High Needs Block (from which provision for permanently excluded pupil/pupils with health needs are funded) transfers to schools.
Education	Secondary - The School Finance (England) Regulations 2012	Determination of schools' budget shares in the case of excluded pupils and determination of the amount to be paid by one local authority to another when a pupil permanently excluded from a school maintained by one local authority is, in the same financial year, admitted by a school maintained by another authority. Redetermination of a school's budget share where a permanently excluded pupil is subsequently reinstated in a maintained school.	This is intended to ensure that funding follows the pupil in the case of an exclusion - it is transferred to the admitting school or the local authority's central schools budget (if the pupil is not admitted within a set timescale to another school) to ensure that there is at least some funding available to contribute to the costs incurred by the new provider. The Regulations also deal with excluded pupils who are subsequently educated in another local authority. This is intended to ensure that where an excluded pupil is reinstated in the school from where they had been permanently excluded, an appropriate level of funding is reallocated to the school.	Finance	YES	This statutory duty seems questionable in light of the Education White Paper proposal that Alternative Provision funding from the High Needs Block (from which provision for permanently excluded pupil/pupils with health needs are funded) transfers to school

**Review of Statutory Duties**

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Education	Education Act 1996, schedule 1, amended by Education Act 2011 section 45. Secondary - Education (Pupil Referral Units) (Management Committees etc.) England Regulations 2007. Education (Pupil Exclusions and Appeals) (Pupil Referral Units) England Regulations 2008.	Duties in relation to pupil referral units : Determine and review a curriculum policy; that the curriculum should be balanced and broadly based; make information available to parents in relation to the unit; establish management committees and appoint first members for all PRUs. Local authorities must delegate some of their functions in relation to pupil referral units to the management committee but must not delegate functions in relation to staffing and finance of the unit, health and safety issues, control of premises and a reserve power in relation to prevention of a breakdown of discipline.	The intention of requiring a local authority to establish management committees for every pupil referral unit was to improve their management of PRUs, by giving them similar responsibilities to governing bodies of mainstream schools.		NO	
Education	Education Act 1996 Section 447	Duty for local authorities to consider an Education Supervision Order instead or alongside a prosecution under section 36 of the Children Act 1989 before prosecuting a parent under section 444 of the Education Act 1996.	An Education Supervision Order can help where parents find it difficult to exercise a proper influence over their child, and where the child has developed a pattern of irregular attendance. It gives the backing of the court to the supervising officer and can help bring home to parents the need to fulfil their responsibilities for their child's education.	Education Welfare	YES	
Education	Education Act 1996 Section 436A.	Duty on all local authorities to make arrangements to enable them to establish ( so far as it is possible to do) the identities of children residing in their area who are not receiving suitable education by attendance at school or otherwise	The identification of children missing education.	Education Welfare	YES	
Education	Education Act 1996 Section 437.	If it appears to the local authority that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise, they must begin procedures for issuing a School Attendance Order.	Ensure that all children get a suitable education	Education Welfare	YES	
Estates	Education Act 1996 Section 543. Secondary - The Education (School Premises) Regulations 1999 and the Education (School Premises) (England) Regulations 2012.	Sets minimum standards for school premises.	Sets minimum standards for school premises.	Strategic Place Planning	NO	
Special Education Needs	Education Act 1996 Part IV, Chapter 1 (sections 312-332B) and Schedules 26 and 27 . Secondary - The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 (SI 2001/3455).	Children with Special Educational Needs	Identifying and assessing Special Educational Needs, making and reviewing Special Educational Needs statements and a transition plan from age 14. Keeping arrangements for Special Educational Needs provision under review. Making arrangements for an advice and information service and a dispute resolution service for parents of children with Special Educational Needs. More recent legislation has made minor amendments to the Education Act 1996. (Subject to proposals in the SEN Green Paper.)	Special Educational Needs	YES	
Special Education Needs	Education Act 1996 Section 14 .	Functions in respect of provision in primary and secondary schools.	In carrying out their duty to provide sufficient schools for the area local authorities must have particular regard for the need to secure Special Educational Needs provision for pupils with Special Educational Needs. (Subject to proposals in the SEN Green Paper)	Strategic Place Planning	YES	
School Meals	Education Act 1996 Section 512(3) as amended by Education Act 2002.	To provide school lunches (upon request) to those eligible for free lunches and to those pupils for whom it would not be unreasonable to provide lunches.	Ensures that local authorities where the school meal budget has not been delegated to schools, supply school lunches where appropriate.		NO	
School Transport	Education Act 1996 Section 508B. Inserted by section 77 of the Education and Inspections Act 2006.	Requirement for the Local Authority to make provision for suitable home to school travel arrangements for eligible children of compulsory school age (5-16) to facilitate attendance at a relevant educational establishment. Travel arrangements are provided free of charge.	Re-affirms eligibility criteria and extends eligibility to free home to school transport for low income families (see below). Schedule 35B sets out the meaning.	Admissions	YES	
School Transport	Education Act 1996 Section 508A . Secondary - Statutory Instrument 2008 No 3093 The School Information (England) Regulations 2008.	Duty on Local Authorities to Promote Sustainable Modes of Travel to assess general school travel needs. The Local Authority must publish each academic year a document containing their strategy to promote the use of sustainable modes of travel to meet the school travel needs of their area and must also publish a summary.	The promotion of sustainable modes of travel (walking, cycling, bus use etc) that may improve the well being of those who use them and the environment. This is closely linked with local transport planning work required b the Department of Transport.	? Establish who currently does this.	YES	LA duties on transport seem unclear and questionable as to what the expected role of the LA is in academy landscape (where schools are their own admissions authorities).
School Transport	Education Act 1996 Section 509AD as inserted by section 84 of the Education and Inspections Act 2006.	Duty to have regard to religion and belief in exercise of travel functions.	Re-affirms that local authorities are required to have regard to any wish of a parents to have their children provided with education at an establishment on the grounds of the parent's religion or belief, in exercising any of their travel functions. A root and branch review of home to school transport is under consideration.	? Establish who currently does this.	YES	LA duties on transport seem unclear and questionable as to what the expected role of the LA is in academy landscape (where schools are their own admissions authorities).
School Transport	Education Act 1996 Section 509AB.	Further provision about transport policy statements. Requires local authorities to specify to what extent the arrangements they include in their annual transport policy statement facilitate the attendance of disabled persons and persons with learning difficulties.	Requires local authorities to specify to what extent the arrangements they include in their annual transport policy statement facilitate the attendance of disabled persons and persons with learning difficulties. Intended to ensure that local authorities enable these learners to attend educational establishments.	? Establish who currently does this.	YES	LA duties on transport seem unclear and questionable as to what the expected role of the LA is in academy landscape (where schools are their own admissions authorities).
School Transport	Education Act 1996 Section 509AA. Amended with additional criteria for local authority post 16 transport policy statements in Education & Skills Act 2002. Education and Inspections Act 2006, Education and Skills Act 2008 and Apprenticeships, Skills, Children and Learning Act 2009	Duty on local authorities to publish annual Post 16 Transport Policy Statement. Statement must set out the arrangements for the provision of transport, and for financial assistance towards transports costs, it considers necessary to facilitate attendance of students of 6th form age.	Secures access to learning for young people post 16 - transport having been identified as a significant barrier to young people in accessing post 16 learning and training - and ensures transparency regarding local arrangements and complaints processes for these learners	? Establish who currently does this.	YES	LA duties on transport seem unclear and questionable as to what the expected role of the LA is in academy landscape (where schools are their own admissions authorities).

**Review of Statutory Duties**

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
School Transport	Section 509AB Education Act 1996 as amended by the sections 54-57 of the Apprenticeships, Skills, Children and Learning Act 2009.	New additional requirements for Post 16 Transport Policy Statements for 2011/12 academic year and thereafter including: linking consideration of transport arrangements to commissioning duty (15ZA(1)); re-enacting Adult Transport Duty (section 509 of Education Act 1996); adding young people of sixth form age and their parents to the list of named stakeholders local authorities have to consult in drawing up their statements; and power for Local authorities to amend and republish their statement in year in response to complaints or direction from the Secretary of State.		? Establish who currently does this.	YES	LA duties on transport seem unclear and questionable as to what the expected role of the LA is in academy landscape (where schools are their own admissions authorities).
Education	Education Act 1996 Section 507B- introduced through section 6 of the Education and Inspections Act 2006.	The duty to secure access to positive activities.	To ensure so far as reasonably practicable young people have access to sufficient educational leisure-time activities which are for the improvement of their well-being and personal and social development, and sufficient facilities for such activities; that activities are publicised; and that young people are placed at the heart of decision making regarding the positive activity provision.	Youth Services	YES	Questionable in light of reductions to LA grants; also 'reasonably practicable' and 'sufficient' are open to interpretation.
Class sizes	School Standards and Framework Act 1998 Sections 1 and 13B(7). Secondary legislation - Infant Class Size Regulations 2012	Duty placed upon local authorities and other relevant bodies to restrict class sizes for pupils aged 4-7 to thirty pupils per class.	Limit Infant classes to 30 + permitted exceptions and data (via annual schools census) on compliance. New exceptions permitted by the 2012 regulations are children of service personnel and children of multiple births (including twins).	Strategic Place Planning	NO	
School Admissions	School Standards and Framework Act (SSFA) 1998 Section 84 as amended by section 40 EIA 2006 - the School Admissions Code and School Admissions Appeal Code - duty on governing bodies to act in accordance with the Codes. Secondary legislation - The School Admissions (Adjudicator Determinations Relating to Looked After Children and Certain Other Children) (England) Regulations 2007, School Admissions (Admission Arrangements) (England) 2008, School Admissions (Admissions Arrangements and Co-ordination of Admission Arrangements) (England) 2012, School Admissions Appeals Arrangements (England) 2012, School Admissions Code (Appointed Day) (England) Order 2010, School Admissions Code and School Admissions Appeals Code (Appointed Day) Order 2012, School Admissions (Co-ordination of Admissions Arrangements) (England) Regulations 2008, School Admissions (Infant Class Sizes) (England) Regulations 2012.	To comply with the legislative Code on Admissions in exercise and discharge of local authority functions in relation to admissions under the School Standards and Framework Act (SSFA) 1998. The SSFA and relevant regulations confers a number of duties which require the LA to carry out different functions at different times of the admissions cycle.	School Admissions Code and School Admissions Appeal Code 2012 came into force on 1 February 2012.	Admissions	YES	
School Admissions	School Standards and Framework Act 1998 Section 86(1A) as amended by section 42 of the Education and Inspections Act 2006.	To provide advice and assistance to parents when deciding on a school place and allow parents to express a preference.	Support parents when deciding on a school place and allow them to express a preference for at school.	Admissions	YES	
School Admissions	School Standards and Framework Act 1998 Section 88P amended by Education Act 2011 section 34.	Reports by local authority to adjudicator about matters relevant to schools admission as may be required by the School Admissions Code.	To provide a national picture of admissions issues.	Admissions	YES	
School Admissions	School Standards and Framework Act 1998 Section 92. Substituted by Education Act 2002.	For each school year, the local authority must publish the prescribed information about the admission arrangements for each of the maintained schools in their area, and if regulations so provide, such maintained schools outside their area.	To provide local parents with a collated set of admission arrangements for schools in their area.	Admissions	NO	
School Admissions	School Standards and Framework Act 1998. School Admission Appeals Code Section 94.	A local authority shall make arrangements for enabling the parent of a child to appeal against admissions decisions.	To impose a duty on governing bodies for schools that are their own admission authorities and local authorities to act in accordance with any relevant provisions of the Appeals Code.	Admissions	NO	

