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Deputy Manager Strategic Projects
Hounslow Council
The Civic Centre
Lampton Road
Hounslow TW3 4DN

Our ref: D&P/3499/TT04
Your ref: P/2015/2516
Date: 22 December 2015

Dear Mr Hissett

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008
Niskham School, 152 Syon Lane, Isleworth TW7 5PN
Local planning authority reference: P/2015/2516

I refer to your letter of 11 December 2015 informing me that Hounslow Council is minded to grant planning permission for the above planning application. I refer you also to the notice that was issued on 18 December 2015 under the provisions of article 5(1)(b)(i) of the above Order.

Having now considered a report on this case (reference D&P/3499/02, copy enclosed), I am content to allow Hounslow Council to determine the case itself, subject to any action that the Secretary of State may take, and do not therefore wish to direct refusal.

Yours sincerely



Boris Johnson
Mayor of London

cc Tony Arbour, London Assembly Constituency Member
Nicky Gavron, Chair of London Assembly Planning Committee
National Planning Casework Unit, DCLG
Alex Williams, TfL
Ms Liz Fitzgerald, Vincent and Corbing, Sterling Court, Norton Road, Stevenage,
Hertfordshire, SG1 2JY

Nishkam School, Syon Lane, Isleworth

in the London Borough of Hounslow

planning application no. P/2015/2516

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

Development of Part-two/Part-three storey “all-through” Free School, with ancillary access, parking, sport pitches and MUGA.

The applicant

The applicant is **BAM Construction Ltd on behalf of Education Funding Agency (EFA)**, and the architect is **BAM Design Ltd**.

Strategic issues

Outstanding issues in respect to **playing fields, community use, biodiversity, urban design, sustainable development/energy, flooding** and **transport** are resolved satisfactorily.

The Council’s decision

In this instance Hounslow Council has resolved to grant permission.

Recommendation

That Hounslow 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.

Context

1 On 22 June 2015 the Mayor of London received documents from Hounslow Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was 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).”

2 On 29 July 2015 the Mayor considered planning report D&P/3499/01, and subsequently advised Hounslow Council that the application did not fully comply with the London Plan, for the reasons set out in paragraph 68 of the above-mentioned report; but that the possible remedies set out in that paragraph of the report could address these deficiencies.

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, the application has been revised in response to the Mayor’s concerns (see below). On 3 December 2015 Hounslow Council decided that it was minded to grant planning permission, for the revised application, 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 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

5 At the consultation stage Hounslow Council was advised that the application did not fully comply with the London Plan, for the reasons set out in paragraph 68 of the above-mentioned report; but that the possible remedies set out in that paragraph of the report could address these deficiencies:

- **Principle of land use-provision of school on MOL:** The proposed development of the free school is supported as it will contribute to address the shortage and quality of school places in London. Very special circumstances have been demonstrated that justify the inappropriate development on MOL.
- **Playing fields:** The applicant should demonstrate the proposed development enhances the use of the playing fields and how this proposal benefits the wider communities. Any comment from the Sport England and their recommendation for conditions should be considered and secured.
- **Community use:** The applicant should demonstrate how the proposal benefits the wider communities such as out-of-hour provision of the school facilities appropriate for community use, which should be secured.
- **Biodiversity:** Subject to the recommended enhancement measures are fully secured, the proposal is acceptable and in line with policy 7.19 of the London Plan. Any support/comment from Natural England and their possible recommendation for conditions should be considered and secured.
- **Urban design:** The design approach, form and massing strategy is supported. The applicant should reconsider where practical the shortening of the length of the stretched access road along the MOL. The Council is encouraged to secure key details through conditions, including facing materials and window reveals in order to secure the highest possible quality of architecture.
- **Access:** The proposal to incorporate inclusive design is supported, and needs to be secured.

