Subject: Parade Ground, Wormwood Scrubs Park, Scrubs Lane, London, W12 0DF (17/0107/FUMOPDC)

Meeting date: 11 October 2017
Report to: Planning Committee
Report of: Director of Planning

For Decision.

This report will be considered in public.

1 Summary

<table>
<thead>
<tr>
<th>Application reference</th>
<th>17-0107-FUMOPDC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site address</td>
<td>Parade Ground, Wormwood Scrubs Park, Scrubs Lane, London, W12 0DF</td>
</tr>
<tr>
<td>Proposal</td>
<td>Retrospective application for the erection of five 2-storey temporary modular blocks and one single storey modular block (6,926sqm) for up to 12 months for educational use (Use Class D1) to include hardstanding, substation, pedestrian access, fencing and associated works.</td>
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<tr>
<td>Applicant/agent</td>
<td>Jones Lang LaSalle on behalf of Kensington Aldridge Academy and Education and Skills Funding Agency</td>
</tr>
<tr>
<td>London Borough</td>
<td>Hammersmith and Fulham</td>
</tr>
<tr>
<td>Validation date</td>
<td>17 August 2017</td>
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</tbody>
</table>

1.1 The Old Oak and Park Royal Development Corporation (OPDC) Scheme of Planning Delegations states that planning applications should be referred to Planning Committee where, in the opinion of the Director of Planning, the application: ‘is of a significant or potentially contentious nature.’ The planning application is made retrospectively for a new temporary school on Metropolitan Open Land (MOL) consisting of nearly 7,000sqm of floorspace. It is considered to be significant and potentially contentious and should therefore be determined by OPDC Planning Committee.

1.2 The application site forms part of Wormwood Scrubs Metropolitan Park (‘the Scrubs’). It is situated towards the southern boundary of the park and prior to commencement of development consisted of unmade hardstanding. The
subject site was clear of any significant vegetation and buildings at the time of implementation. It is adjacent to, but does not form part of, the Wormwood Scrubs Local Nature Reserve as outlined in the LBHF Proposals Map 2011. A public car park, used by visitors to the Scrubs, is situated directly east of the subject site.

1.3 The temporary school for 949 students is required as Kensington Aldridge Academy’s permanent building is unsuitable for use, following the Grenfell Tower fire. The applicants have undertaken a process of site selection and this site was deemed to be the most suitable location for a temporary school.

1.4 The Scrubs is managed by the Wormwood Scrubs Charitable Trust and is protected by the Wormwood Scrubs Act 1879 and the Commons Act 2006. The applicant gained approval from the Wormwood Scrubs Charitable Trust on 10 July 2017 to use the land for a temporary period.

1.5 The application is retrospective, which means the development has been completed and the school has been operational as of the 18 September 2017.

1.6 Statutory public consultation has been undertaken on the application. It comprised 1065 letters to residents and businesses in the area, five site notices and adverts in the Brent and Kilburn Times and Ealing Gazette newspaper. The representations received are summarised in paragraph 5 of this report.

1.7 The key planning issues considered in reaching the recommendation that the application should be approved are summarised in the following paragraphs:

- the principle of development on MOL;
- the loss of public open space;
- the principle of the development of a temporary school in this location;
- transport impacts, including pick up, drop off, parking and servicing arrangements;
- layout and design, including the quality of accommodation for students;
- visual impact of the proposed development and on the setting of the Scrubs;
- neighbouring amenity, including noise, privacy and lighting impacts; and
- impact on the environment including trees, flood risk, biodiversity and sustainability.

1.8 Whilst the principle of a school in this location does not accord with the land use policies set out in the NPPF, the London Plan, the adopted OAPF, LBHF Core Strategy / DMLP or the OPDC’s Regulation 19 Local Plan, it is considered that there are very special circumstances for accepting its placement here on a temporary basis and therefore on balance, the principle of development is acceptable.
1.9 The quality of school accommodation provided is acceptable, given its temporary nature. Pupils will be afforded adequate facilities on site, supplemented by offsite arrangements with Burlington Danes Academy and Linford Christie Stadium.

