

Land to the north of the junction between Millennium Way and John Harrison Way, Greenwich Peninsula

in the Royal Borough of Greenwich

planning application no. 15/1910/F

Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Construction of a new all-through school, associated playground and sports areas, hard and soft landscaping and planting, service areas, cycle and car parking provision, for the expansion of St Mary Magdalene School.

The applicant

The applicant is the **Royal Borough of Greenwich** and the architect is **Penoyre & Prasad**.

Strategic issues

The principle of an expanded school to provide a through school that will help meet the growing demand for school places on the Greenwich Peninsula and is fully supported by strategic planning policy. Outstanding strategic planning concerns relating to **urban design, inclusive design, sustainable development** and **transport** have been satisfactorily addressed.

The Council's decision

In this instance Greenwich Council has resolved to grant permission, subject to conditions and referral to the Health and Safety Executive (HSE).

Recommendation

That Greenwich Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State/HSE may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context

1 On 21 August 2015 the Mayor of London received documents from Greenwich Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under paragraph two of the Schedule to the

Order 2008 as it is considered to form part of a more substantial development, on the same land or adjoining. In this case the application is considered to form part of the revised Greenwich Peninsula Masterplan application 15/0716/O.

2 On 28 September 2015 the Mayor considered planning report D&P/3637a/01, and subsequently advised Greenwich Council that the application was broadly supported but did not comply with the London Plan, for the reasons set out in paragraph 52 of the above-mentioned report; but that the resolution of outstanding issues set out in paragraph 52 of that report could address these.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Mayor's concerns (see below). On 2 February 2016, Greenwich Council decided that it was minded to grant planning permission and on 5 February 2016 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Greenwich Council under Article 6 to refuse the application or issue a direction to Greenwich Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application, and any connected application. The Mayor has until 19 February 2016 to notify the Council of his decision and to issue any direction.

4 The decision on this case, and the reasons will be made available on the GLA's website www.london.gov.uk.

Update

5 At the consultation stage Greenwich Council was advised that the principle of development of an expanded school was broadly supported. However, the proposal raised some strategic planning concerns that needed to be resolved to comply with the London Plan. Addressing each of the points, the following is noted:

HSE consultation zone

6 The application site falls partly within the Health & Safety Executive (HSE) consultation Outer Zone for the nearby gas holder and as a result the applicant has sought public safety advice from the HSE at both pre-application stage and at planning application stage as a statutory consultee. The operator of the gasholder station, Southern Gas Networks (SGN) has advised that the gasholder is non-operational, however the hazardous substance consent has yet to be revoked with HSE.

7 HSE's advice is that given the high number of children likely to be present on the site that there are sufficient public safety grounds for permission to be refused, however the HSE have advised the Council that all people inside buildings anywhere on the proposed school site would be protected against the effects of foreseeable major accidents at the gasholder station. Accordingly HSE's advice that there are sufficient public safety grounds for refusal is based on the level of residual risk to groups of children in any open areas (ie not within buildings) at the proposed school.

8 On the basis of the HSE advice, a Grampian-style planning condition is proposed which would seek to restrict occupation of any open areas which are located within 375m of the centre of the East Greenwich Gasholder Station, for example the sports pitches, playgrounds and school bus waiting points until such time as the hazardous substances consents for the gasholder have been formally revoked.

9 The application has been referred back to the HSE for further consideration, as per paragraph 072 of the Hazardous Substances section of the Planning Practice Guidance. GLA officers consider that, subject to the views of the HSE, the proposed condition wording would enable the pragmatic commencement of the development and allow for the revocation of the hazardous substances consents to be progressed in tandem.

Urban Design

10 At consultation stage, the design approach was broadly supported and welcomed. However, strategic concerns were raised with the lack of footpaths within the site boundary, relationship with the adjacent A102 Millennium Way and the potential for noise and air pollution and the design of the south facing facades to mitigate overheating to teaching spaces.

11 The scheme design has subsequently been revised to incorporate a footway within the site boundary and revisions will help mitigate potential noise issues from Millennium Way. Conditions are proposed to deal with details of facing materials, noise, ventilation and overheating.

12 The revisions to the scheme and the proposed conditions will secure a high-quality scheme. There are no outstanding issues.

Inclusive Design

13 At consultation stage, GLA officers requested further details of the graded access to the secondary entrance from Millennium Way and details of the design of the proposed shared space along the main entrance. The scheme has since been revised and the proposed ramped access from Millennium Way has been removed. The revised accesses are step-free and this is welcomed.

