

Block 8, Nurses Home, Former Oldchurch Hospital, Union Road, Romford

in the London Borough of Havering

planning application no. P1274.15

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

Application for full planning permission for the demolition of the existing former residential institution building (Use Class C2) and erection of a non-residential institution (Use Class D1) for use as a 630 place primary school, comprising the erection of a four storey academic building, including sports hall, outdoor play space, car/cycle parking areas and landscaping.

The applicant

The applicant is **The McAvoy Group** on behalf of **the Education Funding Agency**, the architect is **Blue Sky**, and the agent is **JLL**.

Strategic issues

Issues with respect to **urban design, inclusive design, transport**, and **climate change** have been satisfactorily addressed since Stage One. The proposed mixed use development is supported in strategic planning terms.

The Council's decision

In this instance, Havering Council has resolved to grant permission, subject to conditions and completion of a section 106 agreement.

Recommendation

That Havering 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 18 September 2015, the Mayor of London received documents from Havering Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. The application was referred under paragraph 2 of the schedule to the 2008 Order:

- *“If the local planning authority receive an application for planning permission for development, which they consider forms part of more substantial proposed development, on the same land or adjoining land, they must for the purposes of this Schedule treat that application as an application for planning permission for the more substantial development.”*

2 The more substantial development that this application is connected with (GLA reference: PDU/0287c/01, local planning authority reference: P1635.04) was referable under the following category of the Schedule to the Order 2008:

- 1A *“Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”.*

3 On 27 October 2015, Sir Edward Lister, Deputy Mayor and Chief of Staff, acting under delegated authority, considered planning report D&P/0287n/01, and subsequently advised Havering Council that while the application was generally acceptable in strategic planning terms, the application did not yet fully comply with the London Plan, for the reasons set out in paragraph 58 of the report; but that the possible remedies set out in that paragraph could address these deficiencies.

4 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, further information has been provided in response to the Mayor’s concerns (see below). On 18 February 2016, Havering Council resolved to grant permission, subject to conditions and completion of a section 106 agreement and subsequently 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 Havering Council under Article 6 to refuse the application or issue a direction to the Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 10 March 2016 to notify the Council of his decision and to issue any direction.

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

Update

6 At the consultation stage, Havering Council was advised that while the application was generally acceptable in strategic planning terms, the application did not yet fully comply with the London Plan, for the reasons set out in paragraph 58 of the above-mentioned report; but that the possible remedies set out in that paragraph could address these deficiencies:

- **Urban design:** The proposals indicate the potential to deliver a high quality building; however the Council should ensure the detailed design delivers this quality.
- **Inclusive design:** The design of the school demonstrates that there will generally be good access; however full passenger lifts would be expected and platform lifts are not acceptable. This should be secured by the Council through condition.
- **Climate Change:** The applicant should provide details of the measures taken to avoid overheating and minimise cooling demand; a supporting overheating assessment; a commitment to ensuring that the development is designed to allow future connection to a district heating network; and further information on the plant room. The carbon offset fund should only be considered once the GLA is satisfied that the CO2 reduction target

cannot feasibly or viably be met onsite and any viability claims should be supported by a detailed cost analysis. The applicant should provide further information on the potential for installing the additional PV panels required to meet the 35% carbon emission target.

- **Transport:** The overall provision of long-term cycle parking spaces should be increased and secured by condition and/or section 106 agreement. A full delivery and servicing plan should be secured by condition and a construction logistics plan by appropriate planning condition or section 106 agreement. The final travel plan should be secured, managed, monitored and enforced through the section 106 agreement.

7 Since then, the applicant has responded to the matters raised in the Stage One report as set out below. The proposal has also been amended to modify the car park layout, increase on-site parking from 8 to 13 spaces, and include a lay-by on Union Road; however this does not raise any additional strategic issues.

Urban design

8 As requested at Stage One, the Council has applied suitable conditions to ensure the detailed design delivers the required quality.

Inclusive design

9 As requested at Stage One, the Council has applied a condition requiring full passenger lifts, with platform lifts not acceptable.