1.10 The layout, height and massing of the proposal are acceptable and, subject to conditions requiring the restoration of the land after use, will not have long term impacts on the streetscape or landscape.

1.11 The visual impact of the proposal is limited and is partially mitigated by the substantial foliage surrounding the site. The proposal will not cause undue and lasting harm to Wormwood Scrubs and the openness of MOL, subject to a condition requiring the submission of a scheme of works for the restoration of the land after use.

1.12 The scheme is ‘car free’ with no general-purpose parking for staff, students or visitors. The transportation impacts of the proposal are considered to be acceptable, subject to the implementation of mitigation measures, including a Management Strategy and School Travel Plan, which should be reserved by condition.

1.13 The proposal is not considered to be unreasonably harmful to neighbouring residents given the scale of development, its temporary nature and its limited operational hours.

1.14 Given the use and condition of the site prior to the commencement of the development, the environmental impact of the proposal is limited, subject to a condition requiring the submission of details for site restoration following the end of the use.

2 Recommendation

The Committee is invited to:

2.1 Resolve to Grant conditional retrospective planning permission and delegate authority to Director of Planning to:

   Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Director of Planning considers reasonably necessary.

3 Background information

Location plan

3.1 The application site is highlighted in red on the map below.
The 1.3ha site is situated to the south-east of Wormwood Scrubs. It borders a public car park to the east, Woodman Mews to the south and the Wormwood Pony centre to the west. The site is situated 1.7km to the north west of Kensington Aldridge Academy’s permanent site on Silchester Road.

The subject site is designated as Metropolitan Open Land (MOL). Prior to the development the site was free of significant vegetation and had sand / unmade hardstanding as its base. It does not have a specific use nor any formal recreational function, aside from forming part of Wormwood Scrubs Metropolitan Open Land. However, it is often let to film crews, the Metropolitan Police and other organisations who require parking and large spaces when setting up for events in West London.

Wormwood Scrubs, which this site is part of, covers approximately 68ha of open space. It is the largest open space in the London Borough of Hammersmith and Fulham (LBHF). The Scrubs is managed by the Wormwood Scrubs Charitable Trust and is protected by the Wormwood Scrubs Act 1879, the Commons Act 2006 and as Metropolitan Open Land in the London Plan, which affords the Scrubs the same level of protection in planning terms as Metropolitan Green Belt.

The surrounding area has a broad array of uses, such as the Linford Christie Stadium, HM Prison Wormwood Scrubs, Ark Burlington Danes Academy (ABDA) and Hammersmith Hospital as well as residential development.
Planning history

3.6 There is no planning history on the site.

4 Proposals

4.1 The permanent Kensington Aldridge Academy (KAA) is located on Silchester Road, adjacent to Grenfell Tower which was recently affected by a tragic fire of national significance. KAA school buildings suffered some fire damage and due to its proximity to the badly damaged tower block the school cannot reopen until the tower block and surrounding area is deemed safe by the relevant authorities. It is therefore proposed to temporarily locate KAA in six modular buildings on the application site on the south-eastern edge of Wormwood Scrubs Park for the duration of the 2017-18 academic year. The school intends to relocate back to its permanent site in time for the start of the 2018-19 academic year.

4.2 The temporary school has been, for the most part, completed and is now operational. This application is therefore retrospective. The works started on the 12 July 2017 and first occupation of the school was on the 18 September 2017.

4.3 As at the end of the 2016-17 academic year, the school had a total of 649 pupils and 100 full time staff. However, in the current academic year there will be an increase in pupils attending the school taking the total number of pupils to 949. The number of staff will also increase up to 160. This is due to the additional phased intake of pupils in the catchment area across years 7 – 10 and sixth form. As part of the Transport Assessment, the pupil count has also taken account of the expected increase in pupil numbers at the nearby ABDA Primary School, which is in an expansion process.

