

## **Hackbridge Primary School Expansion**

### **Mitcham Junction, London**

**In the London Borough of Sutton**

**Planning application no. C2015/72418**

#### **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**

Erection of a new two storey primary school for 420 pupils for education and part community use incorporating soft and hard play area, car and cycle parking, pedestrian accessed and a vehicular access with raised table crossing onto London Road.

#### **The applicant**

The applicant is **the London Borough of Sutton**. The agent and architect is **Architype**.

#### **Strategic issues**

At consultation stage, the principle of providing **a school** was supported, in particular due to the need for school places; however, strategic issues relating to the erection of the building on **Metropolitan Open Land, urban and inclusive design, climate change** and **transport** required addressing for the scheme to be considered fully compliant with the London Plan. Further information has been provided to resolve those issues, as detailed in this report.

#### **The Council's decision**

In this instance Sutton Council has resolved to grant permission.

#### **Recommendation**

That Sutton Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal.

#### **Context**

1 On 20 August 2015 the Mayor of London received documents from Sutton 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 Category 3D of the Schedule to the Order 2008:

### *Category 3D*

#### *1. Development —*

*(a) on land allocated as Green belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and  
(b) which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building.*

2 On 28 September 2015 the Mayor considered planning report D&P/3517/01, and subsequently advised Sutton Council that whilst the application did not comply with the London Plan for the reasons set out in paragraph 57 of the above-mentioned report; but that the possible remedies set out in the same paragraph could address these deficiencies.

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.

4 On 16 December 2015, Sutton Council decided that it was minded to grant planning permission, and on 6 January 2015 it advised the Mayor of this decision.

5 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 or direct Sutton Council under Article 6 to refuse the application. The Mayor has until 20 January 2015 to notify the Council of his decision and to issue any direction.

6 The decision on this case, and the reasons will be made available on the GLA's website [www.london.gov.uk](http://www.london.gov.uk).

## **Update**

7 At consultation stage, Sutton Council was advised that the resolution of the issues below could lead to the application becoming compliant:

### Principle of development- Education facility on Metropolitan Open Land

8 As detailed in the stage 1 report, the National Planning Policy Framework (NPPF) regards the construction of new buildings in Metropolitan Open Land (MOL) as inappropriate, unless very special circumstances that outweigh the harm to the MOL are demonstrated.

9 At consultation stage, the applicant accepted that the development of the new school on the site was inappropriate development and to respond to this presented some 'very special circumstances' (VSC) to justify its proposals.

10 Whilst the principle of providing a school to meet the shortage of school places in Hackbridge was supported in strategic terms at consultation stage, further information on suitable alternative sites outside the MOL was requested by GLA officers.

11 The applicant has since then submitted an alternative site analysis report which focuses on sites within a one mile radius of Hackbridge Corner, as this is the area identified as coming under increased demand for school places and the catchment area of the proposed school. The site search includes private and council-owned sites, including brownfield land. Four sites on

brownfield land were considered, Felnax Trading Estate, Land adjoining Hackbridge Station, Redhouse Road Industrial Estate and Wandle Valley Trading Estate but were discounted as they are not available or have been allocated for other uses. The site search concludes that the site put forward for this development is the only suitable and available site within one kilometre of Hackbridge Corner. Whilst the number of sites considered is relatively limited, Sutton Council has accepted that this site is the only one suitable and available to meet their educational needs.

12 As set out in the initial stage 1 report and this report, justifications have been given on the need for additional school places in the area, the limited alternative suitable sites or locations and the siting of the building. Benefits arising from the scheme such as the additional education provision and its sustainability credentials, the scope for greater community uses of the school facilities, and the new public access to the MOL have also been set out by the applicant.

13 Whilst substantial weight has been given to the encroachment into the MOL, in this instance, it is the GLA officers' view that the very special circumstances demonstrated by the applicant outweigh the harm to MOL.

#### Urban design

14 As requested at consultation stage, details of perimeter fencing to the east and north of the site have been secured by condition by the Council. This is to limit the visual impact of the fence, while maintaining security for the school.

15 Whilst the new proposed pedestrian access to the MOL was welcomed at stage 1, clarity on the pedestrian linkage into the BedZed development was sought. An access and flow diagram has been provided by the applicant to clarify this point.

