

## SUPPLEMENTARY REPORT – ITEM 4

PLANNING COMMITTEE OF

19 January 2016

<b>Proposed Development At:</b> Southern Part of the Site of Whitehall Park Primary School (Formerly Ashmount Primary School) Ashmount Road, London N19 3BH	<b>LBI Application Ref:</b> P2015/2913/FUL
<b>Proposal</b>	The demolition of the existing buildings on the southern part of the Former Ashmount School site and the erection of 46 residential units in three blocks with associated landscaping.

### Further Responses to Consultation

- Four (4) additional letters of objection from members of the public have been received since the writing of the original report. The matters raised are addressed (where they raise new issues) below, however the further responses relate to:
  - Email request that condition 16 (Boundary treatment) be amended to require consultation with adjoining land owners prior to making a decision;
  - Email relating to 1 & 2 Ashmount Road – commenting on the Committee report in particular sunlight obstruction and Block B1 balcony;
  - Email regarding construction timing of the ISHA scheme in the event it is approved and impacts on the school;
  - Four (4) page letter (received 9am 19 January) – commenting on the Committee report, which has also been circulated to members by email.

### Additional / Amendments to Conditions

- Condition 16 (Boundary Treatment) to have the following words added (page 321 of agenda):

*“The applicant shall formulate the boundary treatment proposal in consultation with local residents who will directly adjoin the site and the submitted details shall include a summary of consultation undertaken.*

*The submitted details shall be consulted on with local residents who directly share a boundary with the site. Residents will therefore have the opportunity to submit comments to the Local Planning Authority for its consideration prior to determination of the condition discharge application”.*

- Condition 6 (page 317 of agenda) should be amended to include a requirement for details of:

*Safe and separate temporary pupil entrance routes, playground areas etc designed and laid out in a manner that safeguards pupil safety and education provision (in the event that construction commences prior to the movement of the school to its permanent site);*

4. Condition 7 (page 317 of agenda) should be amended to state:

*The approved Statement(s) shall be prepared in the context of the approved phasing strategy and the need to ensure that the following details are located and carried out in a manner that seeks to protect the safety of school pupils arriving and leaving and using the school (both temporary and recently approved scheme). Consideration for pupil drop offs should also be considered and movement of construction vehicles should have particular regard to and avoid significant vehicle movements at school start and school end times in order to minimise potential conflicts between pupils and construction vehicles.*

5. The reasons for conditions 6, 7 and 8 (pages 317- 318 of the agenda) should have the following text added:

*“to safeguard the continued and effective school operation and to maintain pupil safety”*

### **Additional Responses to Further Issues Raised By Objectors:**

#### Issues raised in relation to 1 & 2 Ashmount Road

6. Sunlight Obstruction: This refers to pages 255-256 of the agenda and suggests that paragraph 8.22 is incorrect. The report states that these properties do not require to be tested for sunlight purposes as the development sits north-west of the rear of these houses. Referring to the PTE drawings and submitted photographs, the resident considers this is incorrect.
7. Officer response: The resident objection is correct, however the window does not require sunlight testing, it was just not made clear in the Committee report. To clarify, further detail is provided below. Looking at the BRE Guidelines, this states at 3.2.11:  
  
*“If a living room of an existing window facing within 90 degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected.”*
8. Having regard to the image below (submitted by the objector), whilst the combined kitchen / living / dining room at ground floor level at 1 Ashmount Road does face within 90 degrees of due south, the next part of the BRE test is not triggered, therefore this window does not require testing for sunlight purposes. The second part of the BRE guidance states:  
  
*... and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window*
9. In this regard, the solid black line shown on the sketch submitted by the objector (below) runs parallel to the northern edge of the combined living/ kitchen /dining room, in this regard it also runs perpendicular to the window. A 25 degree line drawn to this solid black line (at horizontal) would not hit any part of the proposed

development. In this regard, according to the BRE Guide, sunlighting to the existing dwelling will not be adversely affected.



