

SECTION '2' – Applications meriting special consideration

Application No : 13/03743/FULL3

Ward:
Hayes And Coney Hall

Address : All Saints Catholic School Layhams
Road West Wickham BR4 9HN

OS Grid Ref: E: 538905 N: 164681

Applicant : Regalpoint Homes (WW) Ltd & The R.C Diocese Of Southwark
Objections : YES

Description of Development:

Demolition of all school buildings, with the exception of the Reception building, and part demolition of the North Stable block, and erection of 48 dwellings comprising 24x4 bed houses, 16x1 bed flats and 8x 2 bed flats and conversion of the stable block into 2x2 bed residential units, together with 108 car parking spaces. Associated landscaping, hardstanding areas, cycle stores and bin stores. Conversion of existing Reception building to 799sqm of office floorspace (Class b1A) together with 8 dedicated car parking spaces and the construction of 2 tennis courts, designated car park. Erection of pavilion and amenity area for community use.

Key designations:

Areas of Archaeological Significance
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
London Loop
Local Distributor Roads

Proposal

Planning permission is sought for (i) the demolition of all buildings on this 2.3 hectare site, except the reception building and the northernmost former stables building, and (ii) the provision of residential dwellings and office floorspace.

The residential element provides 50 residential dwellings, comprising 48 new build houses and flats (24x4 bedroom houses, 8x1 bedroom flats and 16x2 bedroom flats) and the conversion of the former stable building will provide 2x2 bed houses.

For the new build element of the proposal, semi-detached houses, with private rear gardens, will be provided along a central spine estate road and around 2

courtyards which lead off this road. All of the houses will be 2 storeys with rooms in the roof to provide additional accommodation. The flats will be in four blocks along the western boundary and will be 3 storeys facing the west (towards the adjoining fields) and 2 storeys facing the interior of the site. The plans indicate the use of brick and render with plain tiled roofs for the new buildings and would match the appearance of the existing Reception building.

The existing access road into the former secondary school is very narrow and it is proposed to reduce the width of the former stable building to increase the width of this access to allow 2 cars to pass. Within the site, there will be shared surfaces and a one-way system to allow the movement of refuse vehicles.

Refuse and cycle storage is shown for the flats.

The conversion of the existing Reception building of the former school will provide 799sqm of office floorspace over the 2 existing floors and the Diocese have advised that they will retain this building for their own use. There would be dedicated car and cycle parking for these offices.

Access to the application site is via an existing shared driveway from Layhams Road, which is a by-way for St John the Baptist's Church, Wickham Court School and the application site. The submitted plans show a gate across the driveway approximately 16m from Layhams Road. It should be noted that the driveway is used during term time for the drop off and pick up of children that attend Wickham Court School which is situated immediately to the east of the site.

There is amenity land and a former car park on the northern boundary of the 'wider site' and this is shown to provide a community amenity area with 2 tennis courts and a pavilion, a community car park and an amenity area immediately to the north of the former stable building open amenity area.

With regard to car parking provision across the whole site this is provided as follows: - for the residential development, there will 1 space per flat (24 spaces), 1 space for each of the conversion units (2 spaces) and 2 spaces per house (48 spaces). Therefore a total of 74 spaces will be provided for the new build and converted residential buildings. In particular:

- eight spaces are shown to be dedicated for office use.
- nineteen spaces are shown in the community car park.
- there are also 2 existing car parks along the northern boundary. One is used exclusively by the Church and has 7 parking spaces. The other shows 24 spaces that will be used jointly by visitors to the offices and church overspill (weekends only). This provision remains unchanged.
- there is also undesignated parking in the shared driveway.

In summary this amounts to a total increase of 74 dedicated spaces for the residential development plus 8 spaces for the office uses and 19 community car parking spaces.

The applicant advises that there is no funding available for planning contributions for affordable housing, health and education as all the proceeds of the sale of the site will be used for other educational benefits within the borough. The proceeds are earmarked by the Diocese for the rebuilding of Holy Innocents Primary School in Orpington. This site has permission for a replacement school and 9 houses under ref 10/01078. Works have been carried out on-site that the owner considers to constitute implementation of this permission. This is discussed further below.

The applicant has submitted numerous supporting documents including the following

Planning Statement including Financial Viability Statement

This statement sets out the applicant's case in support of the development, in particular addressing development plan policy requirements.

The Financial Viability Statement concludes that the proposed development cannot provide any affordable housing or planning contributions as part of this development as the profit generated by the scheme (apart from the developer's profit) will be diverted to rebuilding Holy Innocents Primary School (HIPS) in Orpington. As indicated above, this is discussed further below.

Revised Design and Access Statement

This statement sets out a site history, the applicant's assessment of the site and surroundings, and the rationale for the development, including a design assessment relating to the use of the site, the quantum of development, scale, landscaping, appearance, refuse details, renewable energy, vehicular access, pedestrian access and links to public transport, cycle storage and inclusive access. An addendum refers to changes in the scheme to reduce the number of units and improve the relationship of the site with the adjoining listed buildings, plus changes to the highway arrangements and the addition of the community facility.

Tree Report

A Tree Report has been submitted which identifies the individual trees and groups of trees on the site and assesses their condition and landscape value.

The proposed plans show the majority of trees to be retained. However several trees on the north side of the North Stable block are shown to be removed to facilitate the proposed widened vehicle access adjacent to the Reception building.

Extended Phase 1 Ecology Assessment

This concludes that the site has a low value for local wildlife with some minor potential for roosting bats, protected nesting birds and badgers. Further surveys and impact avoidance measures are recommended.

Drainage Assessment and Flood Risk Assessment

The report advises that the site is located in Flood Zone 1 (an area with low probability of flooding). The report discusses the potential risks of flooding at the site and the drainage strategy.

Desk Top Contaminated Land Risk Assessment

This report examines the current and potential risks associated with contamination of the ground at the site.

Heritage Statement and Archaeological Desktop Assessment

This sets out the historical context of the application and assesses the significance of the buildings currently on the site, including the impact of demolishing those buildings proposed for demolition. The assessment also sets out the detail of the conversion of the north stable block, and the impact of the proposal on the setting of Wickham Court and St John the Baptist Church. The report concludes that the development will not have an adverse effect on any of the heritage assets referred to above.

Sustainable Energy Report

This sets out options for meeting the London Plan requirements for reduction in carbon emissions for new development and the use of on-site renewable energy technology to make further reductions.