Review of Statutory Duties

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Religious Education	School Standards and Framework Act 1998 Section 69.	Duty to secure due provision of religious education. Subject to section 71, in relation to any community, foundation or voluntary school— (a)the local education authority and the governing body shall exercise their functions with a view to securing, and (b)the head teacher shall secure, that religious education is given in accordance with the provision for such education included in the school's basic curriculum by virtue of section 80(1)(a) or 101(1)(a) of the Education Act 2002]. (2)Schedule 19 has effect for determining the provision for religious education which is required by section 80(1)(a) or 101(1)(a)] of that Act to be included in the basic curriculum of schools within each of the following categories, namely— (a)community schools and foundation and voluntary schools which do not have a religious character, (b)foundation and voluntary controlled schools which have a religious character, and (c)voluntary aided schools which have a religious character. (3)For the purposes of this Part a foundation or voluntary school has a religious character if it is designated as a school having such a character by an order made by the Secretary of State. (4)An order under subsection (3) shall state, in relation to each school designated by the order, the religion or religious denomination in accordance with whose tenets religious education is, or may be, required to be provided at the school	Ensures that local authorities and schools provide Religious Education in accordance with the law.	School Improvement	NO	
Religious Education	School Standards and Framework Act 1998 Section 70.	All registered pupils attending a maintained school should take part in a daily act of collective worship which is wholly or mainly of a broadly Christian character. The local authority must exercise its functions with a view to securing this.	This duty is designed to ensure that all registered pupils attending a maintained school take part in a daily act of collective worship. The Government believes that the requirement for collective worship in schools encourages pupils to reflect on the concept of belief and the role it plays in the traditions and values of this country. Parents have the right to withdraw their children from collective worship and sixth-formers have the right to withdraw themselves.	School Improvement	NO	
Schools	School Standards and Framework Act 1998 Section 22, as amended by Education Act 2002 and Education and Inspections Act 2006, amended in relation to VA Schools by the Regulatory Reform (Voluntary Aided School Liability and Funding) (England) Order 2002.	Duty for local authorities to maintain schools in their areas.	Ensures the school estate is not subject to decay which could put the health and safety of children at risk.	Strategic Place Planning	NO	
Estates	School Standards and Framework Act 1998 Section 77 as amended by schedule 4 to the Education and Inspections Act 2006	Legislation governing disposal of land on schools sites.	Protection of School Playing Fields	Strategic Place Planning	NO	
School Budget	School Standards and Framework Act 1998 Sections 45A, 45AA, 46, 47, 47ZA, 47A and 48 and Schedule 14, as amended by Education Act 2011 sections 46 and 50. Secondary - School Finance (England) Regulations 2011, School Finance (England) Regulations 2012.	Local authorities must determine their school and pupil referral unit budgets and budget shares in accordance with the school finance regulations. They must establish a schools forum for their area in accordance with the schools forums regulations and maintain a scheme for financing their maintained schools in accordance with the school finance regulations.	The scheme includes provisions for approval of deficits, management of delegated budgets and banking arrangements. The finance regulations set out the services for which funding can be retained centrally within the schools budget, the factors which are allowed in a local funding formula, the arrangements for protection of school budgets through the Minimum Funding Guarantee and the matters which must be dealt with in schemes for financing schools. The Secretary of State may issue directions to local authority schemes, including directions to remove particular provisions in schemes.	Finance	YES	
Teachers and staff	Education Act 2002 Part 8 Sections 135A-135C and 141A-141E, inserted by Education Act 2011 sections 8 and 9.	Sets out the Secretary of States disciplinary powers with regard to teachers, and the Secretary of State's powers to create regulations requiring teachers to serve induction periods.	Relates to local authorities as employers of teachers in maintained schools.	Human Resources	NO	
Teachers and staff	Teaching and Higher Education Act 1998 Section 19 (teachers in Wales).	Duty to act as Appropriate Body in statutory induction process for maintained schools and non-maintained special schools, which includes: joint responsibility with the head teacher for the supervision and training of Newly Qualified Teachers (NQTs) during their induction; responsibility for deciding whether or not NQTs have passed induction; where they are the employer, responsibility for terminating the employment of NQTs who have failed their induction; responsibility for granting extensions or reductions to the induction period in certain circumstances; and where they are the employer, responsibility for terminating the employment of NQTs who have failed their induction.	Ensure that all teachers in the maintained sector (in Wales) have demonstrated that they meet the core professional standards for teaching. No qualified teacher can be employed in a maintained school or a non-maintained special school unless that person has satisfactorily completed an induction period in accordance with these regulations, subject to various exceptions.		NO	
School Meals	School Standards and Framework Act 1998 Section 114A. Secondary - Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007.	Food provided to pupils by local authorities, where the school meals budget has not been delegated to the school, must comply with the standards and requirements specified in the regulations.	Ensures meals provided by the local authority are nutritious		NO	

