

The Rectory, Tentelow Lane, Norwood Green

in the London Borough of Ealing

planning application no. PP/2015/2659

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 and conservation area consent for demolition of an existing residential dwelling and erection of a 210 place free primary school.

The applicant

The applicant is **McAvoy Group Limited**, and the architect is **Blue Sky Architects**.

Strategic issues

Additional information has been submitted to address the strategic issues raised at the consultation stage on **energy** and **transport**. Conditions relating to **urban design**, **community use**, and **flooding** 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 26 June 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 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 floorspace for a use

falling within any of the following classes in the Use Classes Order – (xi) Class D1 (non-residential institutions)."

2 On 29 July 2015 the Mayor considered planning report D&P/3631/01, 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 59 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. Since then 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.

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

Update

Urban design

5 As requested the Council has secured (conditions 3 & 4) for 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

6 All outstanding energy issues have been resolved. PV was initially proposed but has now been omitted due to significant shadowing from the established tall trees at close proximity; however with the incorporation of 3 x ASHP units, to achieve at least a percentage of 32.24% (equal to 6.44 tonnes CO₂ per annum) in carbon dioxide (CO₂) emissions savings, the development meets the carbon emission requirement without the requirement for the PV. The Council has also secured all the proposed measures (condition 16).

7 As a result, the proposed development complies with energy policies of the London Plan.

Community use

8 As requested the Council has secured (conditions 13 & 14) the submission of a Community Use Agreement, once approved it will detail which facilities the community will have access to. It will also detail hours of use, access arrangements and pricing policy. This is welcomed.

Flooding

9 As requested the Council has secured (conditions 18 & 19) the submission of a detailed assessment of ground conditions of the land proposed for the replacement of the playing field, and surface water drainage scheme for the site which is within Flood Zone 1. The drainage strategy states that the development will incorporate SuDS where feasible to reduce surface water runoff to approximately 50% of the existing sites and measures to be used include flow controls and sealed below ground attenuation tanks. The Lead Local Flood Authority have not raised objection and accepted that due to site specifics, in part of the site where there is ground contamination, the scheme cannot utilise sustainable drainage systems. This is accepted in this instance.

Transport for London's comments

10 At Stage 1, a number of issues were raised by TfL; this includes access, car and cycle parking, pedestrian safety and junction capacity.

11 In response to TfL's comments, Ealing has secured by condition the provision of one electric vehicle charging point within the site, this is welcomed by TfL.

12 Cycle parking provision has increased from 10 to 26 spaces, along with 4 additional scooter spaces. This however remains three spaces short from the 29 required as a minimum by London Plan standards; Ealing Council justified this and the provision of scooters places rather as being more appropriate for younger age children for this specific instance.

13 TfL welcomes that Ealing Council has secured a £80,000 contribution through s106 agreement towards safety and traffic improvements to the local highway network. This comprises £15,000 towards the implementation of a school safety zone on Tentelow Lane, £30,000 toward improvements to the junction of Tentelow Lane and Norwood Road by removing a right turn ban and therefore improving circulation, and £35,000 towards providing a raised zebra crossing near the school entrance; TfL welcomes and supports all of these measures.

14 In addition, TfL is content that Ealing Council has secured a revised school travel plan by condition, which includes the requirement for staggering school starting and finishing time to minimise traffic impact on the local highway network. TfL is also pleased that a construction management plan has been secured by condition.

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

Response to consultation

16 24 Neighbours from Tentelow Lane, Osterley Lane, Norwood Green Road and St Mary's Avenue were notified by letter. Press notices were also issued.

17 Local representation: The Council's committee report pointed out that 8 objections were received, raising concerns regarding potential impact on the openness of the MOL, character of the conservation area, scale, mass and design of the proposal, additional traffic congestion, lack of parking, inadequate bus services, proximity of the roundabout to the school entrance perceived as a safety concern, insufficient play spaces, there is adequate school provision in the area and no need for this proposal and increased noise levels negatively impacting upon the amenity of neighbouring properties. 12 letters of support were received regarding the shortage of school places, the existing temporary school premises being an unsuitable educational facility, the limited impact the proposal would have on the openness of the MOL, the provision of a community facility, the proposal enhancing the appearance of Norwood Green blending with the natural environment, the improved provision of educational choices in Southall.

18 Statutory consultees:

- Historic England (GLAAS): No objection subject to condition regarding an archaeological written scheme of investigation.
 - The Council has conditioned the submission of the suggested archaeological written scheme of investigation.
- Hounslow Council: No objection.
- Thames Water: No objection.

19 The concerns which have planning relevance have been considered in this and the earlier GLA reports, as well as the Council's committee report and they have also been addressed through conditions and informatives.

Legal considerations

20 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

21 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.

22 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

23 Additional information has been submitted to overcome the strategic issues raised at the consultation stage on urban design, community use, energy, flooding and transport. Conditions relating to the above issues have been secured by the Council. The proposal complies with the London Plan.

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