

### **Local development framework**

- 6.45 The Council are at the very early stages of preparing a Local Development Framework (LDF). The LDF contains a suite of documents which will take the place of the Local Plan. Along with the East of England Plan, the LDF will represent the new statutory planning documents for the District.
- 6.46 The Council's Core Strategy DPD has already been out for public consultation at Issues and Options stage (first stage of consultation). The Core Strategy sets out the key elements of the planning strategy for the District. The Preferred Options document was out for public consultation in February and March 2009. The application site was brought to the attention of the Council on behalf of Leukaemia Research as a potential housing development site.
- 6.47 Work is also underway on the Site Specific Allocations DPD which is due to reach the Issues and Options stage at the end of 2009.
- 6.48 At present, the LDF is at too early a stage to be a material consideration in any planning applications submitted to the local authority.

### **SUPPLEMENTARY PLANNING GUIDANCE/DOCUMENTS**

- 6.49 The Council adopted a supplementary planning document (SPD) in December 2007 on sustainable communities. The main aim of the SPD is to make new developments as sustainable as possible in terms of air, energy, waste and water management, and design. The document elaborates on policies GEN1, D2, D3, and D7 of the adopted Local Plan.
- 6.50 The SPD and the related policies will mean that there will be a number of requirements on developers with regard to the issues above, such as the micro-generation of renewable energy.

## **7.0 TECHNICAL INVESTIGATIONS**

7.1 A number of technical investigations have been carried out on the site. The reports of these technical investigations are submitted in support of this application. The results of these investigations are summarised below.

### **TRANSPORT STATEMENT**

7.2 The transport statement by Stomor demonstrates that the site can be safely accessed by the proposed access arrangements, and that the development will cause no harm to the free flow or safety of the highway network

7.3 Inspection of the existing traffic flows and consideration of the post development traffic flows show that the proposals are expected to result in a minor increase in flows on Yorke Road. However, compared to existing flows on other surrounding roads, it is very likely that the proposed development will have no significant impact upon on the local road network. Therefore no improvements to the local highway network are considered necessary as a result of proposals to develop this site.

### **GEOENVIRONMENTAL INVESTIGATIONS**

7.4 The Geoenvironmental investigations carried out by BRP Associates indicate that the site is located on Winter Hill Gravel (sand and gravel) overlying Seaford Chalk formation and Newhaven Chalk Formation (chalk).

7.5 The report concludes that redevelopment of the site for residential use is unlikely to have any major contamination issues.

## **ARBORICULTURAL SURVEY AND IMPACT ASSESSMENT**

- 7.6 The survey found that the trees on site are a mixture of category B (moderate quality and value – 1 tree), category C (low quality and value – 13 trees) and R (to be removed – 8 trees).
- 7.7 The main arboricultural feature within the local and wider landscape is formed by the off-site group G22. These are located on the western side of Yorke Road, opposite the site and would be unaffected by the development.
- 7.8 Trees No. 3 -7 (Hornbeam and Lime) are located within the site along its western boundary. These are subject to an existing TPO, albeit the trees are not considered to be good examples of their species or particularly significant within the local or wider landscape. They are all classed as 'C' category trees. A further TPO'd tree (tree no. 9), a Western Red Cedar, is located close to the northern boundary of the site. It is also considered to be a category C tree.
- 7.9 Notwithstanding, the proposal retains the principal trees including all those subject to the existing TPO.
- 7.10 The existing trees shown for retention can be adequately protected throughout groundworks & construction phase in accordance with British Standards 5837 (2005) 'Trees in relation to construction'.
- 7.11 One tree will be removed to facilitate development. This is a multi-stemmed Laurel (a large shrub rather than a tree as such). Whilst in fair condition it is adversely effecting adjoining more attractive ash and sycamore trees, which can be retained in the proposed layout. Its loss will not have an adverse affect on the character and appearance of the area and provision is made for soft ground within the site layout to implement adequate landscape mitigation, including tree planting, particularly along Watford Road. The replacement trees will result in

a net public gain, enhancing the street scene and maintaining future tree cover.

7.12 Based on the above assessment, documents supplied and recommendations outlined in the arboricultural report, trees indicated for retention should be safely integrated within the proposed residential development and can be fully protected..