4.4 The proposal, as submitted and built, includes:

- six modular buildings providing a total of 6,926 sqm (GIA) of floorspace. The buildings will accommodate teaching spaces, office spaces and associated facilities such as reception space, a library and a dance studio;

- on-site cycle parking and blue badge parking;

- an on-site 1,000KVA sub-station. All modular units will have power supplied to them via underground ducted supplies;

- a new underground mains water supply is to be installed by Thames Water. This will be connected to existing services under the footpath at Scrubs Lane;

- a new underground foul water connection is to be made into the existing foul drainage system within the footpath to Scrubs Lane. The applicant confirms that this has been designed in full agreement with Thames Water; and
- fencing and secure entrance gates, pathways and informal recreational space.

4.5 It is proposed, at the end of the temporary period, that the modular units will be removed from the site and the ground returned to its previous open nature. The exact details of the site restoration at the end of occupation will be required to be submitted and assessed by the Local Planning Authority through by way of a planning condition. The applicant states that the site restoration will be undertaken in consultation with key stakeholders.

5 Planning Policy

5.1 The adopted development plan for this part of the OPDC area comprises:

- London Plan March 2016;
- London Borough of Hammersmith and Fulham Core Strategy (2011); and

5.2 The following planning documents are also relevant material considerations:

- National Planning Policy Framework (NPPF);
- Old Oak and Park Royal Opportunity Area Planning Framework (OAPF) 2015; and
- OPDC Regulation 19 Draft Local Plan (June 2017).

5.3 The OAPF was adopted as supplementary planning guidance to the London Plan in November 2015 and therefore holds material weight in the determination of this application.

5.4 The OPDC Regulation 19 draft Local Plan completed consultation on 11 September 2017. The final draft of the Local Plan is expected to be subject to Examination in Public in spring 2018. Although yet to be adopted, the draft Local Plan is a material planning consideration in the determination of the current application in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

6 Consultations

Pre-Submission Consultation

6.1 A meeting was held between the Wormwood Scrubs Charitable Trust (WSCT) and the applicant on the 10 July 2017, where the applicant discussed the proposals and gained the board’s approval to use the application site on a temporary basis. It is understood that the construction and occupation programme and timetables were discussed and agreed at this meeting too. The Committee of the Charitable Trust gave its consent to the proposal and LBHF officers were delegated to take actions necessary to conclude the
licence to occupy the site. It is understood that a verbal update was given at the WSCT Committee meeting on 19 September 2017 following occupation.

6.2 The applicant has been in regular communication with affected residents to the south of the site, holding meetings and sending weekly letters informing them of progress.

Statutory Public Consultation

6.3 Statutory public consultation has been undertaken for the scheme. Six site notices were placed adjacent to and approaching the site on Scrubs Lane, Wood Lane, North Pole Road and Mitre Way as well as outside the site entrances. An advert was placed in the Brent and Kilburn Times and Ealing Gazette on 17 and 18 August. 1065 letters were sent to local residents.

6.4 One objection has been received to date which raises a number of issues, outlined below.

<table>
<thead>
<tr>
<th>Objection</th>
<th>Officer response</th>
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<tbody>
<tr>
<td>Need for protection against permanent development on public common land.</td>
<td>- The proposal, as submitted, is for temporary planning permission and therefore any approval would include a condition stating that the proposal will need to cease at the end of the temporary period and the site restored in line with a submitted scheme works to be approved by the Local Planning Authority.</td>
</tr>
<tr>
<td>To be sandwiched between two schools, Burlington Danes and KAA is unreasonable.</td>
<td>- Officers recognise that there is potential for localised amenity and transport impacts as a result of this development. Section 7 of this report outlines potential impacts and mitigation measures proposed.</td>
</tr>
<tr>
<td>This structure has been presented as a &quot;temporary&quot; structure, to deal with an emergency situation, however, the proper processes and consultations of local residents did not happen; planning permission was not sought.</td>
<td>- It is acknowledged that permission is being sought on a retrospective basis. OPDC has undertaken the statutory public consultation required.</td>
</tr>
<tr>
<td>ESFA have tried to bribe residents with offers to 'make over the communal gardens'.</td>
<td>- This is not considered to be material to the determination of this application.</td>
</tr>
<tr>
<td>Questions regarding risk assessments</td>
<td>- This is not considered to be a</td>
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</table>
Objection
and SWOT analysis
Who is responsible for arranging the building / construction and who is financing the construction?
Have there been plans, discussions or negotiations regarding development of the existing site?
What is the plan B if permission is refused?