Statement of Community Involvement

This sets out details of community engagement by the applicant prior to the submission of the application. An event was held in September 2013 and the report gives details of attendance and the comments received. The applicant concluded that the issues raised did not result in the need to change the proposed layout and design of the development.

Location

The site is located on the west side of Layhams Road, with vehicular access from the road. To the south are the buildings that form the Daughters of Mary and Joseph Convent, the Retreat and Conference Centre and Care Home. To the north and west is open agricultural land. The site includes open spaces between the former school site and St John the Baptist's Church and between the Church and Layhams Road on the north side of the access road.

The whole of the site lies in the Green Belt. There are no protected trees within the site boundary.

To the west of the application site is the Grade 1 listed St John the Baptist Church. The lychgate is separately listed as Grade 2*. To the east is Wickham Court School which is a Grade 1 listed building, parts of which date back the 1600's.

The northern and southern stables on the site are not listed in their own right or considered to be curtilage buildings to the listed Wickham Court, St John the Baptist's Church or lychgate. Accordingly an application for Listed Building Consent (ref 13/04028) that was originally submitted for the change and demolition of the south stable block has been withdrawn.

The application site has an established use for educational purposes and was previously home to the St John Rigby Catholic secondary school. This school was closed in July 2007 and has been vacant since that time.

Comments from Local Residents

Nearby properties were notified of the original proposal and revised plans. Representations have been received from residents, parents with children at Wickham Court School and the West Wickham South Residents Association. The full comments can be read on file but are summarised as follows:

- Additional large houses are not needed in the area
- Size, height and density of housing is too great and results in over-bearing, out of scale and development that is out of character with Coney Hall village.
- The existing school has been allowed to become dilapidated to allow for its demolition
- The original school was only allowed in the Green Belt as it provided a school and residential use would be contrary to the aims of the Green Belt
- The development will significantly increase traffic movements in and out of the site. Access road is often parked with cars and Layhams Road is busy with parked cars using Coney Hall Recreation Ground at the weekends. Site is not served well by public transport. Extra road calming measures should be introduced to reduce danger.
- Concern about the safety of school children from construction vehicles using the driveway, particularly at school drop-off and pick-up times, which are already busy with cars and pupils on foot.
- Conflict between contractor parking and school parking in the driveway
- Insufficient number of parking spaces for the new houses and flats would lead to residential parking in the driveway conflicting with church and school uses.
- Noise and disruption during construction works - a separate temporary construction access should be provided over nearby fields.
- Concerns as to who will open and closed the proposed gates across the access road to ensure unlimited access.
- Increased pressure on local infrastructure (such as schools, doctors and dentists) which is already stretched.
- There are existing surface water and foul water drainage problems at the junction of Addington Road and Layhams Road, to the north of the site, and this will exacerbate the flooding that occurs here.
- Risk from removal of asbestos during demolition.
- Replacing an educational use with housing is not fair on local residents when there is increasing demand for school places. The site should be

retained as a school. Previous school was successful apart from one Headteacher.

- Negative impact on property values
- Education use of a listed building is more appropriate than residential use.

In addition the Principal of Wickham Court School raises similar concerns regarding the negative impact of construction vehicle movements when the school is operating on student and staff safety. There has not been sufficient information to assess the impact of vehicle movements. Disruption during the exam period for GCSE's due to construction work could have adverse effects on pupils sitting exams

St John the Baptists Church supports the proposals and one further letter supports the provision of some smaller units in the area.

Several times during the application process, Hyderi, a registered charity in England and Wales, has objected on the basis that it wishes to buy the site for a private secondary school. It states that it made offers to the Diocese first in 2011 and then again in 2013. At these times, Hyderi instructed a firm of Chartered Surveyors to put forward its offers and, after its initial offer was rejected, offered to exceed the offer made by the housing developer on an unconditional basis and to fund the purchase with cash. Hyderi stated that the sellers refused to entertain any discussion about its proposal. It disagrees with the contention in the application documents that no users for the site for educational purposes were found during the marketing exercise.

Having failed to enter further discussions with the sellers, Hyderi contacted the developer directly again in 2014 and made a further offer to purchase the site from the developers for the price that they had paid, plus their expenses, and to include an additional amount to allow for profit.

Hyderi also states that a further offer was made for the site by the now opened Cedar School, 2 miles from the appeal site, in 2011, and prior to the opening of their school in 2013. Hyderi states that it is ready to exchange contracts for the site within 10 working days' notice and with a 10% deposit.

Comments from Consultees

The Council's Education Officer

The Council's Education Officer has submitted an extensive objection to the application as set out below:

- A report to the Education Policy Development and Scrutiny Committee on 30 January 2014, endorsed by the Portfolio Holder for Education, forecast that over 30 forms of entry (900 per year) of new secondary school places would be required by the mid-2020s as the higher rolls now in the primary sector fed through to the secondary. This was likely to be met by a combination of expanding existing provision and opening new schools, with government policy giving priority to free school applications.

- There is a shortage of suitable sites in the borough for new secondary schools. Whilst there may be scope to enlarge existing schools to meet some of the required places, many of these are in the Green Belt or covered by an open space planning designation. The same is true of potential sites for new schools. There is also pressure from local residents to maintain existing open spaces and to resist additional building, citing traffic and associated concerns.
- Given the scarcity and cost of land in the borough, and the constraints which bear upon the development of sites for education purposes, no site with a history of previous education use should be released until there is at least a settled pattern of need and a determination of how that should be met. Although the demand for school places tends to rise and fall, the continuing expansion of London's population suggests that the planning period in which these decisions should be made should be lengthened, particularly at this relatively early stage in the cycle.
- When a foundation, trust or voluntary school is closed and being discontinued, those persons holding land for the purposes of the school are required to apply to the Secretary of State to decide what should happen to any land used by the school that has been provided, acquired or enhanced at public expense. This legislative requirement is contained in Part II of Schedule 22 to the School Standards and Framework Act 1998 (as amended by Schedule 4 of the Education Act 2006). Consent is also likely to be required for the disposal of school land under section 77 of the School Standards and Framework Act for a period of 10 years after the school closed.
- Until it can be demonstrated conclusively that the borough's need for new school places can be met by the existing school estate with other identified sites for new schools, it is unlikely that the Secretary of State would give consent to dispose.
- There has been no Catholic secondary school in the borough since All Saints closed. However, in view of the growth in secondary rolls and the desire to provide a more diverse pattern of school, the Council has agreed in principle to support the opening of a new Catholic secondary school as part of its strategy to provide additional places in the borough.
- The Archdiocese of Southwark does not consider the All Saints site suitable for their new secondary school in part because its location on the periphery of the borough is not easily accessible to potential students resident in some parts of the borough. It also considers that there are reputational issues which may make it difficult for Catholic families to accept a new school on that site. Whilst it may be small in relation to DfE standards, where sites are restricted there is scope to meet the requirements in other ways.
- The Archdiocese would not consider the free school route as it requires 50% of admissions to be non-faith. Other routes to a new Catholic school would involve a statutory competition, which could take place only after a free school provider could not be identified. The funding in this case would either come from the LA's Basic Need funding or from specific DfE capital funds. No new bids are currently being invited by the DfE.