7.13 Whilst adequate tree protection and special precautions will be required to limit potential root disturbance as highlighted within the Impact Assessment report, it is considered that this can be achieved in accordance with current good arboricultural practice through an Arboricultural Method Statement and Tree Protection Plan, which could be satisfactorily addressed through the imposition of conditions by the Local Planning Authority. This may include provision for the appointment of an arboricultural consultant to provide supervision of works within the RPA of retained trees.

### **DESK-TOP ARCHAEOLOGICAL ASSESSMENT**

7.14 The site is considered to have a moderate potential for Palaeolithic artefactual remains within the underlying gravel geology and low potential for remains of other periods.

7.15 However, it is not recommended that any further archaeological works are necessary.

### **RESIDENTIAL CONVERSION - FEASIBILITY STUDY REPORT**

7.16 A report has been produced by Gould and Company which looks at whether it would be viable to convert the building for residential purposes. This matter is considered in further detail in Section 9.0 below.

## **8.0 DESIGN AND ACCESS PRINCIPLES**

### **DESIGN**

8.1 The previous sections of the statement have set out the physical, social, economic and planning policy context of the site. From these context assessments and a site appraisal (4757/003) we have identified a number of design and access principles to inform the development of the illustrative site layout (4757/006).

8.2 The following overall principles have been applied to the design and layout of the site:

- To enhance the character of the area – particularly along Watford Road, by the introduction of additional landscaping and improved means of enclosure
- Ensure that the residential amenity of adjoining neighbours is protected
- Ensure that the scale of development is in-keeping with the character with the surrounding development
- Protect trees on the site as far as possible, and in particular those covered by TPOs
- Provide an acceptable access which has no adverse impact on the surrounding protected trees and is safe in highway terms.
- Provide car parking in accordance with the Council's standards
- Ensure that the level of proposed development on site does not unduly impact on the local highway network

8.3 Whilst the scheme will lead to the loss of the former school, the replacement dwellings, developed in broad compliance with the

indicative masterplan, have the potential to enhance the character and appearance of the area by the continuation of the street scene on Yorke Road, by the use of high quality design and materials, and by comprehensive landscaping and boundary treatment.

8.4 The provision of car parking in a largely communal parking area to the front of the residential units is necessary due to the proximity of the adjoining junction and the presence of trees along the western boundary of the site. Both of these factors weigh against the provision of direct frontage access to each dwelling.

8.5 However, the parking area can be sensitively designed and the introduction of low level screening in the form of a native hedgerow behind the existing fence-line, may be an appropriate device for screening the parking area. In addition, rather than the use of 'black top' tarmac, it is suggested that the parking area be finished in high quality paving that is integral with other building materials on the site.

### **INCLUSIVE ACCESS**

8.6 The accessibility of the site in general, together with the availability of local facilities, was highlighted in section 4.0 above. The site is in a relatively sustainable location with a good range of available local facilities within walking and cycling distance. The site also has easy access to public transport affording access to a range of destinations without the use of private cars.

8.7 The site is relatively flat, with no changes of gradient that would cause difficulties for those with limited mobility. All units would have level thresholds and easy access from the parking spaces by demarcated routes.

## **9.0 DETERMINING PLANNING ISSUES**

9.1 We have identified a number of key planning issues raised by this proposal, which are as follows:

- Principle of residential development
- Redevelopment as against conversion
- Sustainable development
- Environmental impacts, including trees and residential amenity considerations
- Impact on the public highway

### **PRINCIPLE OF RESIDENTIAL DEVELOPMENT**

9.2 The site was declared surplus as a school over 30 years ago and was last used for employment related purposes in association with Leukaemia Research. As noted above, this use was made personal to Leukaemia Research by the use of a restrictive planning condition. The site is not 'protected' for employment or any other use and it is within an area which is predominantly residential in character. In principle, therefore, the redevelopment of the site for residential purposes would accord with established planning policy.

9.3 Indeed, the main policy shift in recent years has been the focus of PPG3 and latterly PPS3 on providing new homes on previously-developed land. Central Government has consistently promoted an increase in the supply of new housing with a concentration on brownfield sites, particularly where these are in sustainable locations. The Government's drive to improve land supply and affordability are therefore key planning considerations.

- 9.4 In short, although the last use of the site was for offices and storage, the site has not been designated as an employment site, and therefore it is not considered that loss of these uses to residential should be opposed in principle.
- 9.5 As noted above, the site immediately to the east was the subject of a planning approval for seven dwellings in 2008. These dwellings have now been built. This has reinforced the residential character of the area and strengthens the case that appropriate residential development in this location is acceptable.
- 9.6 Pre-application discussions have been held with the Local Planning Authority. The change of use of the land from business, storage and distribution to residential was accepted by the Council's planning officer, Laurence Moore, in his pre-application advice dated 25<sup>th</sup> June 2009.