**Review of Statutory Duties**

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Special Education Needs	Learning and Skills Act 2000 Section 139A (as amended by Education and Skills Act 2008, Section 80)	Expands and transfers to the local authorities the duty currently on the of the Secretary of State to arrange for assessments of a person's educational and training needs in certain circumstances, and his power to arrange such assessments. The duty on local authorities is to arrange for an assessment of a person in respect of whom it maintains a statement of Special Educational Needs - who is either in his or her last year of compulsory schooling or is over compulsory school age but still at school - at some time during the person's last year of schooling.	To ensure young people with a learning difficulty or disability are able to secure appropriate learning provision in the Further Education Sector	Special Educational Needs	YES	
Estates	Care Standards Act 2000. Secondary - Includes regulations governing children's homes and secure units (e.g. Children's Homes Regulations 2001).	Places duty of care on local authorities to ensure standards in children's homes are maintained to a specified level.	Ensuring decent standards in children's homes.		YES	
Special Education Needs	The Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001 (SI 2001/2218).	Publication of information about Special Educational Needs (SEN).	Publishing information on the local authority's Special Educational Needs policies and the arrangements and activities in carrying them out.	Special Educational Needs	YES	
Children in Care	Children Act 1989 Paragraphs 19A, 19B and 19C of Schedule 2. Secondary - Children (Leaving Care) England) Regulations 2001 but from the 1 April 2011 this group of children will be covered in the Care Planning, Placement and Case Review (England) Regulations 2010.	Duties on local authorities in relation to children about to leave care (eligible children).	To ensure good pathway planning for the child so that from the age of 16 the local authority, in full consultation with the child, develops a pathway plan that identifies the needs of the child and how they relate to their future requirements as they approach adulthood.		YES	
Children in Care	Children Act 1989 Section 23A(3). Secondary - Regulation 4 of the Children (Leaving Care) (England) Regulations 2001. From 1 April 2011 this group of children will be covered in the Care Leavers (England) Regulations 2010.	Care leaver support for former looked after children who reach age 16 when in custody or in hospital.	To provide this group of young people with the same care leaving entitlements as "relevant children" (see below). Even though the local authority does not accommodate them, it must keep in touch and maintain the young person's pathway plan.		YES	
Children in Care	Children Act 1989 Section 23C(5A), amended by the Children and Young Persons Act 2008, which came into force in August 2009. Secondary - The Children (Leaving Care) (England) Regulations 2001 [from 1 April 2011, the Care Leavers (England) Regulations 2010] and The Children Act 1989 (Higher Education Bursary) (England) Regulations 2009.	Paying a higher education bursary to a former "relevant child" who pursues higher education in accordance with their pathway plan.	To help formerly looked after children make a successful transition to adulthood, the local authority has to pay a fixed amount in the form of a bursary for those who are undertaking a course of higher education. The section confers on the relevant national authority (HMG / WAG) a regulation making power to specify the amount of the bursary and the conditions/arrangements for payment and recovery.		YES	
Special Education Needs	The Education (Special Educational Needs) (City Colleges) (England) Regulations 2002 (SI 2002/2071).	SEN payments to Academies in relation to pupils with statements. Duty is to review the payment arrangements in the event that any such arrangements are made.	Sets out arrangements whereby local authorities may make payments to an approved Academy in respect of a child for whom a statement is made. Local authorities are required to review the payment arrangements, in consultation with governing bodies.	Special Educational Needs	YES	
School Governors	Education Act 2002 section 19, amended by Education Act 2011 sections 38 and 39. Secondary - School Governance (Constitution) (England) Regulations 2007, School Governance (Constitution) (England) Regulations 2012	Sets out requirements for governing bodies of maintained schools including appointment of at least one LA governor and that the LA must give notice of any removal of an LA governor.		School Improvement	NO	
Education	Education Act 2002 section 20. Secondary - School Governance (Constitution) (England) Regulations 2007. School Governance (Federations) England Regulations 2007. School Governance (Constitution) (England) Regulations 2012.	To make the Instrument of Government for all maintained schools and federations of maintained schools	Provides a framework for decision making and accountability.	School Improvement	NO	
School Governors	Section 22 of the Education Act 2002.	To provide training and information for school governors.	To provide information they consider appropriate and training they consider necessary free of charge for governors of maintained schools to enable governors effectively to discharge their duties.	School Improvement	NO	
School Governors	Education Act 2002 section 34. Secondary - School Governance (New Schools) (England) Regulations 2007.	Provides for LA to set up a temporary governing body for new maintained schools until the governing body is constituted for the school under an instrument of government.	Ensures that new schools have a temporary governing body until permanent governing body is constituted.		NO	
Assessment	The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 (article 6) (made under section 87 of the Education Act 2002).	Key Stage 1: Local authorities must make provision for moderating teacher assessments in respect of the schools which they maintain in relation to at least 25% of all relevant schools.	Requirement for local authorities to moderate assessment in at least 25% of schools to ensure consistency of standards. This requirement has been reviewed and confirmed following the commitment in the White Paper 'The Importance of Teaching'.	School Improvement	NO	
Assessment	Assessment and reporting arrangements for Early Years Foundation Stage and Key Stage 1 – document has statutory force by virtue of section 87(11) of the Education Act 2002 and article 9 of SI 2004/2783, but also includes non-statutory guidance to local authorities	Key Stage 1: Local authorities must collect teacher assessment information from their maintained schools, quality assure it and submit it to the Department for Education.	Key Stage 1 data is reported to the Department for Education for school performance monitoring purposes. This requirement has been reviewed and confirmed following the commitment in the White Paper 'The Importance of Teaching'.	School Improvement	NO	
Assessment	Assessment and reporting arrangements for Early Years Foundation Stage and Key Stage 1 – document has statutory force by virtue of section 87(11) of the Education Act 2002 and article 9 of SI 2004/2783, but also includes non-statutory guidance.	Key Stage 1: Local authorities should offer schools training and advice on all aspects of assessment at Key Stage 1 and ensure they have an electronic system to submit Key Stage 1 data.	Ensuring schools are equipped to undertake Key Stage 1 teacher assessment and capture / submit results.	School Improvement	NO	

**Review of Statutory Duties**

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Assessment	Assessment and reporting arrangements for Early Years Foundation Stage and Key Stage 1 – document has statutory force by virtue of section 87(11) of the Education Act 2002 and article 9 of SI 2004/2783, but also includes non-statutory guidance.	Key Stage 1: Local authorities should ensure schools are aware of the need to store Key Stage 1 task and test materials responsibly.	Ensuring security of assessment documents.	School Improvement	NO	
Assessment	The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 (article 6) (made under section 87 of the Education Act 2002 and article 11 of the Order).	Key Stage 2: Local authorities must visit 10% of schools administering National Curriculum Tests (NCTs) for monitoring purposes.	Requirement for local authorities to visit 10% of schools during test week to ensure they are being administered correctly. The requirement has been confirmed following the external review of KS2 testing and accountability.	School Improvement	NO	
Curriculum	Education Act 2002 Section 79	Local authorities, governing bodies and head teachers have a duty to exercise their curriculum functions with a view to securing that the curriculum in their school satisfies the requirements of section 78 of the Education Act 2002 - balanced and broadly based curriculum.	Ensures that the curriculum provided by maintained primary and secondary schools is broad based and balanced and that it comprises the National Curriculum and provision for religious education and, for pupils in secondary school, sex education.	School Improvement	NO	
Curriculum	Education Act 2002 Section 85(9)	The local authority, governing body or head teacher shall have regard to any guidance issued by the Secretary of State about the curriculum.	To enable the Secretary of State to issue guidance to which local authorities and schools must have regard about course of study.	School Improvement	NO	
Curriculum	Education Act 2002 Section 85A(5), amended by Education Act 2011 section 31	The local authority, governing body or head teacher shall have regard to entitlement areas for pupils at key stage 4 (arts, humanities, DT, modern foreign languages) which is issued by the Secretary of State	To enable the Secretary of State to issue guidance in relation to the exercise of functions.	School Improvement	NO	
Curriculum	Education Act 2002 Section 88 (1A)	The local authority and governing body of each school is required to exercise their functions with a view to ensuring, and the head teacher must ensure, that the National Curriculum for England and the assessment arrangements specified in the National Curriculum, are implemented.	Requirement for local authorities to ensure head teachers fulfil their statutory duty in implementing and administering Key Stage assessment arrangements. Basic feature first laid out in the Education Reform Act 1988 to deliver the national curriculum. Part 6 of the Education Act 2002, as amended, provides for the current curriculum requirements in maintained schools. This requirement has been reviewed and confirmed following the external review of KS2 testing and accountability and the commitment in the White Paper 'The Importance of Teaching'.	School Improvement	NO	
Education	Education Act 2002 section 51A, inserted by Education Act 2011 section 4. Secondary - The Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 (No. 3178), The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2002.	Prescribes the duties of the local authority with regard to an exclusion from a school and appeals against exclusions. Duties include: receiving information from schools on exclusions (permanent and fixed term); passing this information to the Secretary of State for Education when prescribed; and establishing review panels.	Provides a framework for exclusion to control how pupils are removed from school and provides independent scrutiny.	Behaviour Support	YES	This statutory duty seems questionable in light of the Education White Paper proposal that Alternative Provision funding from the High Needs Block (from which provision for permanently excluded pupil/pupils with health needs are funded) transfers to schools.
Schools	Education Act 2002 Section 32	Responsibility for fixing dates of school terms and holidays in community, voluntary controlled, community special; and maintained nursery schools.	Fixes the minimum number of sessions which schools must hold in a year and requires governing bodies to set the times of the school sessions.	Strategic Place Planning	NO	
Financial Reporting	Education Act 2002 Section 44enables the Secretary of State to make regulations to: require maintained schools to supply accounting information to the LA which maintains them; and to require Local authorities to provide accounting information provided by the schools to the Secretary of State. Secondary - The Consistent Financial Reporting (England) Regulations 2012.	The local authority must provide the Secretary of State with any financial statement provided to them in accordance with regulation 3 by the third Friday in the July following the financial year in respect of which the statement is made.	The CFR Regulations require schools to report on their income and expenditure to a common framework. All publicly funded schools need to keep accounts for reasons of public accountability, and this happened before CFR. The standardisation through CFR means that schools are able to benchmark their spend against others which helps them become more efficient. Increasing the detail in CFR improves benchmarking. CFR data is used to feed into outturn returns under section 251 of the Apprenticeships, Skills, Children and Learning Act 2009: previously local authorities had to fill in details of school expenditure separately. In the interests of transparency all of this data is published by DfE.	Finance	NO	
Teachers' Pay	Education Act 2002, Part 8 s122 gives the Secretary of State a power to prescribe pay and conditions for teachers in maintained schools by Order. Secondary - The School Teachers' Pay and Conditions Order 2012 makes provision for the pay and conditions of teachers by reference to a document entitled "The School Teachers' Pay and Conditions Document" (STPCD).	The STPCD imposes various duties on relevant bodies in relation to the determination of teachers' pay. The local authority is the relevant body where the school does not have a delegated budget or where the teacher is an unattached teacher (Part 1 of the STPCD).	In practice most decisions about pay are delegated to school governing bodies and the local authority is expected to support, challenge and advise its schools on financial propriety (including audit of other maintained schools). A national framework ensures there is no requirement on individual schools and local authorities to negotiate teachers' terms and conditions. The Government has made a commitment to give more freedoms and flexibilities over teachers' conditions and pay.	Human Resources	NO	
Teachers and staff	Education Act 2002 Sections 21, 131 and 210. Secondary - The Education (School Teacher Performance Management) (England) Regulations 2012.	The local authority has to establish a performance management policy and is responsible for establishing a written policy. Prior to the policy being established or revised, there must be consultation with all unattached teachers and the recognised unions. The local authority must appoint a reviewer for unattached teachers	To ensure effective performance management arrangements are put in place for teachers	Human Resources	NO	
Adoption	Adoption and Children Act 2002 Section 3. Secondary - Adoption Agencies Regulations 2005 (SI 2005/389). Local Authority Adoption Service (England) Regulations 2003 (SI 2003/370)	A general duty on the local authority to maintain an adoption service within their area. Further requirements are set out in the "conduct regulations", including duties relating to staffing and managers. Also a related duty to set up an adoption panel.	This duty must include making arrangements for the adoption of children and the provision of adoption support services. As part of this, local authority must complete a statement of purpose and a children's guide.		YES	
Adoption	Adoption and Children Act 2002 Section 3 . Secondary - The Adoption Support Services Regulations (SI 2005/691) set out which types of support services must be extended to which categories of persons.	Preparing a plan and keeping it under review, where the local authority decides to provide adoption support services.	Ensuring that various procedures are followed, including the appointment of an adviser, where the local authority decides to provide adoption support services.		YES	