10. Block B1 (Flank wall – First Floor Balcony): Page 295 of the agenda (paragraph 10.161) addresses overlooking, however the objector considers unacceptable noise impact would also occur from use of this balcony. The balcony is 6sqm, serves a one bedroom unit and would be subject to normal residential use. It is not considered normal residential use would generate an unacceptable level of noise to warrant blocking this up. This does present a desirable feature to this part of the flank wall visible from Ashmount Road and its loss would reduce the qualities of the design, to no measurable noise reduction improvement.

#### Construction Impacts on the School

11. A request to prevent any construction occurring on this scheme (in the event of approval being given) whilst the temporary school is still in operation has been received, via email, but such a condition is strongly objected to by the applicant, ISHA.
12. Officers are advised that ISHA has regular monthly meetings with the Education Funding Authority (EFA) to discuss the timetable of the work and to ensure their development has no effect on either the working of the school or the safety of the children.
13. What is crucial for ISHA is the moving of the sub-station (which is located in the approximate position of Block B1 and would be repositioned within Block B1), as this is on the critical path for the construction of the new residential buildings. The EFA has agreed that an area they call 'C' on the plan inserted below is segregated from the rest of the school site. This will enable ISHA to commence works on site and allow the school to continue in its temporary buildings until the new school is completed.
14. ISHA's funding requires a start on site before April 2016. ISHA has been working to accommodate the school to allow them to remain in occupation of most of the temporary school site beyond the existing licence period (which runs until 19

February 2016). This is at additional expense to ISHA, as they are unable to offer the whole site to their contractor.

15. Discussions with the EFA suggest that pupils would access the site from the part of the site identified as 'Site Area B' in the plan below once construction commences on the site, therefore moving pupil's main points of entry and exit from the construction vehicle access point. The above suggested amendments to conditions 6 and 7 are considered to provide for the necessary construction practice details so as to protect pupil safety whilst enable construction to commence on this site safely.
16. The timescale for the initial works in the event of approval being secured, would commence from April 2016 and subsequent works from October 2016.



17. The above type of arrangement has worked satisfactorily previously, with the Building Schools for the Future programme always carefully managing both the construction and continued education provision within the unaffected parts of the school to be extended in a safe and effective manner. The same may be achieved here, with the suggested amendments to conditions 6, 7 and 8 as set out above.

### **Responses to four page letter received by email 19 January 2016**

18. References to space wastage within Block B2
19. Officer response: Having reviewed the submitted scheme carefully, the scheme is considered to be laid out as efficiently as possible having regard to the significant policy requirements for all space requirements, including cycle parking, amenity space etc. In this regard, the scheme does in fact comply with policy DM2.1, supporting text paragraph 2.9. Other points raised under this heading are addressed in the Committee report.
20. Private Garden Areas: This refers to the Block B2 maisonettes at upper levels that are accorded with less than the minimum amenity space requirement.
21. Officer response: This is addressed at paragraph 10.140 of the agenda. However the updated objection refers to the supporting text to policy DM3.5 'making it clear that the minimum amenity space area for these units being 30sqm<sup>2</sup>. The supporting text at paragraph 3.63 states:

*“Dwellings on upper floors should all have access to a private balcony, terrace, or winter garden. Houses and ground floor flats should have private gardens.”*