### **LOSS OF LOCALLY IMPORTANT BUILDING**

- 9.7 The local authority has confirmed that the former school building has been identified as a 'locally important building'. The relevant planning policy on locally important buildings is C12 of the adopted local plan. The policy states that the Council will encourage the preservation of such buildings and permission will only be granted for development affecting locally important buildings where it does not adversely affect its character and appearance.
- 9.8 The proposal to demolish this building and redevelop the site is clearly contrary to policy C12. However, in this case, there are two compelling material considerations which allow for an exception to be made to policy C12 of the adopted local plan :-
- (1) The conversion of the property to residential units is not considered to be viable, whether in today's market or if the

market improves; there is, therefore, no realistic prospect of the building being retained for residential purposes; and

- (2) Even if a viable future for the buildings could be found, the site value for conversion purposes would be substantially lower than its value for redevelopment. Whilst not usually a planning consideration, given that any capital receipt will help the work of Leukaemia Research, the need to maximise this receipt is a significant issue in this case.

### **Viability of conversion**

- 9.9 A comprehensive Feasibility Study Report has been prepared by Gould and Company, a leading firm of Chartered Surveyors. This is submitted in support of the application.
- 9.10 The buildings were inspected and budget costs were obtained for both renovation and conversion.
- 9.11 The report found that there were a number of problems with the condition of the building which would require rectifying if it were to be converted. For example, all of the timber floors would need replacing with solid floors and appropriate levels of insulation. There is extensive dampness throughout the property as a result of a failure of the damp proof course, and the walls are only one brick thick, clearly insufficient for residential use without significant interventions. All of these factors add significantly to the cost of conversion.
- 9.12 The report also highlighted a number of constraints which would effect what could be achieved in terms of a residential conversion, and also the quality of the resulting residential units. The report highlights that there is little scope for extensions, insufficient ceiling heights to provide two full storeys and no scope for increasing ceiling heights. These considerations would adversely impact on the value of the resulting properties should conversion take place.

### **Financial viability**

- 9.13 The report sets out a Residual Valuation of the proposed conversion, albeit accepting that the resulting units would have certain deficiencies in terms of layout and space standards.
- 9.14 It estimates a build cost of some £750,000 and indicates a 15% developers profit of £165,000. The resulting residual land value would be only £95,000.
- 9.15 The report concludes that even at this potentially 'generous' profit percentage, the actual profit would be insufficient to persuade a developer to undertake the project in view of the inherent risks involved with dealing with an old building such as this. Clearly, the resulting land value would represent an extremely poor return to Leukaemia Research.

### **Status of the applicant**

- 9.16 As stated above, the owner of this site and the applicant is the Leukaemia Research . The vitally important work of Lukaemia Reserach was set out above.
- 9.17 The income from the sale of the site will be critical to the ability of Leukaemia Research to sustain current investment levels in life saving research.
- 9.18 Leukaemia Research plans within the next 12 months to invest more than £1 million in a clinical trial for children with leukaemia at Great Ormond Street. It is believed that the findings from this trial, will, within five years, deliver survival rates for children with the most common form of leukaemia of 95%. As the charity receives no Government funding, further delay in the sale of the property (the sale has already been delayed by 22 months given the delayed Listing process) may affect the charity's ability to sustain research investment, given the current decline in donations from the general

public. In addition, because of this delay, the charity is incurring needless expenditure on the insurance of the building which could be more usefully invested in charitable work.

- 9.19 In short, the loss of the locally listed building has to be balanced against the significant financial benefit to a leading charity and the public benefit of the resulting use of these additional funds.

## **SUSTAINABLE DEVELOPMENT**

- 9.20 As stated in section 3, the site is vacant and has previously been used as a school and more recently as offices and storage for Leukaemia Research. The site therefore, is both vacant and previously developed.

- 9.21 Paragraph 36 of PPS3 Housing states that, 'The priority for development should be previously developed land, in particular vacant and derelict sites and buildings'. This site falls within the definition of previously developed land as set out in Annex B of PPS3, as it is '.. occupied by a permanent structure...'.

