

21 December 2015

Eleanor Smith School, Lansbury Site

in the London Borough of Newham

planning application no. 15/03176/LA3

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

A new two-storey secondary school building and associated landscaping.

The applicant

The applicant is **The London Borough of Newham**, and the architect is **Rivingtonstreetstudio**.

Strategic issues

School provision on Metropolitan Open Land is the key issue. Transport for London may issue its own **transport** assessment direct to the Council.

Recommendation

That Newham Council be advised that the application complies with the London Plan, for the reasons set out in paragraph 25 of this report and does not need to be referred back to the Mayor.

Context

1 On 17 November 2015 the Mayor of London received documents from Newham 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 28 December 2015 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 the following categories of the Schedule to the Order 2008:

- *Category 3D: "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."*
- *Category 3E: "Development – (a) which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated; and (b) comprises or includes the provision of more than 2,500 square metres of floor space for a use falling within any of the following classes in the Use Classes Order – (xi) Class D1 (non-residential institutions)."*

3 Once Newham 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 The application site is designated as Metropolitan Open Land and is located at the eastern end of Flanders Road and bounded by Park Avenue to the east, Langdon Crescent to the north, Langdon Academy playing fields to the west and a public footpath to the south (which has a brook and an industrial site behind). The 8,764sqm site was previously occupied by Lansbury Special School which was built in the early 1950's and demolished in the early 1990's.

6 As shown below, the site is currently overgrown with self-seeded shrubs and trees. There are areas of hardstanding remaining from the previous buildings. The site has a single vehicular access from Flanders Road at its south west corner.



Aerial view of the application site: Source – applicant's design and access statement.

Details of the proposal

7 The full application seeks a planning permission for a new two-storey secondary school building for the Eleanor Smith SEBD School and associated landscaping. SEBD refers to a special needs school for children and young people with social, emotional and behavioral difficulties. The proposed building is designed for 72 students and comprises 9 classrooms at ground floor level as well as food technology and science special teaching areas, therapy and calm rooms, a learning resource centre, a conference room, dining facilities, and a multi-use sports hall with associated changing spaces, offices and staff spaces are distributed through the building. The first floor accommodates creative and media drama classrooms.

Case history

8 There is no relevant case history related to the current application.

Strategic planning issues and relevant policies and guidance

9 The relevant issues and corresponding policies are as follows:

- MOL *London Plan;*
- Education *London Plan; Mayor's social infrastructure SPG;*

10 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Newham Core Strategy (2012) and Saved Policies of Newham Unitary Development Plan (2012) and the 2015 London Plan (Consolidated with Alterations since 2011).

11 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).
- Minor Alterations to the London Plan (MALP, 2015).

Principle of Land Use: Education facility on MOL

12 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"*.

13 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.'*

14 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.

15 The application site is part of a larger area identified as MOL. The London Plan (policy 7.17) gives the MOL the same level of protection as in the 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.

16 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.

17 At this stage the applicant has not identified the very special circumstances that may justify the proposed school development on MOL; though the applicant considers special needs school for children and young people with social, emotional and behavioral difficulties is key to the justifications for this development.

18 The Council should, based on its local knowledge, consider whether this site falls within the NPPF definition of Previously Developed Land. If it does, then the proposed development would not necessarily be inappropriate.

19 In addition, GLA officers understand that there is acute shortage of such schools in London. Furthermore, in assessing the view impacts submitted, the location of the building is carefully considered being placed at the edge of the site; therefore, it is considered that the development impact on the openness of the MOL is limited.

20 Therefore, provided the Council is content with the details of the application to comply with other planning policies and that the benefits of the development outweigh the limited impact on the MOL; the Mayor is supportive of the scheme, in this instance.



3D-View of entrance approach to the School: Source – applicant’s planning document.

Local planning authority’s position

21 Newham Council planning officers have yet to confirm their position.

Legal considerations

22 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

23 There are no financial considerations at this stage.

Conclusion

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

- **School expansion on MOL:** The Council should consider whether the proposal constitutes redevelopment of Previously Developed Land. Although very special circumstances are not demonstrated, the proposal of the school for children in special needs is supported in this instance, as it will contribute to address the shortage of such schools in London. However, the Council needs to satisfy itself that the application accords with other aspects of planning policies.
- Transport for London may issue its own transport assessment direct to the Council.

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

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