**Review of Statutory Duties**

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Adoption	Adoption and Children Act 2002 Sections 2, 18, 19, 22, 30-35 . Secondary - Adoption Agencies Regulations 2005 (SI 2005/351) (made under s.9 of the 2002 Act)	Detailed provision in relation to functions and duties of adoption agencies at various stages of the adoption process. "Adoption agency" is defined as a local authority or registered adoption society (Voluntary Adoption Agency).	To ensure that adoption processes are undertaken efficiently and effectively - including matching and decision making - in the best interests of the child. Also ensuring that the local authority only places a child for adoption where they are satisfied that the child ought to be placed for adoption, either with parental consent or a placement order (an order of the court authorising an LA to place a child for adoption).		YES	
Adoption	Adoption and Children Act 2002 Section 56. Secondary - (see the Disclosure of Adoption Information (Post-Commencement Adoptions) Regs 2005 (SI 2005/888).	Keeping prescribed information in relation to an adopted person .	This applies to all adoption agencies, including local authorities.		YES	
Adoption	Adoption and Children Act 2002 section 56. Secondary - (see the Disclosure of Adoption Information (Post-Commencement Adoptions) Regs 2005 (SI 2005/888).	Access to Information and Intermediary Services - Duty on the adoption agency to keep prescribed information in relation to an adopted person .	This applies to local authorities in their capacity as adoption agencies.		YES	
Adoption	Adoption and Children Act 2002 Section3(2). Secondary - The Adoption Support Services Regs 2005 (SI2005/691).	Making arrangements for the provision of adoption support services. Adoption Support Services are defined in section 2(6) of the 2002 Act. By virtue of the Adoption Support Services Regs 2005 the LA may provide these facilities by securing their provision by e.g. registered adoption societies, another LA, a registered adoption support agency.	To ensure that local authorities provide support to adopters and adopted children. Regs prescribe the activities considered to be Adoption Support Services.		YES	
Adoption	Adoption and Children Act 2002 Act Sections 83 Secondary - Adoptions with a Foreign Element Regulations 2005 ('FERs'): Non-Hague Convention (s.83) cases	Responsibilities in relation to inter-country adoption. In non Convention cases, a duty to review and visit a child once it has been brought into the country.	Ensures that adoption agencies assess prospective adopters in accordance with the regulations before the child can be brought into the UK. Also that they visit and review the child's placement; and provide pre and post adoption support to prospective adopters.		YES	
Safeguarding Children	Education Act 2002 (introduced 1 June 2004) Section 175	Duty on local authorities in relation to their education functions to ensure that these functions are exercised with a view to safeguarding and promoting the welfare of children. The authority must have regard to guidance given by the Secretary of State (in England)/ Welsh Ministers (in Wales).	Aims to ensure that safeguarding is integral to all that local authorities do in carrying out their education functions. Applies to: Local authorities in their education functions (and also to governing bodies of maintained schools, governing bodies of Further Education institutions; independent schools).		YES	
Curriculum	Education Act 2002 Sections 79 (6) and (7).	General duties in respect of sex education and the curriculum.	To have regard to statutory guidance on sex education issued by the Secretary of State when exercising any function that may affect the provision of sex education in maintained schools	School Improvement	NO	
Teachers and staff	The Education (School Teachers Prescribed Qualifications) (England) Regulations 2003 and The Education (Specified Work and Registration) (England) Regulations 2012 and Education (School Teachers) (Qualifications and Specified Work) (Miscellaneous Amendments) (England) Regulations 2012	Require maintained and non maintained special schools in England to check that their teachers have Qualified Teacher Status or fall within the special categories outlined in the regulations and sets out qualifications they must have.	Relates to local authorities in their capacity as employers of teachers in maintained schools.	Human Resources	NO	
Teachers and staff	The Education (Health Standards) (England) Regulations 2003	Require schools to ensure that staff involved in relevant activity or teaching meet the necessary health and physical capacity required to do their job.	Relates to local authorities in their capacity as employers of teachers in maintained schools.	Human Resources	NO	
Teachers and staff	The Education (Specified Work and Registration) (England) Regulations 2012 and Education (School Teachers) (Qualifications and Specified Work) (Miscellaneous Amendments) (England) Regulations 2012	Requires school teachers to be qualified.	Relates to local authorities in their capacity of employers of teachers in maintained schools	Human Resources	NO	
Inspection	Local Authority accountability: (1) s20 Children Act 2004 and The Children Act 2004 (Joint Area Reviews) Regulations 2005 (2) s137 Education & Inspections Act 2006 and The Education & Inspections Act 2006 (Inspection of Local Authorities) Regulations 2007(3) s.141 Education & Inspections Act 2006	(1) Joint Area Reviews: regulations require the local authority to distribute the report and produce and distribute a post inspection action plan (2) Reports of inspections under section 136: requires the LA to distribute the report and produce and distribute a post inspection action plan as specified in regulations. (3) Power to require information etc: requires the local authority to provide the Chief Inspector with any information or document she requires in relation to local authority performance of its functions or in connection with her own functions.	Inspection of local authority children's services - (1&2) There is no current programme of full joint area reviews, however, the legislation is used for the programme of 3 yearly inspections of safeguarding and looked after children. There is no current programme of s136 inspections of local authorities, but the legislation could be used for ad hoc inspections. Where an inspection takes place under either provision, the duties on the local authority ensure that: relevant bodies / persons are aware of the outcome of the inspection; the local authority responds to the report; and relevant bodies / persons are made aware of that response. (3) Facilitates the process of inspection and assessment of a local authority.		YES	
Children and Young People	Children Act 2004 Section 11 .	Duty to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children; and applies where services provided through a third party.	The aim is to ensure that safeguarding is integral to all that local authorities do.		YES	
Safeguarding Children	Children Act 2004, sections 13. (Sections 14 - 16 refer to the functions, procedure and funding of Local Safeguarding Children Boards). Secondary - Local Safeguarding Children Boards Regulations 2006, SI 2006/90.	Local authority duty to establish a Local Safeguarding Children Board (LSCB), to ensure representatives of various bodies and of the local community are included on it, and to co-operate with the "Board partners". The LSCB co-ordinates what is done by partners to safeguard and promote the welfare of children. The LSCB has a range of specific functions including serious case reviews, reviews of child deaths and the production of an annual report.	Safeguarding and promoting the welfare of children requires effective co-ordination in every local area. The LSCB is the key statutory mechanism for agreeing how the relevant organisations in each local area will co-operate to safeguard and promote the welfare of children in that locality.		YES	