- 9.22 As also highlighted above the site is in a sustainable location with good access to a range of local services and public transport.

- 9.23 This proposal would therefore make efficient use of previously developed land in a sustainable location, in accordance with the objectives of PPS1, PPS3, and the relevant policies of the Local Plan.

## **ENVIRONMENTAL CONSIDERATIONS**

### **Trees**

- 9.24 As stated previously there are a number of trees on and adjacent to the site. A Tree Survey and an Arboricultural Impact Assessment have been carried out on the site. The illustrative layout has taken full

account of the trees on the site, and in particular those covered by a Tree Preservation Order.

- 9.25 The illustrative layout would involve the removal of one Laurel tree in the south-east part of the site. The tree was identified as a category C tree in the Arboricultural Survey.
- 9.26 The transport consultant has considered the access to the site from both a highway point of view and in relation to the impact on the surrounding protected trees. A number of access options were developed and the County Highways Authority was consulted. The final option agreed has no adverse impact on the adjacent trees.
- 9.27 None of the trees covered by TPOs will be affected by the proposal. They will not be required to be felled and, according to the AIA, they can be adequately protected throughout ground works and the construction phase.
- 9.28 Moreover, the proposals afford the opportunity to increase tree planting in the soft areas of the site and introduce a native hedgerow along Watford Road and Yorke Road.

### **Surrounding properties**

- 9.29 To the east of the site is a terrace of three storey town houses, which face Watford Road. The distance from the rear of the proposed dwellings to the nearest property would be approximately 16m.
- 9.30 Due to their orientation the rear windows of the proposed dwellings would face the side elevation of one of the properties on the adjacent site to the east. The flank wall of the closest property has obscurely glazed, non-opening windows at first and second floor levels.
- 9.31 As the adjacent properties would have no primary windows facing the rear of the proposed dwellings it is not considered that there would be any significant overlooking or loss of privacy issues.

## **IMPACT ON THE PUBLIC HIGHWAY**

- 9.32 As stated, Leukaemia Research's a transport consultant has produced a means of access plan for the site (see Appendix 2). Comments were sought from the County Highway Authority who had no objections in principle to the access.
- 9.33 In addition to comments on the access, the transport consultant also received comments from the County Highway Authority on parking and on-site manoeuvring. Amendments were made to the original layout to take account of some concerns of the Highway Authority regarding adequate manoeuvring space.
- 9.34 The illustrative layout submitted with this application was considered to be acceptable in parking and manoeuvring terms, as stated in an e-mail from Alan Oggelsby to Ben Rayner of Stomor on 10<sup>th</sup> March 2009.
- 9.35 With regard to traffic movements, the Transport Statement has confirmed that compared to existing flows on other surrounding roads, it is very likely that the proposed development will have no significant impact upon the traffic scenario on the local road network. Therefore no improvements to the local highway network are considered necessary as a result of proposals to develop this site.

## **10.0 SUMMARY AND CONCLUSIONS**

- 10.1 The redevelopment of the former school site at Yorke Road will allow the sustainable use of brownfield land for residential purposes.
- 10.2 Although the building is locally listed, it does not have statutory listed status and is not in a conservation area; it could, therefore, be demolished without the need for planning permission.
- 10.3 The land is owned and was formerly occupied by Leukaemia Research. Leukaemia Research is the only charity in the UK dedicated exclusively to researching blood cancers and disorders including leukaemia, Hodgkin's and other lymphomas, and myeloma. Any capital received will be recycled into the charity's charitable work.
- 10.4 Assessment of the potential conversion as opposed to the redevelopment of the site has confirmed that the resulting residential units would have deficiencies due to the internal spaces within the existing buildings, and, moreover, significant costs to remedy problems with the existing buildings would be required. Accordingly, although there can be no objection to the principle of residential use on the site, there is no realistic prospect of the existing buildings being converted. Even if this were to occur, the capital receipt to the charity would be significantly reduced, impacting directly upon their charitable work. Accordingly, redevelopment of the site is fully justified.
- 10.5 There are no other material planning considerations that weigh against the proposals. Access can be suitably provided, all TPO'd trees can be retained, the amenity of surrounding properties can be protected and the proposal affords the opportunity for improvements to the streetscene to be implemented.
- 10.6 On this basis we consider that the public interest – in which the planning system is designed to operate – is overwhelmingly served by

the approval of this application, and we commend it to the Council on this basis.