- **Sustainable development/energy:** The comments detailed above in the energy section of this report should be addressed before compliance with the London Plan energy policies can be verified.
- **Flooding:** No major concerns, however, a suitable planning condition should be applied to any planning permission, which specifies that a drainage strategy which achieves greenfield run-off rates should be agreed with the Lead Local Flood Authority.
- **Transport:** Further information is needed to assess current and improved cycle routing; pick-up and drop-off facilities and servicing tracking in relation to bus stop positions; a framework DSP is awaited. Urgent discussions on the H91 bus capacity and additional public buses are required. A 'soft measures' package, as detailed in this letter, should be considered in combination with lower parking levels to assist in mitigating the impacts on the TLRN and local highway network.

6 The Council has imposed appropriate conditions in regard to community use (condition 23), biodiversity (conditions 8, 9, 13 & 28), urban design (conditions 10 & 13), sustainable development/energy (conditions 13, 21, 22, 27), flood risk management (conditions 12, 16) and transport (conditions 7, 14, 15, 17-20, 24, 25, 30 & 31). This is welcomed.

Playing fields

7 The applicant has demonstrated that the proposed development enhances the use of the playing fields and reiterated how this proposal benefits the wider communities. Although the comments from Sport England do not favour the proposals, the Council has made a reasonable approach and taken appropriate measures that are secured through conditions. The Council's committee report confirmed that a community use agreement strategy will be secured as part of the application which will include access to the sports facilities and playing pitches, whilst the vacant northern part of the site will be retained for open sporting use only, secured in the S.106.

Community use

8 The applicant has demonstrated that the proposal benefits the wider communities and it is confirmed that a community use agreement strategy will be secured as part of the application.

Biodiversity

9 Although no evidence of support from Natural England has been produced, it is noted that the recommended enhancement measures are fully secured by the Council.

Urban design

10 The applicant has responded by stating that the shortening of the stretched access road along the MOL cannot be achieved for operational reasons which is accepted. In regard to facing materials the Council has imposed an appropriate condition requiring details of the proposed external materials be submitted to the Local Planning Authority.

Sustainable development/energy

11 There were outstanding issues at stage 1 consultation. The main one was securing confirmation that the site is served by a single energy centre, which is important for allowing retrofit of district heating. This has been confirmed and all the proposed measures has been secured through appropriate conditions.

12 The condition that required amendment was condition 27 which now reads as follows: *"The development shall be heated by a communal heating system served by a single plant room. No part of the development shall be occupied until evidence (e.g. photographs and copies of installation contracts) has been submitted to the Local Planning Authority to demonstrate that the development has been carried out in accordance with the submitted Energy Statement and a reduction of 35% in CO2 emissions against Part L 2013 has been achieved in accordance with London Plan policies."*

13 The above condition was amended to ensure compliance with London Plan Policies 5.2 and 5.6. As a result, the proposed development complies with energy policies of the London Plan.

Flood risk management

14 The applicant has produced the correspondence and agreement reached at with the LLFA in regard to the Greenfield run-off rates. These and the other measures proposed have been secured through appropriate conditions.

Transport for London's comments

15 Following consultation stage, TfL noted that parking and access proposals had satisfactorily been refined by the applicant, notwithstanding the minor deficiency of providing 2 disabled spaces.

16 Cycle parking standards have been met, including adequate visitor spaces and showers/changing facilities for staff and pupils; details have been secured by condition.

17 TfL has sustained its initial concerns about the principle of 'Park and Stride' (P&S) as this could encourage more car use. This was reported by the Council at the planning committee and was subsequently addressed within the proposed mitigations measures. The Osterley Park Hotel site that TfL particularly objected to as a location for P&S was dropped by the applicant. Furthermore, Hounslow Council acknowledged that parking could be controlled through management measures while sufficient electric vehicle charging points (EVCPs) secured by condition.

18 While TfL was not fully endorsing the applicant's conclusion that the nearby junctions, including Syon Lane with A4 Great West Road, could accommodate the school development traffic, it was felt that on balance, the imminent limited programme for junction improvements at Syon Lane with the A4, as funded by the BSKyB development, along with the range of 'soft measures' proposed by the applicant, could make a positive contribution towards mitigating those impacts.

19 TfL recently raised concerns regarding the mechanism for securing the provision of private school buses. Although TfL is not a signatory to the s106, the Council has supplied the necessary draft paragraph and has agreed at TfL's recommendation to tighten it up to ensure that this important mitigation will be fully implemented as and when intended.