**Review of Statutory Duties**

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Children and Young People	Children Act 2004 Section 18	Duty to appoint a Director of Children's services to fulfil the functions of the local authority as they relate to children and young people, including education, children's social care and local partnerships	To provide a single line of accountability within the local authority for services to children and to promote co-operation to improve children's well-being among partners in the local area		YES	Education White Paper indicates possible changes.
Children and Young People	Children Act 2004 Section 19	Duty to designate a Lead Member for Children's Services to discharge functions of the local authority as above	To provide a single line of political accountability within the local authority for services to children and to promote co-operation to improve children's well-being among partners in the local area		YES	Education White Paper indicates possible changes.
Children and Young People	Children Act 2004 Section 10 (1)	Duty to co-operate' – to make arrangements to promote co-operation between the local authority; each of the authority's relevant partners, and such other persons or bodies the authority consider appropriate to improve outcomes for children. Those outcomes are defined as the five Every Child Matters outcomes: be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well-being	To promote and encourage better co-operation and partnership working among the various agencies which provide or commission services for children (and families) at every organisational level from strategic planning to front line multi agency team work		YES	Still applicable in relation to potential changes arising from the Education White Paper?
Children and Young People	Children Act 2004 Section 10(3)	Duty to have regard to the importance of parents and carers in improving children's wellbeing.	To highlight the importance of families to children's well-being in the Children Act 2004.		YES	
Children and Young People	Children Act 2004 Section 12A as amended by the Apprenticeship, Skills, Children and Learning Act 2009	Duty to establish a Children's Trust Board as part of the wider co-operation arrangements.	To standardise existing arrangements by creating a statutory body in every local authority area to oversee the co-operation arrangements to improve children's well-being. The Government has announced its intention to repeal this requirement.		NO	
Complaints	Education Act 2005 Sections 11B and 11	Power of Chief Inspector to investigate complaints about schools: Duty on local authority, if requested to do so by the Chief Inspector, to (1) provide information relevant to an Ofsted investigation of a parental complaint about a school maintained by the local authority; (2) make arrangements for meeting for parents to be held (where the school does not have a delegated budget); (3) provide a copy of the Chief Inspector's report to parents (where the school does not have a delegated budget).	To facilitate the investigation, by Ofsted, of a parental complaint about a maintained school.	School Improvement	NO	
Schools	Education Act 2005 Section 15 amended by Education Act 2011 Section 40	If after a section 5 inspection the Chief Inspector considers a school to require special measures or significant improvement, local authorities are required to consider what action to take in light of the report and prepare a written statement of action they propose to take in light of the report and to send a copy to the Chief Inspector, and in the case of a voluntary aided school, the person who appoints the foundation governors and the appropriate appointing authority.	To ensure local authorities take action when a school goes into an Ofsted category.	School Improvement	NO	
Adoption	Adoption and Children Act 2002 Sections 61, 62 Secondary (post commencement) - Adoption Agencies Regulations 2005- duty to keep child/prospective adopter (PA) case records. Disclosure of Adoption Information (Post-Commencement Adoptions) Regs 2005 . Secondary (pre-commencement) - Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regs 2005. Adoption Agencies Regulations 1983.	Disclosing, where appropriate, 'protected information' about adults/children following an application, and obtaining the views of the person the information is about (or parent/guardian/child if the information is about a child) before doing so. Retaining adoption information for certain periods and keeping it secure and confidential.	Sets out how adoption agencies should manage information about adoptions. Ensures those involved in adoption have access to appropriate information and that contact between adopted persons and their birth relatives can be facilitated where appropriate.		YES	
Adoption	The Adoption Support Services Regs (SI 2005/691) set out which types of support services must be extended to which categories of persons.	Where the local authority decides to provide adoption support services, they have a duty to prepare a plan and keep this under review. There is a duty on the local authority to review the provision of support services/financial support where, for example, there is a change in that person's circumstances, or annually.	The Regs also place a duty on the local authority to appoint an adoption support services adviser; set out the procedure for the local authority to follow when carrying out an assessment for support services and financial support; and impose a duty on the local authority to give the person requesting an assessment notice of the proposed decision to allow for representations.		YES	
Adoption	Adoption and Children Act 2002 Section 84. Secondary - Adoptions with a Foreign Element Regulations 2005.	Preparing reports for the court in relation to applications for parental responsibility orders where a child is being taken out of the UK for the purposes of adoption. In Convention cases, providing counselling and information, undertaking assessments and reports, and exchanging relevant documents.	Ensuring that adoption agencies understand and comply with inter-country adoption procedures to protect children who are being adopted outside of the UK, providing relevant information for the courts so that they are able to make fully informed decisions.		YES	
Adoption	Private Fostering Regulations 2005	For local authorities to safeguard privately fostered children in their area	To assess and monitor private fostering arrangements to ensure that they are safe and suitable for children		YES	
Establishment of New Schools	Education and Inspections Act 2006 Sections 6a, 7, 9, 10 and 11, amended by Education Act 2011 section 37. Secondary legislation - The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007.	Local authorities to follow the prescribed statutory process when considering inviting proposals / considering proposals to establish new schools	Outlines the statutory process and local decision making arrangements. Requires local authorities to give precedence to academy proposals when they consider that there is a need for a new school in their area.	Strategic Place Planning	YES	Replaced by the Free School process.
Closure of Schools	Education and Inspections Act 2006 Section 15 . Secondary legislation - The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007. (applies to Local authorities).	Local authorities to follow the prescribed statutory process when proposing the closure of existing maintained schools.	Local authorities are able to take an overview to plan the provision of schools to meet local needs	Strategic Place Planning	NO	
Alterations of Existing Schools	Education and Inspections Act 2006 Section 19 . Secondary legislation - The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007.	Local authorities to follow the prescribed statutory process when proposing alterations to existing schools.	Outlines the statutory process and local decision making arrangements. To ensure a consistent, open and transparent process when proposing changes to existing maintained schools.	Strategic Place Planning	NO	



**Review of Statutory Duties**

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Complaints	Education and Inspections Act 2006 Section 60	If an LA issues a performance, standards and safety Warning Notice (WN) to a governing body of a school it must comply with a set of statutory requirements (e.g. WN must be in writing; it must set out the matters which have caused concern, the action which the governing body is required to take to remedy those matters, the initial period when they must remedy the concerns or make representations to Ofsted and the action the LA are minded to take if the governing body fail to take the required action).	It is intended to achieve early intervention by local authorities in schools causing concern. A school is eligible for intervention if it is in an Ofsted category or if it fails to comply with a valid warning notice issued by a local authority where there are concerns over performance, poor management and governance or where the safety of pupils and staff are threatened.	School Improvement	NO	
Complaints	Education and Inspections Act 2006 Section 63	If a local authority requires a school eligible for intervention (other than where a warning notice has been given under section 60A ) to enter in to 'arrangements' (e.g. collaboration/federation etc), the local authority must consult the Governing Body of the school and, in the case of foundation or voluntary schools, the appropriate diocesan or appointing authority. If the school is eligible for intervention because a warning notice has been given under section 60 of the Act, the power must be exercised within 2 months following the end of the compliance period.	To allow a local authority to require a school eligible for intervention to enter into a contract or arrangements with another school, FE college or named person for the purpose of school improvement.	School Improvement	NO	
Intervention	Education and Inspections Act 2006 Section 64	Power fo LA to appoint additional governors if the school eligible for intervention. If school is eligible for intervention for failure to comply with a warning notice - this power only lasts for 2 months after warning notice has been given and not compeiod with by GB.	To strengthen the local authority voice on the Governing Body and/or to appoint governors with expertise in key areas to support a school's improvement.	School Improvement	NO	
Intervention	Education and Inspections Act 2006 Section 65	If local authorities want to put in place an Interim Executive Board (IEB) in a school eligible for intervention, they must apply to the Secretary of State for consent and before doing so, must consult the Governing Body and in the case of foundation or voluntary schools, the appropriate diocesan or appointing authority.	To secure a step change in the leadership and membership of a school through a specially appointed Governing Body for a temporary period.	School Improvement	NO	
Intervention	Education and Inspections Act 2006 Section 66	If a local authority decides to give notice to a governing body of a school eligible for intervention that it is suspending its right to a delegated budget, the power must be exercised within 2 months following the end of the defined compliance period where it is eligible for intervention for failing to comply with a warning notice.	For the school to secure control over staffing and spending decisions in order to achieve improvements or where the budget is proving a distraction from improvement priorities.	School Improvement	NO	
Estates	Sections 18, 19, 21, 22, 23, 24, 31, 181 and 183 Education and Inspections Act 2006. Secondary - The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007.	Transfer of land on the change of a school category	Legislation governs transfer of land from one body to another as a school changes category, e.g. if a community school becomes a Trust.	Strategic Place Planning	NO	
Safeguarding Children	Safeguarding Vulnerable Groups Act 2006	Imposes various requirements on (among other bodies) local authorities, including requirements: not to employ barred people to do 'regulated activity' (s7 and s9); to check that their employees/volunteers are subject to monitoring (Independent Safeguarding Authority -registered (ISA) before permitting them to engage in regulated activity (was s10(1) - repealed by the Protection of Freedoms Act 2012, s115(1), (2), Sch 9, Pt 6, paras 43, 50, Sch 10, Pt5); to refer individuals to the ISA (e.g. where they are removed from regulated activity) (s39); and to give information to the ISA on request (s40).	Duties apply to local authorities and others. Duty to refer and provide information to the ISA is intended to assist ISA in relation to its barring functions. All duties, save those relating to subject to monitoring are in force. This is currently subject to a review	Human Resources	YES	
Teachers and staff	Education Act 2006 Sections 60A and 69B.	The Secretary of State may direct the local authority to give a warning notice to the governing body under section 60A if the local authority decides not to do so. The local authority must comply with that direction. (Section 60A confers power on local authorities to give a warning notice (a teacher's pay and conditions warning notice) to a governing body where it is satisfied that the governing body have failed to comply with any provision of a School Teachers' Pay and Conditions Order which applies to teachers or the governing body has failed to secure that the head teacher complies with any such provision.)  Section 72 of the 2006 Act imposes a duty on local authorities to have regard to guidance.	The intention is to provide a safeguard so that local authorities (or ultimately the Secretary of State) can ensure that teachers receive their statutory entitlements regarding their terms and conditions.	Human Resources	NO	
Early Years	Childcare Act 2006 Section 1	General duty to improve the well-being of children under five and reduce inequalities.	Places a duty on local authorities to improve the outcomes of all children under 5 and close the gaps between groups with the poorest outcomes and the rest by ensuring early years' services are accessible to all families.	Strategic Place Planning	YES	
Early Years	Childcare Act 2006 Section 1(3) and (4). Secondary - Local Authority Targets (Well-Being of Young Children) Regulations 2007 (SI 2007 / 1415) as amended by 2008 regulations.	Local authorities are required to act in manner best calculated to meet targets set for them by the Secretary of State.	Section 1 gives powers to Secretary of State to set targets in relation to the local authority early years outcome duties and underpinning regulations set out the process to be followed. i.e. local authority targets set must relate to the Early Years Foundation Stage Profile. Local authorities are under a duty to act in response to targets set for them by the Secretary of State in relation to Early Years outcomes, but the Secretary of State no longer sets any such targets so this duty has no practical effect.		NO	