- The Council's Basic Need capital funds are substantially allocated to the primary phase although there is some limited capacity to fund the expansion of existing secondary schools.
- The Archdiocese has identified other sites in its ownership in the borough that it considers more appropriate for this new school. All have significant planning issues, for example the impact on the Green Belt or open space. Given these constraints and the need for mitigation, the cost of a new school would be substantial.
- The Archdiocese proposes to reinvest the capital receipt from the disposal of All Saints in other Catholic schools in Bromley, namely the rebuilding of Holy Innocents Primary School.
- Although there is scope for the planning issues at these alternative sites to be addressed in the context of the ongoing review of planning policy with regard to open space, the scope to fund such a school in the current climate is likely to be limited, given the other pressures on school places and associated calls on the Council's capital funds.
- Given the need for places, there may be other providers who are able to secure the necessary funds to open a school. In these circumstances, and in the light of the shortage of sites where planning permission could realistically be obtained in accordance with current policy, the Council would wish to retain the current use of the site for education purposes unless and until a suitable alternative site has been identified with a high degree of confidence.

The Council's Highways Officer:

No objection to the proposal subject to recommended conditions, including the submission of a Construction Management Plan.

The Council's Drainage Officer:

No objection in terms of the impact on foul and surface water drainage, subject to recommended conditions.

The Council's Housing Officer:

There is a high demand for affordable housing in this part of the borough. This proposal does not offer any affordable housing and is contrary to Policy H2 of the Unitary Development Plan, which seeks provision of 35% affordable housing for schemes of 10 units or more. Therefore the proposal should be subject to a Financial Viability Assessment (FVA) to demonstrate that the lack of contribution can be justified. A FVA has been submitted by the applicant and is discussed in the Conclusions section below.

The Council's Environmental Health Officer:

The submitted Site Investigation report does not consider the impact of several possible sources of contamination that could be on the site and on this basis it is not suitable. In this case a suitable report will be needed with a full plan of soil

sampling and Phase 2 investigation will be necessary. Concerns raised can be addressed with the use of relevant conditions.

Thames Water:

No objection.

The Environment Agency:

No objection subject to recommended conditions.

The Metropolitan Designing Out Crime Adviser:

No objection subject to recommended conditions.

Ecology:

No objection subject to relevant conditions.

English Heritage (Heritage Assets):

Any development should seek to 'enhance or better reveal' the significance of the setting of the heritage assets affected and 'proposals that preserve elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably' (NPPF, para. 137). In addition, para. 131 of the NPPF states that local authorities should take account of 'the desirability of new development making a positive contribution to local character and distinctiveness'. Given the high significance of these designated heritage assets both individually and as a group, English Heritage are of the view that the stable blocks, whilst not listed structures, are historically associated with Wickham Court and are of historic and aesthetic value to the setting and understanding of the wider manorial settlement, which includes the medieval church and lychgate.

English Heritage urge the Authority to give careful consideration to its statutory duty in respect of the setting and should there be harm to it, that any public benefits (including heritage benefits) are real and cannot be achieved by any other means.

English Heritage (Archaeology):

No objection subject to conditions

The London Borough of Croydon:

No objection.

Greater London Assembly:

A Stage 1 report has been received and the GLA considers the application is generally acceptable in strategic terms but it does not comply with the London Plan in terms of the provision of affordable housing. The potential remedies to non-

compliance are that funds raised from the private sale of houses should be fully directed towards the building of the new school in Orpington and clearly stated within the S106 agreement. An independent and locally led viability assessment should ensure that any uplift in private sales is ring-fenced by Bromley Council. With regard to the impact on the Green Belt the scheme utilises previously developed land and intends to reduce the footprint of buildings. The principle of development is acceptable and accords with the NPPF and London Plan.

Planning Policy

The application falls to be determined in accordance with the following Unitary Development Plan (UDP) policies which include:

- H1 Housing Supply
- H2 Affordable Housing
- H7 Housing Density and Design
- H9 Side Space
- H12 Conversion of Non-Residential Buildings to Residential Use
- T1 Transport Demand
- T2 Assessments of Transport Effects
- T3 Parking
- T5 Access for People with Disabilities
- T6 Pedestrians
- T7 Cyclists
- T18 Road Safety
- BE1 Design of New Development
- BE8 Statutory Listed Buildings
- BE16 Ancient Monuments and Archaeology
- NE4 Additional Nature Conservation Sites
- NE7 Development and Trees
- G1 Green Belt
- C1 Community Facilities
- IMP1 Planning Obligations

Other relevant supplementary guidance includes:

- Affordable Housing SPG
- Planning Obligations SPD

A consultation on draft Local Plan policies was undertaken early in 2014 and is a material consideration. The weight attached to the draft policies increases as the Local Plan process advances. The most relevant draft Local Plan policies include:

6.5 Education

In strategic terms the most relevant London Plan policies include:

- 3.3 Increasing Housing Supply,
- 3.4 Optimising Housing Potential
- 3.6 Quality and Design of Housing Developments

- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating affordable Housing on Individual private residential and mixed use schemes
- 3.13 Affordable Housing Thresholds
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.18 Education Facilities
- 5.2-5.13 Climate change, renewable energy and drainage
- 7.3 Designing our Crime
- 7.4 Local character
- 7.8 Heritage Assets and Archaeology
- 7.16 Green Belts
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodlands
- 8.2 Planning Obligations

The document entitled Further Alterations to the London Plan (FALP) proposes amendments to the London Plan 2011. The Inspector's report, following an Examination in Public, was issued in December 2014. Where London Plan policies are quoted, the changes in the FALP are shown in italics.