20 Other matters that TfL previously raised are to be secured through section 106 agreement/condition. Those include a school travel plan and a servicing management strategy. The construction logistics plan, although supplied in satisfactory draft form at submission, was not however conditioned as recommended.

Response to consultation

21 The Council's committee report confirms that the application was advertised in the local press and three site notices were displayed. In addition, nearly 2,500 notification letters were sent to residents and local businesses at different stages of the consultation. Paper copies of the plans were placed in Osterley library. Furthermore, the application was presented at the Isleworth and Brentford Area Forum on the 17 September 2015 for Members feedback given the scale of public interest and representations received.

22 Local residents response:

23 The Council's committee report states that initially 188 representations from individuals raising objections to the proposal have been received and at a later stage over a thousand as petition for and gainst. The objection to have been summarised as below, incorporating comments from Keep Osterley Green, the Oaklands Avenue Residents' Association, the Isleworth Society, the Heston Residents' Association and the Council for the Protection of Rural England (full details of the comments received were contained within Appendix 1 of the Council's report). Following receipt of an extensive representation from Keep Osterley Green on 23/11/2015, any new issues that have been raised in this letter that were not raised in their initial submission received on

14/07/2015 were reported by way of an addendum to their report, to be published prior to the committee meeting:

24 The Council in its Committee Report Addendum stated that since publication of the committee report, 4 further representations from individuals raising objections to the proposal have been received. The matters raised in these objections have already been covered in the published committee report. Paragraph 5.4 – following a review of the submission made by Keep Osterley Green received on the 23/11/2015, the Council’s committee report states that the above submission were in relation to: Presumption in favour of development, the role of community engagement, the fourth consultation, letter of comfort, the pre-application correspondence, the site had already been chosen, the legal significance of Development Plans, risk of piecemeal development, creation of a precedent, material change of use, ‘Very Special Circumstances’ and why they do not apply, sequential test, Boyer planning advice, proposed alternative sites, character of the area – MOL & MOL Relevant Rulings, Open Space and Green Chain, Sport England, noise, surface water flooding, community use, allowance for background traffic growth and local committed development, transport assessment and travel plan, history of development on the site and in the nearby area, health impact assessment, the catchment area and its problems, registration of interest in Nishkam West London, the analysis of the support and objection letters, dereliction, our proposal for the site and Paragraph 5.5 & 5.6 of the report.

25 GLA officers have noted that the Council have responded in detail to each of the above concerns, and from strategic perspective the contents of the Council’s response are considered reasonable and appropriate.

26 **Statutory consultees:** The Council’s committee report points out that, the following comments have been received.

27 Historic England: recommended archaeological evaluation works and watching brief be secured by condition.

28 Environment Agency: no comments made on this application.

29 Sport England: The Council’s committee report states the following: “The proposed development results in a significant loss of playing field land and MOL. Sport England indicated in pre-application advice to the applicant that there may be scope for the site to accommodate some development, providing the site’s ability to accommodate sports pitches and ancillary facilities was not compromised, these were indicated as being around the fringes of the site, to the north, north-east and south-east in three distinct ‘parcels’ of land, ensuring the retention or re-provision of the changing pavilion/clubhouse. The scheme has not taken on board the pre application advice given by Sport England and the development has not been concentrated in areas highlighted by Sport England as being acceptable to Sport England. The development is considered to result in the unacceptable and irreplaceable loss of needed and used playing field land and its ancillary changing accommodation. The educational need for school places is not considered, by Sport England, to negate consideration of paragraph 74 of the NPPF. Given that there are areas of the site that are capable of development without having an unacceptable impact, this scheme is not supported.

30 Subsequent to this initial response, Sport England have further commented that compensatory replacement provision of any playing field should be provided as part of the current planning application in order to meet the requirements of para 74 of the NPPF and that preventing sports use of the site in the future will not prevent it from being considered under the provisions of para 74 of the NPPF as the lawful use of the site shall remain as a playing field until such time as permission is formally granted for some alternative use.”