Climate change

10 As requested at Stage One, the applicant has provided the supporting dynamic overheating assessment to reduce cooling demand, in line with Policy 5.9 'Overheating and Cooling'. The demand for cooling will be minimised through solar control glazing, internal blinds, dual aspect teaching spaces with openable windows (restricted due to noise issues), and mechanical ventilation for night time purging. The results of the analysis under the BB101 methodology shows that the criteria will be met for all spaces; however, under the CIBSE TM52 methodology, the majority of the spaces are not expected to meet the recommended criteria for thermal comfort. The applicant has rerun the models allowing for the occupants the opportunity of opening windows, which improves the results; however there a large number of classrooms would continue to fail CIBSE requirements. The applicant is therefore proposing that the air source heat pumps (ASHP) are used to provide cooling once the temperatures reach 27 degrees Celsius, which would allow for CIBSE requirements for thermal comfort to be met. This is acceptable in this instance.

11 The applicant has also provided a drawing of the plant room layout and confirmed that the proposed system will be able to connect to a district heating network via a plate heat exchanger arrangement, which is acceptable.

12 At Stage One, the applicant investigated the feasibility of photovoltaics (PV) in order to meet the 35% carbon reduction target; however, it also stated that the funding from the Education Funding Agency (EFA) did not extend to energy generating technologies beyond Part L 2013 compliance. Further information was requested on the cost for the required PV array; however the applicant has instead proposed a higher performing ASHP, which enables a policy compliant carbon emission savings of 35%, from a Part L 2013 compliant baseline. The applicant has also provided the manufacturers details, and as requested, the Council has applied

a condition that ensures that this model or performance level is included as part of the final services specification, in order for the carbon emission reduction target to be met.

13 At Stage One, a reduction of 11 tonnes of CO₂ per year in regulated emissions, compared to a 2013 Building Regulations compliant development, was expected, equivalent to an overall saving of 24%, which fell short of the target within Policy 5.2 of the London Plan. The applicant is now proposing a higher performing ASHP and consequently the 35% carbon emission target will now be met.

14 At Stage One, in response to London Plan Policy 5.13 'Sustainable Drainage', the applicant was requested to consider alternative approaches, including rainwater harvesting; storage of rainwater in open water features; and green roofs/walls. The Council has secured the provision of further detail on sustainable drainage by condition, to be submitted and approved prior to commencement of the development. This is acceptable and the Council should ensure that these proposals are in accordance with Policy 5.13.

Transport

15 At Stage One, it was accepted that the proposals would not result in an unacceptable impact on the operation of the strategic highway or public transport networks. As requested, a Travel Plan, with regular monitoring and review obligations on the applicant, has been secured by condition, which is welcomed. It is disappointing that a Construction Logistics Plan and Delivery and Servicing Plan have not been secured; however it is noted that any impacts of the development are unlikely to affect the strategic highway network and will be limited to the local highway network.

16 With regards to cycle parking, the proposal has been amended to provide cycle parking spaces in accordance with London Plan standards. The proposed location of visitor cycle parking spaces would benefit from being relocated to a visible area in close proximity to the main school entrance and it is suggested that this could be dealt with via any section 278 agreement.

17 Overall, the transport issues previously raised have been satisfactorily addressed, and the proposals are therefore considered to be in general accordance with the transport policies of the London Plan.

Response to consultation

18 Historic England (Archaeology) made no objection.

19 Thames Water made no objection, subject to suitable conditions and informatives.

20 Havering Council publicised the applications by sending notifications to 1,128 neighbouring properties, as well as issuing site and press notices. The Council received twelve objections, with one response in support. The grounds for objection included:

- Increased traffic, with resulting noise and pollution.
- Worsening of existing parking situation.
- Lack of space for parents to drop off children.
- No space for larger vehicles.
- Noise from school children.
- Overdevelopment of site and area.
- School use of Jubilee Park at the expense of public use.

- Overlooking and loss of privacy.
- Inadequate consultation.
- Demolition detrimental to locally listed buildings.

21 Issues raised by objectors have been considered in this report, the Mayor's Stage One report, and the Council's Committee Report of 18 February 2016.

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

22 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 and a planning obligation, which satisfactorily addresses the matters raised at Stage One, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

23 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. 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

24 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.

25 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.

26 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

27 The matters raised at consultation stage, namely those relating to housing, affordable housing, historic environment, urban design, inclusive design, transport, climate change and air

quality have been satisfactorily addressed. The proposed mixed use development is supported in strategic planning terms.

for further information, contact GLA Planning Unit (Development & Projects Team):

Colin Wilson, Senior Manager – Development & Projects

020 7983 4783 email colin.wilson@london.gov.uk

Justin Carr, Strategic Planning Manager (Development & Projects)

020 7983 4895 email justin.carr@london.gov.uk

Martin Jones, Senior Strategic Planner, Case Officer

020 7983 6567 email martin.jones@london.gov.uk