The most relevant changes to policies include:

- 3.3 Increasing Housing Supply
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.18 Education Facilities

The most relevant paragraphs of the National Planning Policy Framework include:

- 14 - achieving sustainable development
- 17 - principles of planning
- 47-51 - housing supply
- 56-66 - design of development
- 72 - education
- 79, 80, 87-89 - Green Belt
- 117-118 - biodiversity
- 128-137 - heritage assets

Planning History

The site has been the subject of numerous previous applications to add new school buildings and to extend and maintain the existing school buildings, resulting in the extent of buildings now seen on the site. The most relevant applications are:

- Sports Hall building granted permission in July 1996 (ref. 96/00392).
- Two storey building comprising 4 classrooms granted in April 1996 (ref. 96/00379)

- Two storey extension to provide IT and 6th form accommodation granted in April 1999 (ref. 99/00867).
- Two/three storey extension comprising classroom accommodation granted permission in July 2002 (ref. 01/00649).

Planning Assessment

The main issues to be considered are:

- Housing supply
- Acceptability of loss of existing education use
- Acceptability of the proposed residential use in the Green Belt
- Impact on heritage assets within and adjoining the site
- Acceptability in terms of scale, massing, bulk and policy compliance in terms of overlooking, daylight, sunlight, side space
- Impact on the use of the highway within the site
- Impact on trees and ecology
- Scoping Opinion for an Environmental Impact Assessment
- Planning Obligations

Housing Supply

Policy 3.8 of the Further Alterations of the London Plan (FALP) sets out revised housing targets for London Boroughs to meet the increasing demand for housing in the capital. The housing monitoring target for Bromley in the London Plan 2011 was 471 units per annum and this has been amended in the Further Alterations to a target of 641 units per annum. In a report entitled LB Bromley Five Year Housing Supply Paper 2014, submitted to Development Control Committee on 4 September 2014, the Council has shown that on the basis of the new target, it has a five year supply of deliverable housing land. Paragraphs 14 and 47 of the NPPF are not there engaged in this case.

Loss of Education site

The site is largely occupied by substantial buildings that together form All Saints Secondary School. The applicant advises that the buildings have been vacant since 2007. The current lawful use of the site is for education purposes.

Relevant Policy and Guidance

At a national level the NPPF seeks to 'guard against the unnecessary loss of valued (social, recreational and cultural facilities and services the community needs) facilities and services, particularly where this would reduce the community's ability to meet day-to-day needs' (para 70).

In addition the NPPF states that the 'Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to

development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.' (para 72)

At regional level the London Plan Policies 3.16 and 3.18 are particularly relevant.

Policy 3.16 states that 'development proposals which provide high quality social infrastructure will be supported in light of local and strategic social infrastructure needs assessments. Proposal which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.'

In addition, Policy 3.16 goes on to state that 'LDF's should provide a framework for collaborative engagements with social infrastructure providers and community organisations for the regular assessment of the need for social infrastructure at the local and sub-regional levels and to secure sites for future provision or reorganisation of provision. Where appropriate, boroughs are encouraged to develop collaborative cross-boundary approaches in the provision and delivery of social infrastructure. Boroughs should ensure that adequate social infrastructure provision is made to support new developments. If the current facility is no longer needed, boroughs should take reasonable steps to identify alternative community uses where the needs have been identified.'

London Plan Policy 3.16 is also supplemented by the emerging London Plan draft Supplementary Guidance on Social Infrastructure (July 2014). In respect of school site delivery, it states that 'Growing school age populations and new forms of education provision have implications for both existing and potential new schools. Land already in educational use should be safeguarded and any net loss of education space resisted unless there is strong evidence of a current or future lack of need.'

Policy 3.18 of the London Plan states that 'development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Those which address the current and projected shortage of primary school places and the projected shortage of secondary school places will be particularly encouraged. Proposals which result in a net loss of education facilities should be resisted, unless it can be demonstrated that there is no ongoing or future demand.'

In response to the growing pressure in the secondary sector the Further Alterations to the London Plan proposes an amendment to policy 3.18 to make specific reference to the projected shortfall of secondary places (in italics above).

This policy goes on to state that 'LDF's and related borough strategies should provide a framework for the regular assessment of the need for childcare, school,

higher and sub-regional levels and to secure sites for future provision recognising local needs and the particular requirements of the education sector.'

At local level, Objective 1 of the Community Services chapter of the UDP is that the Council should 'work in conjunction with the relevant agencies to secure the provision of accessible, good quality facilities to meet the health, educational, faith, social service and other essential needs of the community'. Policy C1 of the UDP relates to the provision of community facilities in the borough and states that 'A proposal for development or change of use that meets an identified health, education, social, faith or other needs of particular communities or areas of the Borough will normally be permitted provided that it is accessible by modes of transport other than the car and accessible to the members of the community it is intended to serve.'

Policy C1 also states that 'planning permission will not be granted for proposals that would lead to 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.'

Additionally, in response to increasing pressure for school places and the emphasis on the need to ensure sufficient places in the London Plan and the NPPF, the emerging Local Plan includes draft policies 6.5 "Education" and 6.6 "Educational Facilities".

Draft Policy 6.5 advises that the Council is committed to choice in education and will work in partnership to ensure the provision of an appropriate range of educational facilities by assessing the need for education infrastructure over the plan period allocating sites accordingly, and by defining land with permitted use for education purposes as "Education Land" and safeguarding it for the period of the plan. The policy states that 'the redevelopment of education land for alternative purposes will not normally be permitted.'

Draft Policy 6.6 advises that the Council will support proposals for new educational facilities which meet local need, looking first at opportunities to "maximise the use of existing Education Land or redundant social infrastructure".

The Planning Statement submitted by the applicant sets out the case for the loss of education use on the site. The report advises that the Diocese has consistently argued that it no longer has a requirement for this site for secondary education. The School operated for a short period where there were no other available secondary school sites within Bromley. The school struggled to find the necessary numbers because of its location on the boundary where it fell within the competing catchment of its nearest Croydon secondary school.

Applicant's Case

The Planning Statement states that the release of funds from the sale of this site will be directed to education and principally to the rebuilding of Holy Innocents Primary School (HIPS) for which planning permission was granted, following an appeal. The applicant advises that HIPS has gone beyond its economic life and

there is no other funding available for its redevelopment. The Statement also emphasises the benefits of the redevelopment of HIPS in education terms.