Officer response
material to the determination of this application.
- The ESFA/KAA are the applicants.
- OPDC are unaware of any discussions regarding the existing site and the Royal Borough of Kensington and Chelsea is the LPA for the permanent site, however it is the intention of Kensington Aldridge Academy to be back in their existing premises by the next academic year.
- This is not considered to be material to the determination of this application.

Statutory Consultees and Stakeholders

6.5 The following statutory consultees and other stakeholders were consulted on the application. The responses are summarised below.

<table>
<thead>
<tr>
<th>Consultee and Comments</th>
<th>Officers response</th>
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<tbody>
<tr>
<td>1 Greater London Authority (GLA) Stage 1 report –</td>
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<tr>
<td>- The stage 1 response of the Mayor has not yet been received. However, this is expected to be received prior to consideration of the application by the OPDC Planning Committee.</td>
<td>- Officers will provide an update in an addendum report</td>
</tr>
<tr>
<td>2 Transport for London (TfL) – TfL supports the proposal in principle, and have suggested the below:</td>
<td></td>
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<tr>
<td>- Undertake Road Safety Audits for proposed access arrangements</td>
<td>- A Road Safety Audit has been completed. The Audit has recommended some mitigation measures and</td>
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<tr>
<td>Consultee and Comments</td>
<td>Officers response</td>
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<tr>
<td>- Update the school travel plan to relate to this site and include measures to encourage pupils and staff to travel by sustainable modes</td>
<td>these are outlined in para. 6.52 and 6.53.</td>
</tr>
<tr>
<td>- On-going monitoring of cycle parking demand, and additional provision if necessary;</td>
<td>- A Travel Plan has been submitted for the temporary school in this location.</td>
</tr>
<tr>
<td>- Investigate improvements to walking and cycle routes;</td>
<td>- The applicant is proposing to monitor the use of cycle parking and provide additional spaces if necessary.</td>
</tr>
<tr>
<td>- Submission of DSP to regulate servicing activities.</td>
<td>- The applicant has submitted a walking and cycling assessment as part of an updated transport submission. This contains several recommendations which are included within the Management Strategy proposed. A PERS/CERS Audit is being conditioned.</td>
</tr>
<tr>
<td>3 London Borough of Hammersmith and</td>
<td>- Noted</td>
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<tr>
<td>Consultee and Comments</td>
<td>Officers response</td>
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<tr>
<td>Fulham (Planning) – No objection</td>
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<tr>
<td>London Borough of Hammersmith and Fulham (Highways)</td>
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<tr>
<td>- The Planning Authority should ensure that no additional off-site parking spaces are permitted for the occupants of the temporary site.</td>
<td>- Noted, the proposal has been identified as car free and offsite parking is not available for staff, pupils or visitors.</td>
</tr>
<tr>
<td>- The applicant has stated that surveys undertaken and information from the existing travel plan indicate that the provision of 50 cycle parking spaces is sufficient for the proposed use. The applicant should ensure that the school travel plan is updated, monitored and that cycle parking provision reflects any changes in travel behavior or requirements.</td>
<td>- Noted. The applicant has outlined their intention that additional cycle spaces can be added if required. The travel plan will be secured by condition.</td>
</tr>
<tr>
<td>- The Highway Authority is satisfied with the information submitted regarding delivery and servicing of the proposed temporary site.</td>
<td>- Noted</td>
</tr>
<tr>
<td>- The Highway Authority welcomes the pro-active approach taken by KAA in consulting various stakeholders to ensure that travel plans are updated and enforced. The engagement in Transport for London’s STARS programme will also ensure objectives and targets are achieved. The objectives and targets set out in the school travel plan are sufficient and should contribute to the promotion of sustainable travel to and from the site.</td>