22. The 8 maisonettes are not afforded with balconies to minimise overlooking of Gresley Road properties and also within the scheme itself, however gardens are provided, which exceed the area requirement for upper floor units. They are each afforded with between 19.5sqm and 26sqm of amenity space. It is considered the interpretation in the Committee report is correct and is supported by the full reading of the supporting text to this policy.
23. Quality of Amenity Spaces The objection refers to overshadowing of the above amenity areas. Officer response: These issues are addressed in the Committee report at pages 287-293.
24. Point 19 – Response: the amenity areas comply with the minimum standards – see response above.
25. Point 20 – Response: There is sufficient information to understand the garden position. The finished floor level of Block B2 steps up into the site from east 82.52 to west 83.81 (a change of 1.29m across a 47m length), reflecting largely the internal mews level. The boundary level and levels beneath the root protection areas will not be permitted to change. The overall quality and design of these spaces will be further considered at condition stage via the consideration of both the boundary treatment condition and the landscaping condition details that also require further survey information. This is not unusual and as set out above, it is recommended consultation with the neighbours regarding the boundary treatment be undertaken prior to determination.
26. Point 21 – Response: Block B2 steps up in height by 1.29m along its length as set out above. This is dictated by the entry into the units from the shared surface, not the relationship to the boundary levels to its rear, which aren't proposed to change. Whilst there may need to be a step in the garden amenity spaces to account for the tree areas, having a step does not dictate an unacceptable amenity space, albeit parts of those spaces may not be accessible to those with mobility impairment.
27. Point 22 – Response: all planning conditions and s106 legal provisions are open to challenge.
28. Point 23 – the objection refers to the Access Officer objection to steps within the maisonettes and within the garden areas which is already reported. As summarised, the benefits of the scheme are considered to outweigh this non-compliance. Just because a scheme does not comply with every single policy in the Development Plan, to the letter, does not mean that a scheme is unacceptable. Judgements need to be applied and recommendations made based on balancing the benefits and dis-benefits of the scheme in their entirety.
29. Point 24 – Conclusion. The amenity spaces are of an acceptable size and shape, and whilst they would be located beneath tree canopies, the spaces have been increased in size due to movement of the rear of Block B1 and Block B2 1.25m northwards. Provisions for planning conditions and legal agreement clauses are considered to go some way towards mitigating these concerns.

30. Various objections to the suggested planning conditions have been raised. Officer response: refer to response under point 23 above. The conditions are considered to find the right balance between protecting the amenity of adjoining residential properties and maintaining the future quality of accommodation. Half screening of balconies is less of an enclosure to a winter garden, which is a permitted form of private amenity space and is not considered to deliver a 'lesser quality' of amenity for future residents.
31. The half screening of the balcony is considered an appropriate response. The unscreened element of balcony would look over the very end of the garden space. This level of screening is considered acceptable and appropriate.
32. The remainder of the objection makes points already addressed within the Committee report.

**Conclusion:**

33. There are no new issues raised that would lead to a different conclusion being reached on this proposal. In conclusion, the proposed development whilst having some shortcomings relating to tree loss and relationship with retained trees, and amenity spaces located beneath tree canopies, the scheme is otherwise designed as a high quality scheme with a contemporary approach that would sit comfortably within this conservation area that is characterised by a variety of architectural building styles. The proposed development would make efficient use of this site with buildings of an appropriate scale and massing at 3 and 4 storeys in height fitting harmoniously in with the scale of buildings within the vicinity. It should be noted that the density of the proposal fits comfortably within the indicative London Plan range for locational characteristics.
34. Care has been taken in the design to minimise impacts on adjoining neighbours, and where the scheme has shortcomings in terms of overlooking, conditions to obscure glaze windows and balconies have been recommended. These conditions are considered to strike an appropriate balance between achieving a high quality resulting accommodation and protecting neighbouring residential amenity.
35. The construction of this development is able to be safely phased so as to safeguard the successful operation and quality of schooling within the temporary school buildings, whilst enable the proposed housing development to commence on site, in a manner that safeguard allocated funding. Thus safeguarding the delivery of improved education provision and much needed affordable housing. Additionally, no restrictions on the construction of the new school directly adjacent the site were imposed and it would be unreasonable to impose such restrictions on this scheme as concerns may be suitably addressed by planning condition, on this housing scheme.
36. The proposed development would deliver a total of 46 new homes, 35 of which would be affordable, with 24 affordable rent and 11 shared ownership. Whilst described as affordable rent, the rent levels within the s106 agreement would be defined at Target Rent levels, thereby making them social rent equivalent. This provision is supported by independent viability consultant as the maximum reasonable level of affordable housing that could be provided. However there may be opportunity to increase this level subject to negotiations with the GLA.

37. The above benefits are considered to present overriding planning benefits that weigh considerably in favour of granting planning permission despite objections from the Tree Officer in relation to trees and their relationship with the development, and objections from local residents. The scheme is on the whole, in the context of the constraints for this site and aims to make best and optimum use of the site is considered to be of a high quality and appropriate to its conservation area location.
38. The application is recommended for approval subject to the heads of terms set out at page 313 of the agenda and the conditions (from page 315), including those suggested condition amendments set out within this addendum, and the delegation of wording of the Accessible Unit condition 34 to officers.