

11 February 2016

Trinity Church of England Primary School

in the London Borough of Bromley

planning application no. DC/15/05392/FULL1

Strategic planning application stage 1 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

Extensions to Trinity Church of England Primary School and Bishop Justus Church of England School, new vehicle access from Church Lane and construction of a MUGA to serve Trinity Church of England Primary School and associated works.

The applicant

The applicant is **Aquinas Church of England Educational Trust**, the agent is **Nathaniel Lichfield & Partners** and the architect is **Bailey Partnership**.

Strategic issues

School redevelopment on Green Belt is the key issue. Transport for London will issue its **transport** assessment direct to the Council.

Recommendation

That Bromley Council be advised that the application complies with the London Plan, for the reasons set out in paragraph 35 of this report and does not need to be referred back to the Mayor.

Context

1 On 6 January 2016 the Mayor of London received documents from Bromley Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 16 February 2016 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Category 3D of the Schedule to the Order 2008: *"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 floor space of more than 1000 square metres or a material change in the use of such building."*

3 Once Bromley Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision, as to whether to direct refusal or allow the Council to determine it itself, unless otherwise advised. In this instance, the Mayor does not need to be consulted again on this application.

4 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 Trinity and Bishop Justus are located adjacent to each other on land to the east of Bromley Common. Magpie Hall Lane is located to the north, from which Bishop Justus is accessed, and Church Lane and Prince's Plain to the south from which Trinity is accessed.

6 Both schools are located within the Green Belt. A small part of the southern, south eastern and eastern parts of the site are within Flood Zone 3; the existing buildings on both school sites are within Flood Zone 1, where there is a low risk of flooding.



Aerial views of the sites, looking south, Trinity and Bishop Justus, respectively: Source – applicant's design and access statements.

Details of the proposal

7 Trinity and Bishop Justus are subject to planned expansions to meet the need for additional school places within Bromley. It is the long term intention of Aquinas Church of England Educational Trust to create a campus on the wider site to encompass both schools, for shared use of facilities, playing fields etc. The proposals therefore form one full planning application encompassing the works to both schools. The proposed extensions will facilitate additional two FE to both Trinity (increasing from two to four forms) and Bishop Justus (six to eight forms).

8 Trinity Church of England Primary School: Three small single storey infill extensions are proposed to the existing buildings at Trinity. This includes a 304sqm extension connecting blocks A and G; and 371sqm and 243sqm extensions to the rear of block G i.e. 918sqm in total (all GIA figures). The proposals include the demolition of a number of buildings on the site, totalling 501sqm floor space. A further 413sqm has recently been demolished on site (Units H and I). A multi-use games area ('MUGA') is proposed on part of the existing playing field, fronting Church Lane. Additional trees are proposed to the boundary along Church Lane and to the west of the MUGA to provide additional screening. A new one way access road is proposed from Church Lane into the site. The extension of the school will facilitate an additional 238 pupils on the site, and a further 17 FTE staff.

9 Currently Trinity school has 462 pupils registered at the school, in addition to 29 pupils within a Special Educational Needs (SEN) unit and an on-site nursery that takes up to 60 children. The site is also currently occupied by La Fontaine Academy Primary School, which opened as a temporary school in September 2014. La Fontaine has 170 pupils expected to increase to 230 by September 2016. It will

vacate the site in 2017 to enable the existing school buildings to be occupied by Trinity as part of its expansion. Trinity currently employs 98 full time equivalent (FTE) staff and 11 FTE staff within the nursery. La Fontaine currently employs 25 FTE staff.

10 Bishop Justus Secondary School: A number of extensions (on ground, first and second floors) are proposed to the existing school to facilitate its expansion to an eight FE school, and to provide additional office accommodation for Aquinas. A total of 1,412sqm of floor space is proposed. Some demolition (315sqm) is proposed as part of the proposals resulting in 1,097sqm net additional floor space. The extension to the school will facilitate an additional 300 pupils on the site, and a further 11 FTE staff. No changes are proposed to the access or playing area provision as part of the proposals for Bishop Justus.

11 Bishop Justus currently has 1,150 pupils (of which 220 pupils are in the sixth form). It employs 181 FTE members of staff. Aquinas' head office operations are located within the school. The total floor space of the school as existing is 11,182sqm.