<td>- Noted</td>
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<tr>
<td>- The applicant should undertake a</td>
<td>- This will be reserved by condition</td>
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<tr>
<td>Consultee and Comments</td>
<td>Officers response</td>
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<tr>
<td>Pedestrian Environment Reviews Systems (PERS) Audit to evaluate the pedestrian routes to and from the application site. The submission of the PERS audit will identify potential issues regarding pedestrian routes, crossings, and public transport waiting areas. A PERS audit should be submitted to and approved by the Highway Authority. - The applicant should undertake a Cycling Environment Reviews Systems (CERS) Audit to evaluate the cycling routes to and from the application site. The submission of the CERS audit will identify potential issues regarding cycling routes and infrastructure. A CERS audit should be submitted to and approved by the Highway Authority.</td>
<td>- This will be reserved by condition</td>
</tr>
<tr>
<td><strong>Recommended conditions</strong></td>
<td>- Noted</td>
</tr>
<tr>
<td>• Condition securing the provision of 1 accessible parking space for blue badge holders, • Condition securing the provision of at least 50 cycle parking spaces within the application site, • Condition ensuring the submitted delivery and service plan is adhered to, • Condition ensuring an updated Travel Plan is submitted to LBHF’s school travel plan coordinator and reviewed at specified intervals.</td>
<td>- Noted</td>
</tr>
<tr>
<td>5</td>
<td>Royal Borough of Kensington and Chelsea— No response received. - Noted</td>
</tr>
<tr>
<td>Consultee and Comments</td>
<td>Officers response</td>
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<td>6</td>
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<tr>
<td>Environment Agency – No response received.</td>
<td>- Noted</td>
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<td></td>
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<td>7</td>
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<tr>
<td>Thames Water</td>
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<tr>
<td>- Surface Water Drainage – It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater.</td>
<td>- To be included as an informative</td>
</tr>
<tr>
<td>- Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.</td>
<td>- Noted</td>
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<tr>
<td>- On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.</td>
<td>- Noted</td>
</tr>
<tr>
<td>- Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m</td>
<td>- To be included as an informative</td>
</tr>
<tr>
<td>Consultee and Comments</td>
<td>Officers response</td>
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<tr>
<td>head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</td>
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<tr>
<td>8 Natural England – No response received</td>
<td>- Noted</td>
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<tr>
<td>9 Diocese of London – Supports the application</td>
<td>- Noted</td>
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<tr>
<td>10 London Fire Brigade – No response received</td>
<td>- Noted</td>
</tr>
<tr>
<td>11 Designing Out Crime Officer – No response received</td>
<td>- Noted</td>
</tr>
<tr>
<td>12 Sport England – Does not wish to raise an objection.</td>
<td>- Noted</td>
</tr>
<tr>
<td>13 Friends of Wormwood Scrubs, St Helens RA, St Quintin and Woodlands N’hood Forum, Grand Union Alliance, Hammersmith Society – No response received</td>
<td>- Noted</td>
</tr>
</tbody>
</table>

7 Assessment

7.1 The following reports and assessments were submitted with the application:

1. Planning Statement
2. Noise Assessment
3. Transport Assessment (including STP, DSP and Supplementary Report)
4. Swept Path Analysis
5. Drainage Report
6. Sustainability Statement
7. Lighting Assessment
8. Phase II Ground Investigation
9. Supporting Utilities Statement
10. Arboricultural Impact Assessment (including method statement)
11. Preliminary Ecological Assessment (including mitigation strategy)
7.2 In reaching a recommendation on the application, officers have had regard to the planning issues set out in para. 1.6 – 1.12 of this report.