**Review of Statutory Duties**

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Early Years	Childcare Act 2006 Section 3	Specific duties in relation to early years services. Includes duties to: make arrangements to ensure integrated provision of early years services; take steps to identify parents not using services and to encourage them to do so; take reasonable steps to encourage the involvement of various interested parties in the making and implementation of arrangements made under this section of the Act; have regard to such information about the views of young children as is available; and have regard to statutory guidance.	Section 3 encourages local authorities to work with health services and employment services when arranging early years services. It also encourages them to take into account the views of interested parties, and to promote early years services to those parents least likely to use them.	Early Years	YES	
Early Years	Childcare Act 2006 Section 4	Duty to make arrangements to work with the National Health Service Commissioning Board and Job Centre Plus in performance of the local authority's duties under sections 1 and 3 of Childcare Act 2006	To ensure Local authorities work with National Health Service Commissioning Board and Jobcentre Plus to achieve their early years outcome duty.	Early Years	NO	Defunct
Early Years	Childcare Act 2006 Section 99 - Secondary - The Childcare (Provision of Information About Young Children) Regulations 2009 (SI 2009 / 1554).	Annual collection of Early Years Foundation Stage Profile data. Gives power to local authorities to collect information about individual children receiving early years provision, but also places a duty on local authorities to supply that information to the Secretary of State if requested.	This duty underpins various information collections and enables the Secretary of State to obtain information collected by local authorities from childcare providers to help compile Early Years Foundation Stage Profile data and the Early Years Census returns. Local authorities need a range of information to exercise their roles and responsibilities effectively. They are required to provide informatio to parents and families in their areas about provision.	Early Years	YES	
Information	Childcare Act 2006 Section 12. Secondary The Childcare Act 2006 (Provision of Information to Parents (England) Regulations 2007.	Duty to provide information, advice and assistance	The duty is intended to ensure that local authorities establish and maintain a service providing information, advice and assistance for parents and prospective parents with information on the provision of childcare and on other services or facilities, or publications, that may benefit them or children or young people. They should also provide particular help to parents from groups likely to find it more difficult to access suitable childcare, e.g. parents of disabled children.	Early Years	YES	
Children's Centres	Childcare Act 2006 Section 5A	Duty to secure sufficient children's centres to meet local need, so far as this is reasonably practicable	Intended to ensure there are sufficient children's centres in all local authority areas		YES	
Children's Centres	Childcare Act 2006 Section 5C	Duty to secure that each children's centre is within the remit of an advisory board	Intended to ensure there are advisory boards for all children's centres. These provide advice and assistance to children's centre leaders, who are responsible for managing children's centres		YES	
Children's Centres	Childcare Act 2006 Section 5D	Duty to secure that consultation is carried out before children's centres are opened or closed or have significant changes made to services	Intended to ensure that local parents and any other interested parties are consulted about any major changes that are proposed to be made to children's centre provision		YES	
Children's Centres	Childcare Act 2006 Section 5E(2)	Duty to consider whether early childhood services should be delivered through one of the children's centres in the area	Intended to ensure that local authorities (and Primary Care Trusts and Job Centres Plus) actively consider whether services to young children and/ or their parents should be provided through children's centres.		YES	
Children's Centres	Childcare Act 2006 Section 98C(3)	Duty to produce and publish an action plan after an Ofsted inspection	Intended to enable parents and others interested in the quality of children's centre provision to see how any concerns arising during an inspection are going to be addressed.		YES	
Childcare	Childcare Act 2006 Section 6	Duty to secure sufficient childcare for working parents (or parents in education/training)	To require local authorities to ensure there is childcare available to enable parents to take up or remain in work or to undertake education or training to assist them in obtaining work.	Strategic Place Planning	YES	
Childcare	Childcare Act 2006 Section 7 as amended by Education Act 2011 Section 1	Duty to secure prescribed early years provision free of charge	To ensure that all children under school age, as described in regulations or guidance from the Secretary of State, can access free nursery education.	Strategic Place Planning	YES	
Childcare	Childcare Act 2006 Section 11	Duty to assess childcare provision	To ensure local authorities undertake an assessment to childcare provision in their area to enable them to meet their duty to secure sufficient childcare for working parents (s6 Childcare Act 2006)	Strategic Place Planning	YES	
Childcare	Childcare Act 2006 Section 13	Duty to provide information, advice and training to childcare providers, and prospective providers.	To ensure that local authorities give local childcare providers and would-be providers in their area the necessary support to help deliver sustainable affordable and high quality childcare that meets the needs of the community.	Early Years	YES	
Early Years	The Early Years Foundation Stage (Learning and Development Requirements) Order 2007	Early Years Foundation Stage: places a duty on local authorities to make provision to ensure that early years foundation profile assessments made by providers in their areas are accurate and consistent, and have regard to any guidance given by the Department for Education.	Enables local authorities to ensure schools and early years providers fulfil their statutory duty in implementing and administering early years foundation stage assessment arrangements. The duty is intended to support the accuracy and consistency of early years foundation stage profile data reported to parents and practitioners, and by the Department for Education at national and local authority levels.	Early Years	YES	
School Admissions	The Information as to Provision of Education (England) Regulations 2008 No. 4	Information to be provided by authorities to the Secretary of State	Local authorities must provide the Secretary of State with a report on secondary school admissions on 1st March (or in any year which 1st March is not a working day, on the next working day.)	Admissions	YES	

**Review of Statutory Duties**

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Teachers and staff	The Education (Induction Arrangements for School Teachers) (England) Regulations 2012	Sets out the regulations relating to the need for registered teachers to complete formal induction periods and for schools not to employ a person as a teacher unless they have satisfactorily completed their induction period. This relates to local authorities in their capacity as employers of teachers in maintained schools.	It is intended to ensure that all teachers in the maintained sector have demonstrated that they meet the core professional standards for teaching. No qualified teacher can be employed in a maintained school or a non-maintained special school unless that person has satisfactorily completed an induction period in accordance with these regulations, subject to various exceptions.	Human Resources	NO	
Schools	The Education School Information (England) Regulations 2008 SI 2008/3093 Regulation 5.	Local authority to publish composite prospectus	Places a duty on local authorities to publish annually, and make available to parents, a composite prospectus which includes all local primary and secondary schools. Amendments to these Regulations (SI 2010/1006), intended to broaden the range of statutory information to be included in composite prospectuses, came into force 1 September 2010.	Strategic Place Planning	YES	Is this still an appropriate duty for the LA?
Special Education Needs	The Education School Information (England) Regulations 2008 Regulation 8 of SI 2008/3093.	Local authority to publish other information for parents	Places a duty on local authorities to publish miscellaneous information annually (including the making of educational grants, Special Educational Needs provision, school transport strategies, school uniform policies etc). The amendments to these regulations (SI 2010/1006), which came into force on 1 September 2010, do not amend this duty.	Strategic Place Planning	YES	Is this still an appropriate duty for the LA?
Young People	Education and Skills Act 2008 Section 68.	To make available to young people and relevant young adults such services as they consider appropriate to encourage, enable or assist them to engage and remain in education or training. The services are currently known as Connexions services. Local authorities must: have regard to any guidance issued by the Secretary of State; comply with any directions given by the Secretary of State relating to the exercise of their functions under section 68; and can fulfil the duty to make services available either by providing them itself or by making arrangements with others which could include other local authorities.	Local authorities have a statutory duty to 'assist, encourage and enable' young people aged 13-19 (and young adults with a learning difficulty and/or disability up to the age of 25) to participate in education or training. Services provided under this duty are delivered under the 'Connexions' brand. The Government announced on 4 November 2010 the establishment of an all-age careers service by April 2012. These new arrangements will mean local authorities no longer provide a universal careers guidance offer, but they will retain responsibility for providing targeted support for vulnerable young people and have greater flexibility to do so.		YES	Is this still an appropriate duty for the LA?
Young People	Education and Skills Act (2008) chapter 2 section 10	Required to promote the effective participation in education or training of the young people in their area to 18 (or 25 for those with learning difficulties or disabilities). The duty is already enacted but comes into force in June 2013.	Key driver behind Raising the Participation Age.	Strategic Place Planning	YES	Is this still an appropriate duty for the LA?
Budget	Apprenticeships Skills Children and Learning Act 2009 Sections 251 and 252 .	Local authorities must provide information about their planned and actual expenditure (annual budget and outturn statements) on their education functions and their children's social services functions, in accordance with directions given by the Secretary of State.	The statements are an important means of informing schools, school forums, the public and Parliament about the funding plans and spend of local authorities in respect of their schools and their children's services. The statements provide a consistent format across the country so that meaningful comparisons can be made between authorities about the overall education and children's services budgets. This data collection is the main source of financial information the Government draws upon to evaluate the effectiveness of its funding mechanisms. In addition, those data allow schools, school forums and the Department for Education to challenge allocations that do not allow for high quality education and children's services at the front line, and for local authorities to compare their spending patterns with those of other local authorities in order to follow good practice.	Finance	YES	
Teachers and staff	The School Staffing (England) Regulations 2009.	The appointment, management and dismissal of staff.	Outlines the duties of the local authority (and the governing body) in relation to the appointment, management and dismissal of staff.	Human Resources	NO	
Teachers and staff	School Staffing (England) Regulations 2009	Require schools in England to keep a register or single central record of the recruitment and vetting checks carried out on staff.		Human Resources	NO	
Safeguarding Children	The Local Safeguarding Children Boards (Amendment) Regulations 2010 - SI 2010/622 (under Children and Young Persons Act 2009)	To ensure local authorities take reasonable steps to ensure representation of schools and further education institutions on the Local Safeguarding Children Boards	To ensure local authorities take reasonable steps to ensure representation of schools (maintained and independent) and further education institutions on the Local Safeguarding Children Boards		YES	
Over compulsory school age	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 41 inserts sections 15ZA and 15ZB into the Education Act (1996)	Duty in respect of education and training for persons over compulsory school age:	That local authorities act as the strategic commissioner of provision for young people aged 16-19 (and those aged up to 25 who are subject to a learning difficulty assessment).	Strategic Place Planning	YES	Is this still an appropriate duty for the LA?
Over compulsory school age	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 42 inserts section 15ZC into Education Act (1996)	Encouragement of education and training for persons over compulsory school age.	To ensure local authorities encourage participation in education and training.	Strategic Place Planning	YES	Is this still an appropriate duty for the LA?
Education	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 44 inserts section 51A into Further and Higher Education Act 1992	Duty to provide for named individuals	Local authorities, if necessary, can require a provider to make provision for a named individual	Strategic Place Planning	YES	Is this still applicable?
Education	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 45, inserts section 17A - 17D in the Education Act (1996)	Duties in relation to the core entitlement.	Defines the core entitlement and the local authority's role in securing this. The core entitlement comes into force from the academic year 2013/14.	Strategic Place Planning	NO	
Special Education Needs	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 46 inserts section 514A - in the Education Act (1996)	Provision of boarding accommodation for persons subject to learning difficulty assessment	Local authorities have a power to secure boarding accommodation for young people aged over 16 but under 25 who are subject to a learning difficulty assessment	Special Educational Needs	YES	
Over compulsory school age	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 47 inserts section 560A into the Education Act (1996)	Work experience for persons over compulsory school age: England	Sets out the role of the local authority in securing work experience for young people aged 16-19 (25)		YES	Is this still an appropriate duty for the LA?