The submissions in the Planning Statement must be considered within the context of the current policy guidance detailed above which repeatedly resists proposals for the loss of education use unless it can be demonstrated that there is no longer a need for them or alternative provision is made in an equally accessible location.

The applicant does not address the issue of the loss of land for general education purposes and relies on the lack of ongoing or future demand by the Diocese for Catholic education on this site as the reason for releasing the site from education use. Whilst it may be the case that the site is no longer required by the Diocese for Catholic school purposes, it does not follow that the site is no longer required for education uses in any form.

Why Holy Innocents Primary School is not the answer to the net loss

An alternative site for replacement education purposes has not been identified as part of the application submission. In this respect, the rebuilding of Holy Innocents Primary School, which is an existing operational primary school, is not considered to address the requirements for alternative provision. Whilst the applicants argue that the rebuilding of Holy Innocents will improve those facilities, which is not in itself disputed, there would still be a clear loss of an education facility in the Borough which Policy C1 seeks to protect when there is a clear and defined need for school sites, as is the case here. The issue here relates to a need for general education facilities (whether it be Catholic or non-Catholic, primary or secondary). As a result, officers do not consider that the rebuilding of an existing primary school overcomes the loss of an educational facility that would result from this proposal.

Need or Demand

The comments from the Council's Education Officer are clear that there is a fundamental and pronounced need and demand for school places in the London Borough of Bromley. These comments should be given considerable weight when assessing this application.

The Council has a duty to provide school places and provide regular assessments of the need for school places. To this end, the education officer's objections are robustly supported by a recent report entitled 'Primary and Secondary School Development Plan', which was submitted to the Education Policy Development and Scrutiny Committee on 27 January 2015. The report sets out the demand, and a programme of provision to meet that demand, indicating that from 2016/17 onwards an additional 20 forms of entry (FE) at secondary school level are required, increasing to 28 FE by 2019 and 34 FE by 2021. The Review suggests that potential expansions at 7 existing secondary schools, and the provision of 4 new secondary schools, would substantially, but not wholly, address the need, and further extensions to existing schools or a fifth new school will need to be considered.

In order to meet this future demand for secondary schools by 2020, the report identifies specific proposals for expansions and new schools. Within the 4, possibly 5, new schools identified, is the provision of a new Catholic school within the borough. No site has been secured or granted planning permission for any of these proposals. At this time, even if an acceptable alternative site for a secondary Catholic school were identified, there would be considerable uncertainties in the proposed programme for provision to meet the forecast school places required over the plan period.

In the light of this uncertainty it is clear that the release of All Saints School from education use is contrary to the needs of the Borough and would further exacerbate the under-supply of education facilities, contrary to Policy C1, and should therefore be resisted. .

Hyderi Proposal

The letters of objection received on several occasions from Mr Datoos who represents Hyderi, a registered charity in England and Wales, are also a material consideration when assessing this application. Hyderi objects to the proposed development on the basis that his organisation wishes to buy the site for a private secondary school and, despite offering to match the purchase price, they have been turned down by the Diocese in favour of a housing developer. More detail about this objection letter is set out earlier in this report and a full response can be provided upon request. What is clear however is that there is a demonstrable need and demand by both the education body and from Hyderi for educational use on this site, and that the site can continue to operate as an educational establishment. This reinforces the case that the loss of this site for educational purposes would be contrary to Policy C1 of the UDP.

In response to the objection from Hyderi, the applicants have submitted information regarding the marketing of the site since September 2011 to support the application. A letter dated 19 March 2014 states that tenders for the development of the site were received and the applicant entered a Heads of Terms agreement with Regal Point (the current joint applicant) in September 2012. The applicant goes on to state that towards the end of 2012 the Khoja Shia Ithna-Asheri (South London) Jamaat (also known as Hyderi Islamic Centre) expressed an interest in buying the site for use as a school. No formal offer to purchase the site on the specific terms required was submitted until 11 May 2013, by which time contracts had been exchanged with Regal Point. The Diocese advise that the offer received from Hyderi was not the figure provided to the Council by the organisation (£6 million) in its objection letters and did not comply with the specific requirements put to them. However, this is contested by Hyderi.

Conclusion: Loss of education site

Taking all of the above into consideration, it is considered that the loss of the site at All Saints for education use cannot be supported as there is no identified or acceptable alternative site for the provision of education facilities. Furthermore, there is a demonstrable need for school places (irrespective of faith), as demonstrated by both the Council's own evidence and the demand evidenced by

the offer made by a third party. This need cannot be met from existing provision. In redeveloping the Holy Innocents Primary School there will be no net gain in school provision, especially at secondary school level. The proposal is therefore contrary to the policies of the London Plan as set out in this report, and Policy C1, because there is still a clear need to use this site for education purposes and this proposal does not seek to make alternative provision in an equally accessible location.

Impact on the Green Belt and openness and purpose for including the site in the Green Belt

Para 89 of the NPPF states inter alia: 'A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are: limited infilling or the partial or complete redevelopment of previously developed land (brownfield land) whether redundant or in continuing use (excluding temporary buildings), which would have not have a greater impact on the openness of the Green Belt and the purpose of including land in the Green Belt within it than the existing development.'

The applicant advises that the overall floorspace of the existing buildings (Gross External Floor Area) is 8451 sqm and that the new proposed floorspace for 50 units (Gross External Area) is 7702 sqm. In terms of footprint, the existing school has a footprint of 6193 sqm and the proposed development will have a gross footprint of 3191 sqm. However, in assessing the impact on openness, it does not follow necessarily that a reduction in floorspace and/or footprint will be sufficient to improve the openness of the Green Belt. This is a matter of planning judgment and in this instance, your officers' view is that the nature of the proposed use is such that it will have a greater impact on the openness of the Green Belt than the existing use. In a suburban housing development, the impact on openness comes not only from the buildings themselves, but also from the high number of parked and moving vehicles associated with such a use, much higher than the number associated with an education use. There is also the additional impact on openness as a result of the attendant residential paraphernalia, which cannot reasonably be controlled by planning condition. Consequently, your officers' view is that the NPPF paragraph 89 exception does not apply in this case. The development scheme the subject of this application is, therefore, inappropriate development in the Green Belt. Paragraph 87 in the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The applicant does not advance any very special circumstances. The application is therefore contrary to UDP Policy G1.