31 In response to the above comment, the Council’s committee report states the following; *“the proposed development would not result in the loss of any of the existing buildings on the site that may be considered as changing accommodation that could facilitate the use of the site as playing pitches. Furthermore, the proposal would include the provision of a football pitch and*

multi-use games area, with a community use agreement to be secured, ensuring that these facilities would be accessible to the wider community outside of school hours. It should also be noted that the remainder of the site, north of the proposed school site, would be secured for the future delivery of open sporting use within the S106, thereby ensuring that the site as a whole would deliver a commensurate amount of sports facilities. The proposed 'developable areas' deemed acceptable to Sport England, fail to show any realistic approach to site accommodation or the nature of the scheme proposed and its requirements. It would not be possible to accommodate the proposed school solely within the areas identified by Sport England as acceptable."

32 GLA officers position on the consultation: Considering the residents, Keep Osterley Green and Sport England's comments and the Council's response, GLA officers are satisfied that, on balance, the approach and measures taken by the Council in addressing the issues raised are reasonable and supported. In addition, GLA's planning assessment at stage 1 and in this report address the issues raised that have planning relevance.

33 **Representations sent directly to the Mayor**: The GLA has received over 2,000 letters and emails (some petitioned) sent to the Mayor in a form of campaign for and against the proposed development, from a member of the House of Lords, GLA Assembly Members, local society groups, residents and businesses.

34 Lord Sadar Singh, as a resident of the LB of Hounslow wrote to the Mayor in support of the scheme. He stated that there are as is widely reported a lack of quality school places in Hounslow with an expanding local population and the School proposal will help fill this need for all of Hounslow's residents. The proposed plan offers a beautiful landmark building within open fields. For a school, this makes far more sense than being squeezed into an inappropriate brownfield site without the space for an all-through school with the required open space. The White Lodge is currently a derelict wasteland prone to fly tipping and a school will greatly enhance this piece of unused land. In terms of Green Space the impact will be marginal. Finally, he emphasised that Nishkam School Trust has a strong track record and is committed to excellence in education and have already achieved two Outstanding Ofsted ratings in Birmingham and urged the Mayor to support the School in its endeavour to build a new School which will benefit generations of children from Osterley, Isleworth and throughout Hounslow for many years to come and will also be an asset to the borough.

35 GLA Assembly Members:

- Tony Arbour AM for London South West, GLA: The Assembly Member wrote to the Mayor to strongly oppose the School development on the MOL. He reminded that this proposal has attracted substantial opposition from local residents, including a petition with over 1,000 signatures to date. He stated that that this development, in particular would lead to the unacceptable loss of MOL without demonstrating very special circumstances in order to do so. It has failed to provide any replacement MOL or Open Space to compensate for this loss, and has failed to sufficiently consider alternative sites, with many local concerns regarding the reliability of the 'sequential test' that was undertaken. He stressed that this loss is even more concerning given the history of this site as a sports ground, and the prospect of its permanent loss as a local sporting facility, especially in the light of the promises made during the Olympics to promote sport in London. When considered in conjunction with the threatened loss of the Udney Park sports ground at Imperial College in Teddington, this could create a worrying precedent for the loss of sporting facilities in my constituency. Finally, given the strong protections that are rightly contained within the London Plan against the loss of open space, MOL and sports facilities, he urged the Mayor to direct refusal of this application if Hounslow Council are minded to grant permission.
- Murad Qureshi AM, GLA: The Assembly Member wrote to the Mayor to strongly oppose the School development on the MOL and stated that the development is not in conformity with the London Plan 7.17 and stressed that the site is an important component of the Green

Infrastructure in Hounslow. He also stated that he agrees that the the increase in pupil projections means a significant need for school places in Hounslow and across London, but that generalised need does not excuse development on this particular site. He forwarded two reasons for this. First the pupils who would be served by the School do not live in the area and secondly, Hounslow has identified a number of sites allocated which would provide suitable locations for education use based on carefully considered criteria and recognising the need for new school places and referenced (Sequential Site Assessment of Potential Sites Update, 2014). Finally, the Assembly Member advised that the importance of protecting MOL is sufficient ground to direct refusal and asked the Mayor to consider these points and direct refusal of the application.