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**Review of Statutory Duties**

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Education of Young Offenders	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 sections 48-52 insert various clauses into the Education Act (1996)	Provision of education for persons subject to youth detention	Sets out the role of the local authority in providing education for 16-19s in youth detention in their area		YES	
Education	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 sections 56-57	Power of Local Education Authorities to arrange provision of education at non-maintained schools		Strategic Place Planning	YES	Is this still applicable?
Teachers' Pensions	Teachers' Pensions Regulations 2010	Local Authority is regarded as the employer for pension purposes for all teachers in schools maintained by them (Local authorities). These specific duties are related to service and contribution remittance.	The Teachers' Pension Scheme is an occupational pension scheme which benefits employers as well as teachers.	Human Resources	NO	
Education	Equality Act 2010 Section 88 and Schedule 10. This came into force on 1 October, replicating duties under the Disability Discrimination Act 1995. The Disability Discrimination (Prescribed Times and Periods for Accessibility Strategies and Plans for Schools) Regulations 2005	Accessibility for Disabled Pupils	To develop accessibility strategies to facilitate better access to education for disabled pupils. Under this same legislation schools also have to develop access plans which build upon the local authority access strategy.	Strategic Place Planning	YES	Is this still an appropriate duty for the LA?
Child Poverty	Child Poverty Act 2010	Duties of local authorities and other bodies in England: requires local cooperation arrangements to be made to reduce and mitigate the effects of child poverty in local areas; and the arrangements to include arrangements to prepare and publish local child poverty needs assessments, and to prepare joint child poverty strategies for local areas.	Tackling child poverty requires action at national and local levels, and the Child Poverty Act therefore compels both tiers of government to act (the Act requires the Government to publish a UK child poverty strategy). Part 2 of the Child Poverty Act aims to ensure that all local authorities take steps to enable more effective cooperation at local level, grounded in strong knowledge and understanding of child poverty in local areas and leading to clear strategies and plans through which cooperation and partnership working can have a demonstrable impact on child poverty in local areas.		YES	
Religious Education	Education Act 1996 Section 390	The LA shall convene a Standard Advisory Council for Religious Education (SACRE) who must consider and approve applications for a determination from a school to modify the type of collective worship (CW) provided to reflect the backgrounds and traditions of the school community.	This ensures that where a school serves a community which is predominantly of a faith other than Christian, they have the flexibility to change the nature of their daily act of collective worship in order to reflect the needs of the local community.	School Improvement	YES	Why would this still be a role for the LA?
Looked after Children	Children Act 1989 section 22	Duties on local authorities in relation to looked after children: duty to safeguard and promote their welfare; duty to ascertain wishes and feelings of child/parents before making any decision; and in making any decision to give due consideration to those wishes and feelings and to the child's religious persuasion, racial origin and cultural and linguistic background.	A looked after child is a child who is subject to care order or provided with accommodation by the local authority in exercise of its social services functions. The duty to take account of the wishes and feelings of the child is important to ensure these children have a say in key decisions about their life and that the plan for the child's care is appropriate to their needs. Required for compliance with articles 12&13 of United Nations Human Rights Charter.		YES	
Looked after Children	Children Act 1989 section 23	Accommodation for looked after children. A child may be placed back with their parents, with local authority foster parents (which could be family/friend), in a children's home or through other arrangements.	The following sets of Regulations set out in detail the local authority care planning responsibilities: Arrangements for Placement of Children (General) Regulations 1991 (SI 1991/890); Placement of Children with Parents etc Regulations 1991 (SI1991/893); and Fostering Services Regulations 2002 (SI 2002 /57) - Parts 4,5 and 6.		YES	
Looked after Children	Children Act 1989 Schedule 2 paragraph 15.	Promoting contact between the child and his family.	To ensure that local authorities use their best endeavours to promote contact between the child and his family.		YES	
Looked after Children	Children Act 1989 Schedule 2, paragraph 19.	Making arrangements for a looked after child to live outside England and Wales.	Restrictions on the making of such arrangements.		YES	
Looked after Children	Children Act 1989 Sections 25A, 25B and 25C, inserted by Children and Young Persons Act 2008, coming into force on 1 April 2011 – to replace the duty under section 26 Secondary - Care Planning, Placements and Case Review (England) Regulations 2010	Extending the duties in relation to Independent Reviewing Officers (IRO) including their appointment, qualifications and responsibilities.	These changes ensure that local authorities appoint a suitably qualified IRO for all looked after children to ensure that care planning and case review are done well, reflect the needs of the child and take into account their wishes and feelings. The IRO also monitors the performance of the LA in its functions and ensures independence and appropriate governance in decisions about the child's case.		YES	
Looked after Children	Children Act 1989 Section 23ZA, inserted by Children and Young Persons Act 2008. Secondary - Care Planning, Placement and Case Review (England) Regulations 2010 and Visits to Former Looked After Children in Detention (England) Regulations 2010 (both to come into force on 1 April 2011).	Visits to and contact with looked after children and certain children who cease to be looked after.	New arrangements to ensure visits take place for children who cease to be looked after as a result of being detained in custody.		YES	
Looked after Children	Section 23ZB inserted by the Children and Young People's Act (this replaces Schedule 2, paragraph 17)	A duty on local authorities to appoint an independent visitor to visit, advise and befriend a looked after child of a prescribed description/in any other case it appears to the local authority it would be in child's interests to do so.	This provides for extending the group of looked after children for whom an independent person must be appointed to visit, befriend and advise the child to include all those for whom an appointment would be in their interests. Under schedule 2 para 17 of the Children Act 1989 a local authority needed only to appoint an independent visitor to children where communications/visits from the family were infrequent. It gives the appropriate national authority the power by regulations to extend those to whom the duty is owed to prescribed groups of looked after children.		YES	

**Review of Statutory Duties**

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Care leavers	Children Act 1989 Sections 23A to 24B Secondary - Children (Leaving Care) (England) Regulations 2001 which are to be replaced from 1 April 2011 with new Care Leavers (England) Regulations 2010.	Care Leavers - Supporting 'relevant children' and 'former relevant children' (care leavers). A relevant child is defined as a child who is aged 16 or 17, who is no longer looked after, and who was, before last ceasing to be looked after, an "eligible child". A former relevant child is defined as (i) a person who was a relevant child (and would be one if he was still under 18) or (ii) a person who was an eligible child when, at the age of 18, he ceased to be looked after	To support good quality professional practice and ensure that local authorities provide care leavers with the necessary support to achieve positive outcomes in adulthood – e.g. stable accommodation, financial assistance and an up to date pathway plan. These duties continue until the former relevant child reaches 21 and in some cases beyond that age.		YES	
Care leavers	Children Act 1989 sections 23C and 24B	Duties on Local authorities in relation to former relevant children: to keep in touch; to continue with the pathway plan and the personal adviser; to give financial assistance related to the child living near the place where he is or will be employed, so far as his welfare requires it; and to give financial assistance to the extent his welfare and his educational or training needs require. These duties continue until the former relevant child reaches the age of 21, except in the case of a former relevant child whose pathway plan sets out a programme of education or training which extends beyond his 21st birthday in which case the duties to continue with related financial assistance, the pathway plan, and the personal adviser continue for as long as he pursues that programme.	To provide on-going support and guidance to 18 year old care leavers particularly with regard to their education.		YES	
Care leavers	Children Act 1989 Section 24C	Providing information to another local authority if a care leaver or person qualifying for advice and assistance proposes to live or is living in the area of that other local authority .	Ensuring that care leavers are adequately supported by ensuring that relevant information is shared between local authorities when appropriate.		YES	
Care leavers	Children Act 1989 Part 3 and Parts 4 and 5 under section 24D of the Children Act 1989	Complaints may be made about the local authority functions specified in regulations and adoption functions and special guardianship support services or in the case of complaints "leaving care" functions of the local authority			YES	
Care leavers	Children Act 1989 Section 26A Secondary - Advocacy Services and Representations Procedure (Children) Amendment Regulations 2004.	Making arrangements for the provision of advocacy services for care leavers and children who make or intend to make representations.	To ensure looked after children and care leavers have access to independent advice and advocacy where they feel there are serious problems with the quality of the support or care being provided to them.		YES	
Adoption	Adoption and Children Act 2002 Section 2(8).	Providing facilities for inter-country adoption within adoption service.	Extends the duty of Local authorities to provide adoption services to include inter-country adoption. Provides that "adoption" includes the adoption of persons wherever habitually resident and effected under the law of any country or territory within or outside the British Islands.		YES	
Safeguarding Children	Children Act 1989 section 22	Places a duty on the local authority to apply for a placement order in certain circumstances.			YES	
Adoption	Children Act 1989 sections 30-35	The local authority may remove a child who has been placed for adoption from the prospective adopters and duties on the local authority where the parent wishes to recover the child or the potential adopters wish to return the child.	Allows the local authority to remove a child from an unsuitable placement which is not in the child's best interests and might put the child's welfare at risk, following adoption		YES	
Adoption	Adoption and Children Act 2002 Section 58, 60.	Disclosing information to adopted adult if requested and to a prescribed person in prescribed circumstances.	Ensuring adults who have been adopted have access to information about their background, including their birth family.		YES	
Adoption	Adoption and Children Act 2002 Sections 4(1). Secondary - The Adoption Support Services Regulations (SI 2005/691) - set out procedure for assessment	Carrying out an assessment for adoption support services where specified parties request this.	Ensuring that those involved in adoption, at any stage of the process, have access to adoption support services where appropriate.		YES	
Adoption	<i>Hague Convention cases</i>	Adoption agency duties to: provide counselling (reg 14); carry out assessment and prepare potential adopters' report; make a decision as to the potential adopters' suitability to adopt (reg 17); send all relevant information to central authority; consider Article 16 information and discuss with the potential adopter; notify the central authority that procedures have been followed and content for adoption to proceed; inform of proposed placement; where notice of intention to adopt – duties to monitor/review in reg 5 apply (see above); various duties imposed on the local authority if the placement breaks down.	Ensures the UK meets the objectives of the Hague Convention to protect and safeguard children.		YES	
Adoption	Adoption and Children Act 2002 Sections 42, 43, 44	Making an assessment/investigation in relation to applications for adoption orders.	The local authority must provide a report to the court where that child has or has not been placed for adoption by the local authority. The local authority must have been given sufficient opportunities to see the child and prospective adopters in the home environment.		YES	
Safeguarding Children	Children Act 1989 Section 20.	Providing accommodation for any child in need in their area who appears to require accommodation because there is no person with parental responsibility for them, they are lost or abandoned, or the person who has been caring for them being prevented (permanently or not, for whatever reason) from providing them with care.	Ensures children are looked after by the local authority in circumstances where parents or others are unable to do so.		YES	
Safeguarding Children	Children Act 1989 Section 21	Accommodation for children in police protection or detention or on remand (Local authority duty to provide)			YES	