Impact on heritage assets within and adjoining the site

The site is bounded by the Grade 1 listed Wickham Court School and St John the Baptist's Church and Grade 2* listed lychgate to the north. In this respect the site has considerable heritage significance.

Paragraphs 133, 134 and 137 of the NPPF require an assessment of the 'harm' that development would cause to a designated heritage asset and whether the setting of heritage assets better reveal the significance of a heritage asset.

From a heritage and design point of view concerns are expressed regarding the suburban layout and appearance of the proposed scheme and only partial acknowledgement of the historic layout of with the main entrance route. In addition it would be preferable to see a more institutional use that would better complement the existing character of the immediate area.

However there are mitigating circumstances including the retention of an unlisted stableblock, the increase in the buffer to the boundary of the listed building through the reduction in the number of units from 53 to 50 and the increase in glimpses of the listed building from within the application site. On this basis it is considered that there is a modest decrease in harm to the listed building from the proposed development.

In the light of the above it is considered that the current scheme is acceptable from a heritage point of view.

Acceptability in terms of layout, scale, massing, bulk and policy compliance in terms of overlooking, daylight, sunlight, side space.

Policy BE1 of the UDP sets out standards for the design of new development. Policy H7 sets out standards for housing density and design. The proposed scheme has been assessed against the criteria of these policies as follows.

Density

Officers have calculated the density of the development for the whole site, bounded by the red line, as 22 units/108 habitable rooms per hectare. The density for the part of the site currently covered by buildings is 43 units/212 habitable rooms per hectare. The density matrix in Policy H7 sets the parameters for proposed development and in this location the density should be between 150-200 habitable rooms per hectare/30-50 units per hectare.

In terms of density it is considered that the proposal complies with Policy H7 and also the London Plan matrix in Policy 3.4 which seeks similar densities of development.

Housing types and mix

The proposal provides a mix of 1 and 2 bed flats and houses and larger 4 bed houses, therefore providing an acceptable mix of housing types and unit sizes.

Site layout and space around buildings

The site layout is primarily of a suburban layout with houses and flats situated around the access road with interspersed landscaping and a mixture of in-curtilage parking and parking courtyards. Each of the houses has a private garden. The flats have some limited direct amenity space to the west of the buildings and each flat has a private balcony or terrace. There is considerable amenity space provided outside the 'built up' area of the development which will be available for residents to use. A minimum of 1m side space is provided to flank boundaries, which is acceptable.

Daylight and sunlight

It is considered that the proposals will not have an adverse impact on the occupants of any of the neighbouring uses, in terms of daylight and sunlight. In addition, there is sufficient separation between the proposed residential units and the nearest neighbours to ensure that overlooking will be kept to a minimum.

Impact on the character of the surrounding area

The school buildings on the site form part of an immediate enclave of buildings including Wickham Court School, St John the Baptist's Church and the Convent of the Daughters of Mary and Joseph. These are primarily institutional and ecclesiastical buildings and, apart from the church which is removed from the rest, the site has a relatively high density of development, albeit with significant space within the site and around the wider site in the form of agricultural fields and playing fields. The proposed layout of the development site moves from institutional school buildings, some of which are poor quality, to a mix of residential units.

The character of the area will be changed by the proposed development: the proposed scheme will introduce a suburban form of development into an area that is at present characterised by institutional uses that are more commonly found in the Green Belt. The implications of this new suburban form of development for the openness of the Green Belt have already been discussed above

High quality materials are an important factor in securing a high standard of appearance and this could be controlled by the application of relevant conditions if the application were acceptable in all other respects. The Design and Access Statement advise that the general appearance of the buildings will follow the architectural style of the elevation of the Reception building using a range of complementary bricks and traditional reconstructed stone dressings to windows, doors and parapets. Roofs will be 40 and 45 degrees and clad in plain tiles to match the Reception building.

Whilst your officers conclude that the proposal does not have an unacceptable impact on the character of the area, there are, as discussed above, specific implications for the openness of the Green Belt which your officers do not consider to be in accordance with policy.

Impact on the use of the highway within the site

Vehicular access to the application site is via the existing vehicular access from Layhams Road and this will remain the sole access point. The roadway within the site is a byway and will be available for use by the church and school at all times.

A set of gates is shown approximately 25m within the site. The applicant advises that the purpose of the gates is to act as a visual barrier to deter further visits from travellers; this has been a considerable problem in the past. In addition, the applicant advises that, if they are closed at any time, the gates will be used in such

a way as to ensure that all parties have access to the site during their respective operational times.

The Council's Highways Officer requests that the gates be located further within the site to allow continuous accessibility to the proposed community car park.

Vehicular and pedestrian access to the 'built up' part of the site is currently between the Reception building and the north stable block. The proposed plans show the continued use of the access but it is proposed to remove 6m from the eastern gable end of the north stable block to widen the access to allow 2 cars to pass simultaneously.

The access drive is also used for drop off/pick up of children attending Wickham Court School and their visitors and the congregation and visitors to the church. The submitted plans show the continuation of arrangements to park in dedicated or shared parking spaces that are already marked out on the ground. In addition a community car park will be provided close to the entrance of the overall site which can be used by school and church visitors.

Within the 'built up' area, the proposed plans show a one-way arrangement around a central parking area which will enable larger vehicles, including refuse vehicles, to manoeuvre around the site. The applicant advises that a network of pavements will be provided to give safe access to the houses.

Concerns have been expressed particularly by the School Principal and parents regarding the impact of the proposed development, especially during the construction phase.

Revised plans show the path of construction vehicles from the compound (which is land currently occupied by tennis courts) to the site, avoiding the area immediately outside the school gates. The applicant has submitted plans and detailed letters dated 19 and 23 March 2014 setting out measures to mitigate the impact of construction vehicles on the church and the school. These include:

- Construction traffic within the site will be controlled by a banksman or traffic lights to avoid conflict between users of the school and construction vehicles.
- During the demolition phase, construction traffic will be restricted to avoid school opening and closing times.
- A wheelwash will be provided to reduce mud deposits on the road.
- The community car park will provide a safe place for parents to park away from the school gates

It is accepted that there will be some disruption during the construction period. However officers will recommend the submission of a detailed Construction Management Plan to the Inspector to provide measures to minimise this disruption.

The Council's Highways Officer has advised that the arrangements shown in the submitted plans and supporting documents are acceptable subject to relevant conditions if all other aspects of the development were acceptable.

