

Harris Invictus Academy, Former Site of Croydon Hospital, London Road

in the London Borough of Croydon

planning application no.15/03221/P

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

Construction of Part-3/Part-4 storey secondary school buildings.

The applicant

The applicant is **Galliford Try** on behalf of **Harris Academies Federation**, and the architect is **Scott Brownrigg**.

Strategic issues

Additional information has been submitted to address strategic issues raised at the consultation stage on **transport**. As requested, the Council has imposed appropriate conditions relating to **urban design, community use, inclusive access, energy and flooding**.

The Council's decision

In this instance Croydon Council has resolved to grant permission.

Recommendation

That Croydon 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 5 August 2015 the Mayor of London received documents from Croydon 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 3E of the Schedule to the Order 2008: *"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 9 September 2015 the Mayor considered planning report D&P/3662/01, and subsequently advised Croydon Council that while the application is broadly acceptable in strategic

planning terms, further discussion is required regarding the issues raised in paragraph 60 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 22 October 2015 Croydon Council resolved to grant planning permission, and on 27 October 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 9 November 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 the proposal for the free secondary school was assessed in the context of London Plan policies on principle of land use, school provision, community use, urban design, inclusive access, sustainable development/energy, flooding and transport. There were no major strategic concerns except the need for the Council to secure through appropriate conditions the proposals and the measures the applicant has put forward. However, there were few minor concerns in regard to transport in which the applicant has addressed at post stage 1 and the Council has imposed appropriate conditions. (See the details in the transport section below).

6 As required and recommended, the Council has imposed the following conditions in its draft decision notice; community use (conditions 20 & 21), urban & inclusive design (conditions 1, 3, 5, 8 & 32), sustainable development/energy (conditions 23 & 24), flooding management (conditions 17, 25 & 33), and transport (conditions 6, 7, 12, 13, 15, 16 & 29).

Transport for London's comments

7 At the initial consultation stage, TfL requested justification on the level of car parking. This has since been provided and a condition has been applied requiring details of the electric vehicle charging points. TfL is now satisfied with these proposals.

8 The application proposed to provide 85 cycle parking spaces and TfL requested this was increased to be in accordance with the full London Plan standards. Although disappointingly the additional spaces have not been secured, a mechanism has been secured to monitor provision, and provide the additional spaces should uplift in demand be identified.

9 TfL also welcomes the inclusion of planning conditions securing the final versions of the construction logistics plan, delivery and servicing plan and travel plan, prior to commencement on site. The travel plan includes the implementation of 200m pick-up/drop-off 'exclusion zone', which satisfies TfL's concerns with the potential impact on bus services.

10 In summary, TfL is now satisfied that the issues previously raised have been adequately dealt with and the development is in accordance with transport policies of the London Plan.

Response to consultation

11 The application has been publicised by way of two site notices displayed in the vicinity of the application site. The application has also been publicised in the local press.

12 Local representation: The number of representations received from neighbours, a local group etc., in response to notification and publicity of the application was none.

13 Statutory consultees:

- Sport England: do not wish to make any specific comments on this particular application, other than to ask that their Design Guidance is used in relation to the construction of the proposed sports facilities. This is conditioned.
- Lead Local Flood Authority: do not object to the planning application, but have made recommendations on the proposed drainage system and have suggested conditions. The suggested conditions have been imposed.
- Thames Water: do not object to the planning application, but have made recommendations in regard to surface water drainage system and have suggested conditions. The suggested conditions have been imposed.
- Historic England: reviewed the submitted Archaeological Desk-based Assessment Report and confirmed its approval and concluded that there remains but a marginal archaeological interest with the site that can therefore be secured by conditions. It is therefore recommended that the remaining archaeological interest can be progressed by monitoring the geotechnical survey of the site. The results presented as a report will enable judgement to be made as to whether there is an ongoing archaeological interest and if so how it may be mitigated. The suggested conditions have been imposed.

14 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

15 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

16 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.

17 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

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

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