**Review of Statutory Duties**

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Safeguarding Children	Children Act section 25. Secondary - Children (Secure Accommodation) Regulations 1991 (SI 1991/1505) and Children (Secure Accommodation) (No. 2) Regulations (SI 1991/2034).	Allows a local authority to make an application to the Court to seek a secure accommodation order.			YES	
Safeguarding Children	Children Act 1989 sections 44, 44A, 44B and 45	Allows the Court to make emergency protection orders on the application of a local authority (or other authorised body).			YES	
Looked after Children	Children Act 1989 Sections 62, 64.	Ensuring that the welfare of children in voluntary and private children's homes in their area is being safeguarded and arranging for children to be visited.	Ensuring local authorities focus on improving the safeguarding and welfare of the children placed in children's homes in their area, including those living out of area.		YES	
Looked after Children	Children Act 1989 Section 22G	Securing sufficient accommodation within the local authority's area to meet the needs of their looked after children.	This is intended to lead to an increase in the number and range of placements available within the local authority area and so reduce the use of out of area placements, unless they are the most appropriate for the child. It should also lead to a more efficient and cost effective commissioning process.		YES	
Looked after Children	Children Act 1989 Section 22C, 22D, 23 Secondary - Arrangements for Placement of Children (General) Regulations 1991 (SI 1991/890) . Placement of Children with Parents etc Regulations 1991 (SI1991/893) Fostering Services Regulations 2002 (SI 2002 /57) - Parts 4,5 and 6.	Providing accommodation for looked after children and ensuring that the child's case is reviewed prior to making such arrangements.	Ensuring looked after children are provided with suitable accommodation, which can include placement back with their parents, with LA foster parents (which could be family / friends), in a children's home or in other arrangements.		YES	
Looked after Children	Children Act 1989 Section 53 . Part 2 of the Care Standards Act 2000. Secondary - Children's Homes Regulations 2001 (soon to be replaced by the Children's Homes 2001 Amendment Regulations).	Securing sufficient children's homes for the care and accommodation of children looked after by the local authority. As a provider of children's homes, a local authority must be registered in respect of the home under the Care Standards Act 2000, and manage the home in accordance with the Children's Homes Regulations, which impose various obligations on providers.	Ensuring there is adequate provision of children's homes for children looked after by the local authority who need such a home, and that the children's homes are maintained and run to an acceptable standard.		YES	
Care leavers	Children Act 1989 section 23	Adds a further class of former relevant child' - one who is under 25, to whom section 23C no longer applies, and who has informed his local authority that he wishes to pursue a programme of education or training. Duties: to provide a personal adviser; to carry out an assessment of needs, to prepare a pathway plan; and to provide financial assistance to the extent his educational or training needs require it.	Due to come into force on 1 April 2011.		YES	
Safeguarding Children	Children Act 1989 Section 14A(8) subsection(9) Secondary - Special Guardianship Regulations 2005 (SI 2005/1109).	Investigating and preparing a report on the suitability of applicants for a Special Guardianship Order on receipt of notice of an individual's intention to apply.	Facilitating the creation of Special Guardianship Orders (a way of providing a permanent home for children in care and ensuring that the applicant is suitable.		YES	
Special Guardianship	Children Act 1989 Section 14F. Secondary - The Special Guardianship Regulations 2005.	Making arrangements for provision of special guardian support services (including financial support).	Ensuring that local authorities provide support to those involved in special guardianship. Local authorities may provide these services by securing their provision by another local authority or a registered adoption society/registered adoption support agency/registered fostering agency.		YES	
Sixth Form College	Further and Higher Education Act 1992 Section 33E, amended by the Apprenticeships, Skills, Children and Learning Act 2009 Schedule 8.	Requires sixth form colleges to consult with local authorities before offering or participating in secondary education.	Most other local authority duties in relation to further education are transferred to the Secretary of State by the Education Act 2011.	Strategic Place Planning	NO	
Teachers and staff	Education Act 2005 Section 94 as amended by Education Act 2011 Section 15	Duty to provide the Secretary of State with any information necessary for school workforce training.	Reflects the Secretary of State taking over the role of the Training and Development Agency for Schools. From 1 April 2012 the duty to provide this information to the TDA is replaced by the duty to provide it to the Secretary of State.	Human Resources	NO	
Young People	Education Act 1997 section 42A, inserted by Education Act 2011 section 29	Duty to provide independent careers guidance to all pupils in Pupil Referral Units from the ages of 14 to 16. this guidance must be impartial, and include information on all training options available both at ages 16 and 18 including apprenticeships.	Specifies local authorities' duties to provide careers guidance for pupils in Pupil Referral Units. For schools, this duty rests on the governing body. Statutory guidance underpinning this will be published shortly.	Behaviour Support	NO	
Education	Apprenticeships, Skills, Children and Learning Act 2009 Schedule 13 inserts section 69A into the Education and Inspections Act 2006, amended by Education Act 2011 section 44.	Powers of Secretary of State to require a local authority to give a warning notice to a maintained school.	Allows the secretary of state to intervene in under performing schools.	School Improvement	NO	
Education	Academies Act 2010 section 6 amended by Education Act 2011 section 58	Requires that local authorities cease to maintain a school once it becomes an academy. This does not, however, prevent them from providing goods or services to the academy or making payments for some but not all of its expenses.	Makes clear that section 6(2) of Academies Act 2010, which prohibits a local authority from maintaining a school once it has converted into an Academy, does not prohibit a local authority from doing any of the things set out in paragraphs a to c which do not amount to maintaining a school.	School Improvement	NO	
Education	Academies Act 2010 section 7 amended by Education Act 2011 section 57	Requires local authorities to pay the proprietor or an academy any surplus in a school's budget when it converts.		Finance	NO	
Education	Academies Act 2010 section 8 amended by Education Act 2011 section 59, 63, schedule 14	Allows the Secretary of State to transfer to converter academies property (including land), rights or liabilities held by local authorities on behalf of schools which convert.		Legal	NO	
Special Education Needs	Education Act 2011 section 75 inserts section 532A, 532B and 532C into Education Act 1996	Allows local authorities to make direct payments for services for children with special educational needs, and allow the Secretary of State to set up pilots for such direct payments.	Enables direct payments for services for special educational needs.	Special Educational Needs	YES	

**Review of Statutory Duties**

Theme	Legislation	Title of duty	Function - What is it intended to achieved?	Service Area	Ongoing Duty Post Academisation	Comment
Curriculum	The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 (article 6A, inserted by the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) (Amendment) Order 2011) (made under section 87 of the Education Act 2002).	Key Stage 1: Local authorities must exercise their functions to monitor at least 10% of relevant schools to ensure the Year 1 phonics screening check is being administered correctly.	Requirement for local authorities to ensure head teachers fulfil their statutory duty in implementing and administering the Year 1 phonic screening check, which is being rolled out nationally from summer 2012.	School Improvement	NO	
Curriculum	Assessment and reporting arrangements for Year 1 phonics screening check - document has statutory force by virtue of section 87(11) of the Education Act 2002 and article 9 of the SI 2004/2783 as amended by article 7 of SI 2011/3057 but also includes non statutory guidance to local authorities.	Key Stage 1: Local authorities must visit at least 10% of relevant schools before, during and/or after the phonics screening check and submit information/data to the Department.	Requirement for local authorities to monitor the phonics screening check in at least 10% of schools to ensure it is being administered correctly (from summer 2012).	School Improvement	NO	

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