Case history

12 Trinity primary school - various planning applications were approved for single storey extensions, mobile classrooms, etc. from 1991 - 2015.

13 Bishop Justus - is a six FE secondary school, which was built pursuant to planning permission DC/01/02282/OUT granted on appeal in May 2003. This outline permission related to a building 12,000sqm in size. It opened in 2005 and is three storeys in height. This planning application was refused by the previous Mayor.

Strategic planning issues and relevant policies and guidance

14 The relevant issues and corresponding policies are as follows:

- Green Belt *London Plan;*
- Education *London Plan; Mayor's social infrastructure SPG;*
- Transport *London Plan; the Mayor's Transport Strategy;*

15 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plans in force for the area are the 'saved' policies of Bromley Council's Unitary Development Plan, originally adopted on 20 July 2006 with the majority of policies saved in 2009 and the 2015 London Plan (Consolidated with Alterations since 2011).

16 The following are also relevant material considerations:

- The National Planning Policy Framework, Technical Guide to the National Planning Policy Framework and National Planning Practice Guidance.
- The Mayor's Social Infrastructure SPG (2015).
- Draft Minor Alterations to the London Plan (draft MALP, 2015).
- Bromley Council's emerging Draft Allocations, Further Policies and Designations Document (published September 2015).

Land use principle: Education facility on Green Belt

17 In relation to the provision of educational facilities, policy 3.18 'Education facilities' of the London Plan states that "*Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing facilities or change of use to educational purposes*".

18 The above policy states '*The Mayor will support provision of early years, primary and secondary school and further education facilities adequate to meet the demands of a growing and changing population and to enable greater educational choice, particularly in parts of London with poor educational performance. ...Development proposals which enhance education provision will be supported, including new build, expansion of existing facilities or change of use to educational purposes.*

19 The Mayor's Social Infrastructure SPG provides guidance on planning for social infrastructure provision at strategic level starting with the GLA's own demographic projections and the ways in which these can be used to understand need for health, education and sports facilities. It sets out that the Mayor is keen to support the development of free schools in London, not only through increasing provision of places in areas where there is unmet demand but also in driving up the quality of provision.

20 The NPPF in Para 72 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."*

21 The application sites form part of a larger area designated as Green Belt. The London Plan (policy 7.16) states that the strongest protection should be given to London's Green Belt and the National Planning Policy Framework (paragraph 89) sets out that only development associated with agriculture, forestry, outdoor sport and recreation, limited infilling and redevelopment of existing sites and previously developed land, is appropriate in the Green Belt. All other forms of development are, by definition, 'inappropriate'. In order for the 'inappropriate' development to be acceptable in the MOL, very special circumstances must apply.

22 The NPPF in Para 87 sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

23 Appropriateness of the proposals: The applicant has set out that the proposed development of Trinity School represents a limited infilling of a brownfield site within the Green Belt and as such is appropriate development; as long as the development does not have a greater impact on the openness of the Green Belt.

24 The applicant has reiterated its case stating that "the proposed development at Trinity includes the demolition of 501sqm floor space and this includes building B (150sqm) which was only granted temporary planning permission and should have been demolished in 2012. Whilst the loss of this building is not a material consideration in the determination of the application, the remaining 351sqm is, and there is only a net increase of 567sqm floor space at this site."

25 In regard to Bishop Justus School, the applicant has set out that "the proposals represent an extension that is a proportionate addition to the existing buildings and as such should be considered as appropriate development in the Green Belt. The net additional floor space created by the development is 1,097sqm (9.8% of the existing building), of which 363sqm is enclosed within existing courtyard areas and therefore will not affect the external appearance of the building. The remaining 734sqm represents a 6.6% uplift to the original building."

26 The applicant has reiterated its position stating that "the UDP notes for residential uses, a 10% uplift is used as a threshold for when an extension to be deemed "proportionate" in Green Belt terms (UDP Policy G4), (the NPPF, which is more up to date, does not define what is considered proportionate development suggesting this should be dealt with on case specific basis). Whilst this 10% threshold relates to residential uses, it is a helpful guide in the consideration of this issue. It is also relevant to note that in the determination of the original appeal decision for the school, the Inspector considered a school building of up to 12,000sqm was acceptable in this location. With the proposed extensions, excluding the elements which are internal to the courtyards, the total floor space of Bishop Justus would only be 11,916sqm."