**Principle of Land Use**

7.3 The issues to be considered include the principle of developing on Metropolitan Open Land; the principle of developing on public open space; and the principle of a temporary school in this location.

7.4 In relation to the issues outlined above, the relevant policies to be considered are the NPPF (2012), the London Plan (2016), the OPDC (Regulation 19) Draft Local Plan (2017) and LBHF’s Core Strategy (2011).

7.5 Policy P12 of the OPDC Regulation 19 Local Plan provides more specific guidance for the protection of Wormwood Scrubs, including its vision, connections and open space.

7.6 Development plan policies are material to the determination of applications for planning permission and decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. In accordance with Section 70(2) of the Town and Country Planning Act 1990 (as amended), OPDC must have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

*Principle of developing on MOL*

7.7 The application site sits within Metropolitan Open Land (MOL), the extent of which is defined in LBHF’s Core Strategy (2011) and OPDC’s Regulation 19 Draft Local Plan (2017). The Mayor’s London Plan Policy 7.17 states that MOL should be afforded the same level of protection as the Green Belt. The supporting text states that the policy guidance of paragraphs 79-92 of the NPPF on Green Belts applies equally to MOL. An assessment of the application must therefore be made against the aims and objectives of Green Belt development as stated within the NPPF.

7.8 NPPF para 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states at para 88 that 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.
7.9 Paras 89 and 90 of the NPPF sets out exceptions where development within Green Belt (or MOL in this instance) may be considered appropriate. A temporary school use is not identified within any of these exceptions.

7.10 London Plan Policy 7.17B states that planning decisions should give the strongest protection to London’s MOL and inappropriate development refused, except in very special circumstances. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL.

7.11 Policy P12(d) of OPDC’s revised draft Local Plan states that proposals should protect Wormwood Scrubs as Metropolitan Open Land (MOL) by ensuring proposals accord with policy EU1 and with the London Plan Policy 7.17. Policy EU1 states that OPDC will secure the delivery of a high quality green infrastructure and open space network that enhances the overall quality of the environment, as set out in Policy SP8, by supporting developments which give Metropolitan Open Land (MOL), including Wormwood Scrubs the strongest protection. Proposals that result in loss or harm (including the erosion in the quality) of MOL will only be permitted in very special circumstances and where at least an equivalent quantum and quality of open space is provided.

7.12 The provision of a new school on MOL, albeit on a temporary basis, would not constitute a use considered appropriate on MOL. Across national, regional and local policy, strong protection is afforded to MOL, but at all levels, it is recognised that there may be instances where ‘very special circumstances’ may be afforded for development proposals on MOL. It is considered that there are some very specific mitigating circumstances in relation to this particular application that should also be considered as material considerations and as relevant ‘very special circumstances’ when assessing the proposals against paragraphs 87 and 88 of the NPPF.

7.13 The provision of the facility is required by consequence of the fire at the Grenfell Tower which has caused the permanent secondary school premises in North Kensington to close for a temporary period. The application is for a temporary facility for a period of a year from when the application was made (until 31 July 2018). The applicant has agreed to restore the land following its use as a temporary school, the details of which are proposed to be secured through a condition.

7.14 The applicant has undertaken a thorough assessment of twenty alternative sites. This exercise has shown the application site to be the most suitable and deliverable despite its MOL designation. The applicant states that the key rationale for the application site being preferred was that it was available, of a sufficient size, and suitable for siting modular units for a temporary period. A key factor in the choice of this site was also the need to remain as close as possible to the permanent school site and the ability to keep the pupils together on a single alternative site, to ensure consistency of teaching and effective support for pupils directly affected by the fire. The application site is in close proximity (1.5km) to the existing school at Silchester Road in North
Kensington and is within the existing school catchment area so is easily accessible by pupils.