16 All the design issues have now been resolved.

#### Inclusive design

17 The applicant was asked at stage 1 to demonstrate that all aspects of the development met the latest best design guidance, as referenced in the London Plan. The applicant has confirmed that the design complies with the current BS8300:2009+A1:2010 and that the landscape and access to the building is designed to accessibility and inclusivity current best practice. The proposals are designed for inclusion of any pupil, parent, staff or public user with impaired mobility, and sensory or learning difficulties. As shown on the submitted levels plans, this is achieved by implementing step-free access to the building and the application of appropriate materials, colour contrasts and warning surfaces, where required. Pedestrian access is separate from vehicular circulation and access control at gate entry points assists the user whilst ensuring security for the school.

18 The inclusive design issues raised at stage 1 have now been resolved.

### **Climate change**

19 As requested at consultation stage the applicant has confirmed that the overheating measures recommended in the overheating report such as lower g-values and increased air flow rates would be incorporated into the design of the school.

20 The applicant has also provided further information on the energy centre including confirmation of its size. The heat pumps will be located with the borehole field with the main

plantroom (54sq.m.) located on the first floor of the school. The applicant has also provided further information on how the energy centre could be configured for connection to a future district heating network should one become available.

21 The applicant has provided the requested information on the proposed Ground Source Heat Pumps (GSHP) system and has explained how the system will be compatible with connection to a future network.

22 Finally, the applicant has provided a roof layout drawing demonstrating the location of the PV panels. The proposed PV array will provide carbon savings significantly beyond the London Plan target and is therefore fully supported.

23 All of the energy issues have now been resolved. As such the proposal complies with London Plan policies on climate change.

### **Transport for London's comments**

24 Following discussions with the Council, it has been agreed that only 20 car parking spaces for Phase 1 will be provided, and the usage will be monitored through a car parking management plan which has also been secured by condition. Additional spaces for Phase 2 will only be provided should the period of monitoring show a requirement for this. A scheme implementing a wider car parking exclusion zone has been secured by condition, which is welcomed.

25 Cycle parking has been secured by condition and must be provided in line with London Plan standards for both phases of the development. The improvements identified through the pedestrian environment review survey (PERS) will also be carried out prior to occupation, as requested.

26 TfL previously raised concerns over the potential impact on the bus network, however having reviewed the proposals and current capacity, it has been decided that a contribution is not required in this case. As requested, conditions requiring STARS compliant school travel plan, delivery and servicing plan (DSP) and construction logistics plan (CLP) have been secured.

### **Response to consultation**

27 Sutton Council notified 92 nearby occupiers of the application and displayed a site notice and a press notice. These generated a number of responses, of which 45 were letters of objection and two were letters of support. The Wandle Valley Forum, Hackbridge Ecology Park Group and the Hackbridge and Beddington Corner Neighbourhood Development Group objected to the proposals.

28 The objections received from the public raised issues in relation to the impact of the development on MOL/SINC/wildlife and on the Wandle Valley Regional Park; location of the development that should be located on brownfield land and the Felnax site; the principle of development, the setting of a precedent and the prematurity of the development without a masterplan for the area; the loss of trees; access for the public; sustainability and design and orientation of the building; impact on views; traffic congestion, pedestrian safety and parking stress.

29 Councillors Tony Shields and Graham Whitham raised concerns at the planning committee about the decision to build on MOL when, with foresight, the Council could have built on brownfield at the Felnax site.

30 In addition to the representations received by the local authority, one written representation was also directly addressed to the Mayor from the Wandle Valley Forum, which raised issues with regard to the impact of the development on the Site of Metropolitan Importance to Nature Conservation and the risk of compromising the evolution of the Wandle Valley Regional park (WVRP) as green infrastructure (London Plan Policy 2.18). The Forum advised that careful masterplanning is required to avoid the piecemeal erosion of the park.

31 In relation to the objections and points raised, these have been addressed in the Council's committee report and strategic matters about the principle of development, design, climate change and transport have been addressed in this report and the initial stage 1 consultation. With regard to matters related to the SINC and biodiversity, conditions have been secured in the Council's planning committee report to deliver biodiversity gains. The Council's planning committee report states that subject to these conditions it is considered that the proposal would result in biodiversity enhancements to the immediate locality.

32 In terms of statutory consultees, the Environment Agency had no objection subject to conditions; Thames Water had no objection either but recommended some informatives. The London Borough of Merton and Historic England did not object to the proposal.

## **Legal considerations**

33 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. 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.

## **Financial considerations**

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

35 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.

## **Conclusion**

36 The Mayor is recommended to allow Sutton Council to determine the application itself, subject to any action the Secretary of State may take and does not wish to direct refusal.

37 Further information has been exchanged with the Council, and the issues raised at stage 1 have been satisfactorily addressed.

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for further information, contact the GLA Planning Unit (Development and Projects team):

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