14 Full details of access arrangements are to be secured by condition, and this is considered to be acceptable.

Sustainable Development

15 At consultation stage, GLA officers sought further information to ensure that the targets set within Policy 5.2 of the London Plan would be met. The applicant has provided figures which confirm that Policy 5.2 will be met, with reductions in regulated carbon dioxide emissions at 36%, and this is welcomed. The applicant has also provided details of the site wide district heat network connection, energy centre, and roof layout of the photovoltaic array requested at consultation stage.

16 At consultation stage it was noted that the development was not meeting the Part L carbon emission targets through energy efficiency alone, and should be reviewed. The applicant's consultants confirmed there were errors in the calculation in relation to domestic hot water storage and secondary circulation, with the wrong hot water system was being modelled. This has led to improvements in the 'be lean' stage, but it is noted that the development is not meeting the Part L baseline emissions. However, Policy 5.2 is being met through the 'be mean' and 'be green' stages of the energy hierarchy and therefore there are considered to be no outstanding strategic planning issues.

Transport

17 The principal concern raised at pre-application and consultation stage related to the additional demand on the bus network arising from the school development. The section 106 agreement for the revised Greenwich Peninsula (LPA Ref: 15/0716/O) includes provision to

support bus network improvements across the wider area, but this is tied to the delivery of the residential elements, rather than the school itself.

18 The applicant is proposing to phase the school occupancy and stagger school start and end times for various year groups. Transport for London (TfL) has agreed wording to revise the travel plan condition to ensure there is a dialogue between the school, the borough and TfL to enable demand on the bus network arising from the school to be managed accordingly.

19 Other strategic planning matters including car and cycle parking and electric vehicle car charging points are in line with London Plan standards. Delivery and servicing plan, construction logistics plan, car parking management plan, travel plan and traffic calming measures are all secured by condition.

Transport for London's comments

20 The principal concern for TfL, as reported at stage 1, is the additional demand on the bus network generated by the school proposals. There is a package of measures to support sustainable travel, including contributions towards additional bus capacity through the wider Greenwich Peninsula Masterplan. TfL has agreed a revised Travel Planning condition with the Borough, which will allow dialogue between the school, TfL and Royal Borough of Greenwich to help manage bus services on the Peninsula to serve the new school.

21 TfL is satisfied that the other suggested conditions, as drafted, will secure car parking, electric vehicle parking, management of on street parking, cycle parking numbers, wayfinding, freight management, delivery and servicing, to be agreed with TfL as necessary, will address the other issues which were raised at stage 1.

Response to consultation

22 The Council notified local amenity groups, together with 1792 letters of notification to surrounding residents and business in August 2015. The only response was from the Greenwich Society who had no objection to the proposal. A second consultation was undertaken in November 2015 following amendments to the scheme, with no further responses.

23 In terms of statutory consultees, Historic England do not wish to make comments, Historic England (Archaeology) raised no objection subject to conditions, the Environment Agency raised no objections subject to conditions, Natural England had no objection, Sport England had no comments, Metropolitan Police (Designing Out Crime Officer) had no objections subject to conditions and Thames Water had no objections subject to conditions and informatives.

24 As set out in Paragraphs 6 to 9, the Health and Safety Executive (HSE) have advised that the existing gasholder station is a material planning consideration that the high number of children likely to be present on the site would give rise to sufficient public safety grounds for permission to be refused. However the HSE have advised the Council that that all people inside buildings anywhere on the proposed school site would be protected against the effects of foreseeable major accidents at the gasholder station. A Grampian-style condition has been drafted in line with the HSE advice, and the HSE have been notified of the resolution to grant permission and are currently considering the wording of the condition.

Article 7: Direction that the Mayor is to be the local planning authority

25 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission

with conditions, which satisfactorily addresses the matters raised at stage I, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

26 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

27 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

28 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

29 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

30 The principle of an expanded school to serve the new development and growing population on Greenwich Peninsula is strongly supported in accordance with strategic policy. The issues raised at consultation stage regarding urban design, inclusive design, sustainable development and transport have been addressed. Subject to the referral to HSE and their position on the existing gas holder, the application is now acceptable in strategic planning terms and there are no sound reasons for the Mayor to intervene in this particular case.

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