27 Very special circumstances: Notwithstanding the above, the applicant has stated that “very special circumstances do exist for the proposals, which would outweigh the potential harm to the Green Belt should the Council form a view that the development is not appropriate, as allowed by paragraph 87 of the NPPF.”

28 The applicant has pointed out that in determining whether any ‘very special circumstances’ exist for the proposals they consider the need for the proposed school extensions and associated MUGA is the key justification; and the applicant has set out the following points:

- Need for Additional School Places: This section of the planning statement analyses the ‘need’ and associated benefits of the application proposal. This is the principal very special circumstance, and in line with the NPPF (para. 72), ‘great weight’ should be given to proposals which meet the need for school places. A number of factors have driven a borough wide increase in demand for school places. The borough birth rate has increased from 3,414 in 2001 to 4,086 in 2014, and net migration of 0-3 year olds from other London Boroughs increased by 123% between 2009 and 2014. On the basis of the GLA pupil roll projections and other data sets it is expected that the demand for primary school places will remain in the region of between 3,900 and 4,100 reception places over the medium to long term. In secondary, according to the GLA school roll projections the number of Year 7 places is set to increase from 3,567 in 2015/16 to 4,370 in 2022/23. Trinity has been included for expansion in LBB’s Primary School Development Plan since 2013. The school has taken a bulge class each year since 2013 and permanent expansion by 2 FE is required to ensure that there are sufficient reception places in the future in Planning Area 5. If the planned expansion of Trinity by 2FE is not progressed, there will be insufficient school places in this planning area from 2016 onwards.
- Need for Aquinas Office Accommodation: The extensions at Bishop Justus accommodate an additional two FE to the school, in addition to administrative accommodation for Aquinas. The Government encourages, through the Academies Act (2010) all existing primary and secondary schools to become academies, which are non-profit making, independent, publicly funded schools, operating outside of local authority control. Aquinas is a Multi Academy Trust, currently consisting of seven schools within the borough, including Trinity and Bishop Justus.
- Need for Enhanced Sports Provision: A MUGA is proposed on an element of the existing playing field at Trinity. Sports facilities at Trinity are currently under provided, as the majority of the playing fields suffer drainage issues which mean they are unusable for large parts of the year. The MUGA will meet this deficiency and ensure pupils at the school benefit from high quality sports provision on an all-year round basis.

GLA officers comments on the applicant’s justifications of the proposals in Green Belt:

29 Having reviewed the layout, scale and massing of the proposals for the extensions in terms of net additional floor spaces (567sqm for Trinity School and 734sqm for Bishop Justus School), the proposals are considered appropriate as they meet the exceptions of the NPPF (para 89) – a limited infilling of a brownfield site within the Green Belt.

30 Notwithstanding the above, the very special circumstances put forward by the applicant in particular the case for educational need is accepted. On balance, the benefits of the development outweigh the limited impact on the Green Belt and GLA officers are supportive of the scheme, in this instance.

31 That said, the Council need to satisfy itself that the details of other planning issues are in accordance to local and national planning policies.

Local planning authority’s position

32 Bromley Council planning officers have yet to confirm their position.

Legal considerations

33 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged or direct the Council under Article 6 of the Order to refuse the application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

34 There are no financial considerations at this stage.

Conclusion

35 London Plan policies on **Green Belt** and **Education** are the most relevant strategic issues to this application. In general, the application complies with these policies, for the following reasons:

- **School extension on Green Belt:** The proposal complies with policy 3.18 of the London Plan and addresses school places shortage in London. It meets the exceptions of the NPPF. Notwithstanding these very special circumstances have been demonstrated that justify the proposals. On balance, the benefits of the development outweigh the limited impact on the openness of the Green Belt. However, the Council needs to satisfy itself that the application accords with other aspects of planning policies.

36 Transport for London will issue its transport assessment direct to the Council.

37 The Mayor does not need to be consulted again on this application.

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