Impact on trees and ecology

The submitted Tree Report shows that the majority of trees are to be retained. However several trees on the north side of the North Stable block will need to be removed to facilitate the proposed widened vehicle access adjacent to the Reception building and to allow the revised vehicle access route into the 'built up area'.

The most visible trees to be removed are 2 yew trees close to the northern stable and a lime tree on a small island of grass in the highway in front of the stable. These trees are all Category B2 trees which are described as trees of moderate quality with mainly landscape or group value rather than individual value.

Without the removal of the yew trees it is not possible to provide vehicle access for 2 vehicles to pass at the entrance to the proposed built development area of the site

The trees have been assessed and it considered that the lime tree is in poor condition and the yew trees are very close to the existing stable building. They have limited public benefit and, on this basis, the removal of these trees is acceptable. It is recommended that replacement trees are planted for trees that are removed.

From an ecology point of view the reports submitted by the applicant advise that bat activity in the area is low and that the potential risk to both roosting and foraging/commuting bats is very low. Recommendations are made to reduce the risk to bats even further.

It is considered that the report is accurate and that conditions to consider the impact on bats should they be found on the site at the point of demolition are sufficient.

From an arboricultural point of view no objections are raised to the proposed tree works.

Other matters

Lifetime Homes and Wheelchair accessible units

London Plan Policy 3.8 requires all housing units to be built to Lifetime Homes standards and 10% should be designed to be wheelchair accessible.

In the submitted Design and Access Statement the applicant has advised that all units are designed to Lifetime Homes standards. Ground floor units could be adapted to wheelchair units, if required. The house type plans show where adaptations can be made to provide accessible and sustainable accommodation.

The provision of these accessibility measures would be secured by conditions if the development is acceptable in all other respects.

Site wide energy requirements

London Plan Policies 5.1 - 5.7 refer to energy requirements to achieve climate change mitigation including reduction in carbon emissions and renewable energy. The applicant has submitted a Sustainable Energy report setting out options to meet these requirements. The report recommends the use of photovoltaic cells and thermal collectors to provide renewable energy requirements. The reception building will be served by air source heat pumps. PV cells and solar panels will not be used due to the visible and sensitive location of this building.

Car and cycle parking provision

UDP Policy T3 requires a maximum of 1 space per flat and 2 spaces per detached dwelling. The development provides:

- For each flat and the 2x2 bed units provided in the north stable block, 1 car parking space is provided (26 spaces).
- For the 4 bedroom houses, 2 spaces are provided within the curtilage for house type B; and 1 curtilage space and 1 space in the communal parking area is provided for house type C (total 48 spaces).
- That makes a total of 74 spaces for the residential use.
- For the office use, 8 spaces are provided
- In the community car park, 19 spaces are provided.
- There are 24 unassigned spaces near the church that are used by office visitors (weekdays) and church overspill (weekends).
- The total number of marked-out parking spaces across the site will be 125 spaces.
- There is also unrestricted informal parking along the access road. This is also used at pick up and drop-off times for the school and overspill for the church events, when required.
- Cycle provision for the houses will be in rear gardens. Cycle stores are shown for the flats and a shelter is shown for the offices.

The Council's Highways Officer considers that the proposal meets the UDP requirements in terms of the provision of car and cycle parking and storage.

Planning Obligations

UDP Policy IMP1 and Policy 8.2 of the London Plan set out the policies for seeking contributions to mitigate the impact of development. In addition UDP Policy H2 sets out the requirements to meet for the provision of affordable housing.

In this instance the Council is seeking to secure the provision of affordable housing in compliance with Policy H2, health and education contributions. In terms of affordable housing the policy requires 35% habitable rooms to be provided with a mix of affordable rent and shared ownership.

In their Planning Statement and subsequent correspondence, the applicants advise that they wish to divert any surplus funds from the sale of the site to the rebuilding

of the Holy Innocents Primary School in Orpington and not make any provision for affordable housing on the All Saints site.

Your officers' view is that any diversion of funds for an educational purpose is not relevant to the need to meet affordable housing requirements. The policy basis for such an approach is entirely unexplained in the applicant's submission.

The applicants are prepared to make provision for Community Infrastructure Levy and S106 payments for health and education. These would be secured by legal agreement if all other aspects of the development were acceptable. It should be emphasised however that there is at present no signed S106 Agreement with the applicants.

The applicants have submitted a Financial Viability Assessment (FVA). Within the FVA the applicants test the scheme under two scenarios:

- a) The viability of providing housing on the basis of the agreed sale price and with no affordable housing provision, and
- b) The viability of the wider proposal to deliver a package of funds to replace Holy Innocents Primary School.

The applicants state that under scenario a) the scheme is not profitable (below the accepted level of 20% of cost) and to achieve b) requires no imposition of affordable housing. However, as stated above, given that there is no justification for the latter approach in policy terms, officers are unable to accept that this is an appropriate reason to forgo a contribution towards affordable housing.

The Council has appointed a consultant, Deloitte, to carry out an independent assessment of the applicants' FVA. The conclusions of this review are straightforward and compelling and the key findings are set out below:

- The assertion that the development is unviable on the grounds of developer's profit and 0% affordable housing is questionable;
- The Gross Development Value is under-estimated;
- If affordable housing were required, it is likely that this would be reflected in a reduced purchase price given that the sale of the site is subject to planning;
- Very little information is provided as to the development costs and revenues associated with the Holy Innocents Primary School site;

On this basis, Deloitte confirm that they "cannot accept the proposition that the subject property, being the All Saints School Site, is unviable and therefore capable of only delivering housing with 0% affordable provision".

Even if surplus funds were generated by the proposed development, it is considered that the diversion of this surplus to fund the rebuilding of Holy Innocents Primary School would not be sufficiently related and connected with the All Saints development and, as such, would not meet the tests in Regulation 122 of the Community Infrastructure Regulations. Therefore, to make the development compliant with UDP Policy IMP1, a planning obligation would be required to secure

affordable housing, health and education contributions and provision of wheelchair accessible units.

Scoping for an Environmental Impact Assessment

As part of the application process it is necessary for the Council to give a screening opinion as to whether an Environmental Impact Assessment is required. The proposal constitutes Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. After taking into account the selection criteria in Schedule 3 of the Regulations, and the terms of the European Directive, it is considered that the proposed development would not be likely to have significant effects on the environment by virtue of such factors as its nature, size and location. This opinion is formed taking into account all relevant factors, including information submitted with the application and the scale/characteristics of the existing and proposed development on the site.

