

Former Acton Park Depot, Ark Bryon School

in the London Borough of Ealing

planning application no. PP/2015/4977

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

Full planning permission for construction of a 2-storey, 2-form entry Free Primary School.

The applicant

The applicant is **London Borough of Ealing**, and the architect is **Scott Brownrigg**.

Strategic issues

Additional information has been submitted to address the strategic issues raised at the consultation stage on **visual impact assessment**, **energy** and **transport**. Conditions relating to the above and **urban design**, **community use** and **floodings** have been secured by the Council.

The Council's decision

In this instance Ealing Council has resolved to grant permission.

Recommendation

That Ealing 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 or direct that he is to be the local planning authority.

Context

1 On 29 September 2015 the Mayor of London received documents from Ealing 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: *"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."*

2 On 6 November 2015 the Deputy Mayor and Chief of Staff, acting under delegated authority considered planning report D&P/3624a/01, and subsequently advised Ealing Council that while the application is broadly acceptable in strategic planning terms, further discussion is

required regarding the issues raised in paragraph 84 of the above mentioned report before compliance with the London Plan can be confirmed.

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 An Examination was held on 11 -13 November 2015 into Ealing's Planning Schools DPD (which includes an allocation for this application site). Further to the Examination, the Council has published Main Modifications to the DPD, for consultation until 22 January 2016. The modifications clarify that sites identified with a purple boundary (including this application site) allocate the site for education use and remove any incompatible adopted policy designation (such as MOL in this case). It also clarified that the actual size and location of education use will be determined through the application process, but that every effort should be made to minimise the amount of built development and that once completed, any unbuilt area may revert to MOL. The Modifications also confirm that if this site is not developed for education use development for other uses would not be justified and would not be in conformity with the London Plan. These changes continue to support the principle of a school on this site.

5 Since stage 1 further information on energy and transport has been submitted by the applicant in response to the Mayor's concerns (see below). On 9 December 2015 Ealing Council resolved to grant planning permission, and on 11 December 2015 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, or direct Ealing Council under Article 6 to refuse the application. The Mayor has until 24 December 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.

Update

Visual impact assessment

7 The applicant has submitted the required visual impact assessment in which the views from different vantage points demonstrated that the impact of the development on the openness of the MOL is limited. Given the benefits of the proposed Free School development outweigh the limited impact on MOL, the proposal is accepted in this instance.

Urban design

8 As requested the Council has secured by condition the submission of details of external facing materials to ensure the highest possible quality of architecture is delivered for the scheme. This is welcomed.

Energy

9 At the consultation stage the applicant was requested to submit compatibility with a future district heating connection, information on overheating risk and requested to increase the size of the proposed solar PV array to maximise on-site savings. Unfortunately, the applicant did not provide the requested information, however it does appear there are ongoing negotiations and further commitments around these matters being considered by the Local Planning Authority.

10 Condition 20 requires the development to achieve an overall reduction in regulated carbon dioxide emissions of at least 35% beyond Part L of the 2013 Building Regulations made up of 4.29 tonnes per annum through energy savings measures and 3.99 tonnes through solar PV. With fulfilment of this condition the development will satisfy the carbon dioxide savings required by Policy 5.2 of the London Plan. Conditions have been imposed in securing other proposed measures, which is welcomed. However, it is disappointing that the Council has not accepted suggested amendments to conditions 19 & 20 that would have addressed without ambiguity the

concerns in regard to overheating, district heating and the potential use of offset payments for any potential shortfall in carbon savings payments identified through detailed design, though they are still under negotiations. Despite this, overall the proposed development complies with energy policies of the London Plan.

Community use

11 As requested the Council has secured by condition the submission of the proposed Community Use Plan which also details hours of use. This is welcomed.

Flooding

12 As requested the Council has secured (condition 14) the submission of a detailed assessment of ground works and site clearance, detailed drainage designs, and (condition 15) that required details of the type of control device to be used to control the discharge of surface water from the development and design/specification, to demonstrate it will discharge in accordance to proposed rates as per the submitted Flood Risk Assessment and Drainage Assessment Form, which all the works should comply with 5.12, 5.13 and 7.13 of the London Plan (2015). This is welcomed.

Transport for London's comments

13 At Stage 1 consultation, a number of issues were raised by TfL including access, car and cycle parking as well as walking and cycling.

14 TfL is content that Ealing Council has secured by conditions the provision of one disabled car parking and 64 cycle parking spaces within the school site. For the proposed access arrangement, a safety audit has subsequently been submitted, confirming its acceptability from a safety perspective.

15 TfL is pleased that Ealing Council has secured a £90,000 contribution toward pedestrian and cycle safety improvements, as well as measures to minimise traffic impact from school run vehicles. This comprises £40,000 for the installation of school flashing signs and raising the existing toucan crossing on Uxbridge Road; £30,000 towards raising the existing pelican crossing and de-cluttering guard-railing at the junction of Eastman Road/ The Vale; £15,000 to review waiting and loading/ parking restrictions; introduce 'school keep clear' markings, and lastly £5,000 towards the introduction of a mandatory cycle lane on Uxbridge Road in front of the school. TfL welcomes and supports all the measures.

16 TfL also welcomes that Ealing Council has secured the implementation of a revised school travel plan to encourage sustainable travel, as well as construction management plan, by conditions.

17 In summary, TfL considers that the proposal is London Plan compliant.

Response to consultation

18 Nine site notices were placed in the surrounding area, namely, Churchfield Road, The Vale, East Acton Lane, Birkbeck Road and Centre Avenue. The application has also been publicised in the local press.

19 **Local representation:** Two letters of objection were received, raising concerns regarding pupils drop off and pick up and the lack of sympathy in the design in the context of locally listed lodge building.

20 **Statutory consultees:** Only Historic England responded to the consultation. Historic England did not wish to comment in detail, but offered general observations, as Acton Park is not a registered park and garden. They stated that the proposed low rise building will be of high quality and will make a positive contribution as compared to the existing utilitarian storage structures and hard standing.

21 In summary, the concerns which have planning relevance have been considered in this and the earlier (consultation stage) GLA reports, as well as the Council's committee report and they have also been addressed through conditions.

Legal considerations

22 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

23 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.

24 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

25 Additional information has been submitted to overcome the strategic issues raised at the consultation stage in regard to visual impact analysis, urban design, community use, energy, flooding and transport. Appropriate conditions securing the proposed measures have also been imposed by the Council. As such the proposal complies with the London Plan.

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