36 Keep Osterley Green: The KOG group has submitted a petition with 1,200 signatures objecting to the proposal. The Group stated that their case for objection is based on compelling planning policy and legal arguments, which is summarised as follows:

- Harmful impact on MOL: White Lodge site is designated as Strategic Open Space and is part of the Osterley Regional Park in the London Plan (Map 2.8). The site was a vibrant sports venue used by sports teams and local residents since the 1930s. This site is NOT derelict (as the EFA have claimed) and was used up to March 2015 when the Education Funding Agency fenced it off.
- “Very special circumstances” do not exist: Sequential Site Assessment used to identify this site is not robust. In fact, it is full of basic errors, missing and incorrect information. The Sequential Site Assessment denies the existence of alternative sites contrary to clear evidence.
- Alternative sites ARE available: Less harmful sites ARE available in the borough and are much closer to the catchment area for the school. We have suggested many to the Council, but our proposals have been ignored. The Council is trying to release some available land, which Keep Osterley Green has identified as suitable, with an act of appropriation to be ratified at the LB Hounslow Cabinet meeting of 15 December (ITEM 6 of the attached Cabinet Meeting Agenda).
- Overwhelming traffic issues: Massive increase in unsustainable car journeys (~2600) in an already highly congested area where ~2.5km tailbacks are a daily reality. The planning officers have described the roads as operating at “near capacity” and “saturated”. The proposed travel plan would be futile and unenforceable just like the one at the current temporary school has proved to be, even though the current school is in an area of good public transport and has only 100 pupils on roll.
- The site is served by very low public transport services because of its location (PTAL 1b rated) and S106 adaptations to the local area to alleviate the consequential impact are futile, very disruptive and adversely affect the environment.
- This proposal does not meet LBH need for school places: only will this school not serve children in the local area, but 50% of its demand comes from outside the borough.

37 The KOG members continued by stating, *“we urge you not to be deceived by the communications from the applicant and verify the truthfulness of all claims made. The EFA have hired a professional PR company at huge expense (paid for from public funds) to push/spin this through. Keep Osterley Green's latest objections were not even included in the planning officer's report which recommended the application for approval. An addendum referring to our detailed objection document was issued only 3.5 hours before the Planning Committee meeting and failed to address most of our key planning points. Even when it did address them, this was in the form of subjective judgements (“it is considered that”) without reference to the relevant guidelines or the facts of the case. The CPRE (Campaign to Protect Rural England) is horrified by the direction that the EFA is taking in buying up MOL to build schools on and has just issued a report of its concerns. See attached. <http://www.cprelondon.org.uk/resources/item/2300-a-done-deal-how-new-schools-are-being-built-on-green-belt-and-metropolitan-open-land-in-greater-London>. In it they plead for*

politicians to enforce the protection of MOL that is supposed to be there in the planning process before the developments on MOL become a deluge."

38 KOG has stated that "In the LB Hounslow, most of the new free schools are being planned on Greenfield sites:

- The Education Funding Agency has somehow concluded that greenfield land can be acquired easily and the Council is willing to allow school development on Green Belt, MOL and Open Space, without resistance.
- FLOREAT BRENTFORD - This primary school was planned on Open Space owned by LB Hounslow. The development of the school was approved at a Hounslow Cabinet meeting, which was subsequently overturned by the Council's Scrutiny and Overview Panel. The EFA managed to quickly locate another not 'greenfield' site for the school
- NISHKAM WEST LONDON - The MOL site for Nishkam was identified as early as 2012 and pursued for development by the applicant since 2013 when pre-application exchanges started with the only purpose of justifying a build on that very site. The Sequential Test was only carried out in 2014 with the pretence of 'scientifically' dismissing every other site in the borough. To accept this argument is to acknowledge that in the LB Hounslow in the period between 2012 and 2015 no other site was ever available (we found this to be quite the contrary).
- THE BOLDER ACADEMY (aka The HIP School) - This school has always been planned by the Council on MOL, with a deal that will see the relocation of the rugby club currently occupying the site (near the proposed Nishkam School) and the release of a portion of MOL land to SKY. This land swap is going to be discussed at the LB Hounslow Cabinet meeting of 15 December (ITEM 5 of the attached Cabinet Meeting Agenda)."