Summary

The report concludes that the application will lead to the loss of a valuable education site at a time when there is a significant demand for new school places in the borough and a shortage of sites to meet this demand. The report also concludes that the proposal would be inappropriate development in the Green Belt given that, in officers' planning judgment, it would have a greater impact on openness than the development already on the site. No very special circumstances are advanced in support of this inappropriate development. The proposal also fails to make the required provision for affordable housing by way of a planning obligation.

On this basis it is recommended that the current appeal should be contested on the grounds set out below.

Background papers referred to during the production of this report comprise all correspondence on file ref. 13/03743, excluding exempt information.

RECOMMENDATION: RESOLVE TO CONTEST APPEAL

Grounds for contesting the Appeal are as follows:

- 1 The proposal will result in the loss of land for education use contrary to Policy C1 in the Unitary Development Plan, Policies 3.16 and 3.18 in the London Plan and the National Planning Policy Framework, all of which seek to ensure that the current and projected future demand for school places is met.
- 2 The proposal would be inappropriate development in the Green Belt as it would have a greater impact on openness than the development already on the site. No very special circumstances are advanced in support of the inappropriate development. The proposal is therefore contrary to Policy G1 of the UDP and paragraph 89 of the NPPF.

- 3 Given the over-arching need to retain the application site for education purposes, and in light of the considered harm to the openness of the Green Belt, the proposed development would also be contrary to Policy H1 (xi and xii) of the Bromley UDP.
- 4 By virtue of the site's location, within the Green Belt and divorced from the main built up area, the proposal is considered to be an unsustainable location for residential development, contrary to Policy H1 (ix) of the UDP.
- 5 The application fails to deliver affordable housing, or to provide a robust justification as to why such provision should not be provided. It is therefore contrary to Policy H2 of the UDP.
- 6 In the absence of a signed planning obligation to mitigate the impacts of the proposed development, the scheme does not comply with Policy IMP1 of the Unitary Development Plan.

INFORMATIVE(S)

- 1 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)).

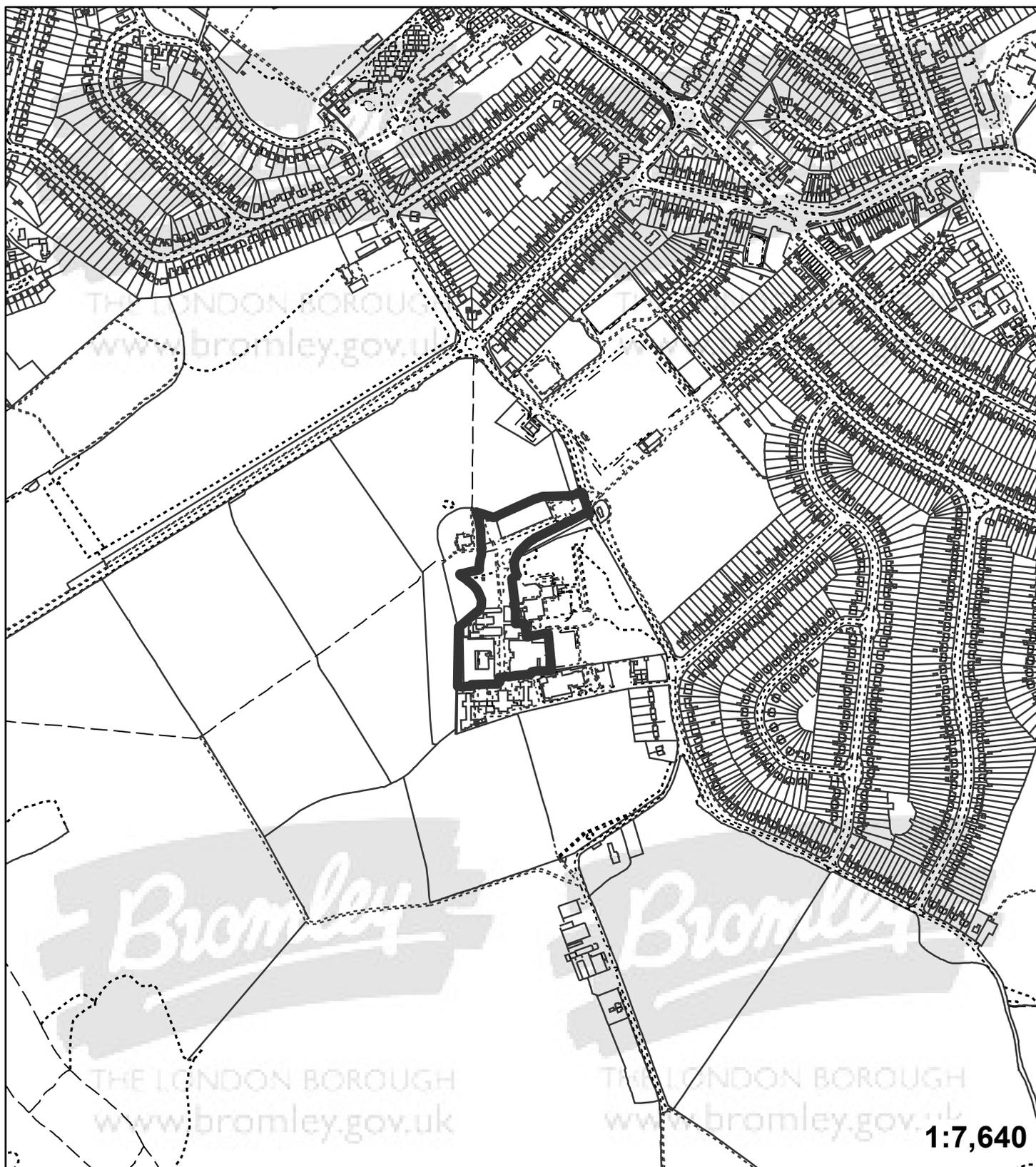
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

Application:13/03743/FULL3

Address: All Saints Catholic School Layhams Road West Wickham BR4 9HN

Proposal: Demolition of all school buildings, with the exception of the Reception building, and part demolition of the North Stable block, and erection of 48 dwellings comprising 24x4 bed houses, 16x1 bed flats and 8x 2 bed flats and conversion of the stable block into 2x2 bed residential



"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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