39 The KOG reitreated their case by stating, " The EFA and LB Hounslow are planning the set up of 3 new big free schools just off the same road, Syon Lane, within a few hundred metres of each other:

- The EFA is looking at introducing 3 schools off Syon Lane. The schools will cumulatively be serving 3,600 children plus 500 teachers and staff. Syon Lane North has a PTAL rating of 1a/1b.
- NISHKAM WEST LONDON - This all-through school will see 1,400 pupils and around 200 teachers and staff.
- THE BOLDER ACADEMY (aka The HIP School) - A 6 FE secondary with 1,100 pupils and around 150 teachers and staff.
- THE GREEN SCHOOL FOR BOYS - A 6 FE secondary with 1,100 pupils and around 150 teachers and staff."

40 KOG concluded their case stating "most surprisingly LBH seems to argue that this strategy is supported by the GLA. Is it really the case that the GLA has decided that MOL land is simply a land bank to build schools on? LBH has used he argument that "everyone else" is doing it as the justification for encroaching on MOL. So if the GLA does approve this, then EVERY other council will simply quote this example as precedent and we will see a large part of the MOL across London concreted over with schools when less harmful sites do exist. The GLA must consider the profound implications should it be minded to approve. Either MOL is important and should be protected, or it is simply a land bank to be used for development as and when it sees fit and sustainability is irrelevant. If this goes through, then everyone is going to use it as a precedent and the floodgates will open."

41 KOG has submitted a substantial amount of information yo the GLA objecting to the scheme. These reiterate the comments made to Hounslow Council, in particular regarding deficiencies in the Alternative Site Assessment, availability of alternative sites, harm to MOL and traffic impact. KOG has aslo submitted four topic specific case studies, relating to traffic impact, impact of regional park designation, that 'very special circumstances' do not exist/alternative sites

are available, and claimed predetermination of the outcome of this application, given the Council's decisions relating to future schools on nearby MOL.

42 GLA officers position in regard to the objections received: GLA officers have given careful consideration to all of the representations that have been received. In addition GLA officers met with KOG. As set out in the stage I report officers concluded that the need for new school places and the lack of alternative sites constituted very special circumstances to justify inappropriate development on MOL. Based on experience of methodologies and assessments used for alternative site assessments for schools and other uses proposed on Green Belt/MOL, including schemes allowed on appeal, officers remain confident that the assessment used in this instance is robust

43 In addition to the principle of use, KOG raised concerns about local road congestion, extra car trips, lack of measures to encourage sustainable modes, and pressures from other developments in the area. However, as discussed above, TfL also considers that these matters have been satisfactorily addressed by the Council.

44 KOG has highlighted that the site is designated as a Regional Park in the London Plan and therefore should be given the highest level of protection. The Maps in the London Plan are not intended to be used as site specific allocations, rather they provide indicative policy intentions. The Regional Parks identified have a varied status, from the Lee Valley, which is established by statute, to those that are more aspirational. Table 7.2 of the London Plan places regional parks within a hierarchy and notes that these are large areas, corridors or networks of open space, the majority of which will be publicly accessible. GLA Officers are not aware of any specific regional park proposals for Osterley that this application would conflict with.

45 KOG consider that the Council's decisions and actions regarding other potential school sites indicate a pre-determination of this and further applications. This application has been considered on its merits by GLA officers, in accordance with relevant development plan policies and having regard to all material considerations.

46 As a result, on balance, the proposed Free School development complies with the London Plan policies. In strategic planning context the benefits of the development outweigh the limited impact it will have on the openness of the MOL.

Legal considerations

47 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

48 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.

49 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

50 Required additional information have been submitted. Outstanding issues that were raised at stage 1 have been resolved and/or addressed through appropriate conditions. Although the scheme has attracted a huge attention with petitions for and against, on balance, the proposed Free School development complies with the London Plan policies. In strategic planning context, on balance, the benefits of the Free School development outweigh the limited impact it will have on the openness of the MOL, therefore, GLA officers recommend to the Mayor that he allows Hounslow Council to determine the case itself.

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

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