7.15 The site is also adjacent to Burlington Danes secondary school, providing opportunities for the co-location and sharing of facilities, which is supported by both London Plan policies 3.16 and 3.18 and OPDC’s Revised Draft Local Plan policies SP2g) and TCC4d) iii). The site is also close to outdoor sports facilities at both Burlington Danes secondary school and within Wormwood Scrubs park and the Linford Christie stadium, providing the school with access to adequate sports and recreation provision. KAA has stated their intention to share facilities, given the limited amount of space on the subject site.

7.16 The application site is on the edge of Wormwood Scrubs and the MOL boundary, thus minimising the proposal’s impact on the functioning and openness of its MOL designation. The site had limited ecological value when compared to other parts of the MOL at Wormwood Scrubs with the majority of the site formerly being broken hardstanding, gravel and sand. The subject sits adjacent to a Local Nature Reserve (LNR) as defined in the LBHF Proposals Map. In accordance with OPDC’s revised draft Local Plan Policy EU2, efforts should be taken to avoid disturbance to any biodiversity on the site during operation. A Preliminary Ecological Appraisal (PEA) has been submitted with the application which has assessed the ecological value of the site. Further information is included in the environment section of this report.

7.17 Taking account of the provisions of the development plan and all other material considerations, including the exceptional circumstances surrounding the temporary closure of KAA’s permanent building as a result of the Grenfell Tower fire, the lack of available alternative options in the catchment area of the school and the siting of the school on a less sensitive part of the Scrubs (MOL), it is considered that there are very special circumstances that justify development on this site for a temporary secondary school and that the principle of temporary development on MOL is, on balance, acceptable.

Principle of developing on public open space

7.18 As well as being designated as MOL, Wormwood Scrubs is a public open space, defined as a Metropolitan Park in OPDC’s revised draft Local Plan. The application site is located within the open space designation.

7.19 NPPF para 74 states that existing open space should not be built on unless, inter alia, the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

7.20 London Plan policy 7.18 states that the loss of protected open spaces must be resisted unless equivalent or better-quality provision is made within the local catchment area.
Revised draft Local Plan Policy SP8 states that any loss or relocation of existing green infrastructure or open space identified on the Policies Map should accord with the requirements of Policy EU1.

Revised draft Local Plan Policy EU1 states that proposals that result in a loss or erosion in the quality of existing open space will only be permitted where at least an equivalent quantum and quality of open space is provided.

National, regional and local policy would not support the loss of the public open space unless alternative provision were to be made elsewhere. The applicant is not proposing to make alternative provision and therefore the loss of the existing public open space on the application site is a departure from national, regional or local planning policy. However, as with the consideration of the MOL designation above, there are very special circumstances relevant to this application which are a material planning consideration and this is material in the decision-making process. It is also acknowledged that the application is for a temporary period.

To support the proposal, the applicant has also explained that the application site has been temporarily closed in the past when the site has been used for parking or temporary storage associated with events such as the Winter Wonderland and Notting Hill Carnival.

Though relevant, these temporary closures are not comparable in length to that being proposed through this application. However, as with the principle of developing on MOL, it is considered that there are material considerations of an exceptional nature that justify this proposal being built on open space without any re-provision and that the principle of temporary development on open space is, on balance, acceptable.

**Principle of a school in this location**

NPPF para 72 states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities and that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

The DCLG’s Policy Statement – Planning for Schools Development (August 2011) is also a relevant material consideration and this states, inter alia, that local planning authorities should give full and thorough consideration to the importance of enabling the development of state funded schools in their planning decisions and should make full use of their planning powers to support state-funded schools applications.

London Plan Policy 3.16B states that development proposals which provide high quality social infrastructure will be supported in light of local and strategic social infrastructure needs assessments.

London Plan Policy 3.18 states that the Mayor strongly supports the establishment of new schools (3.18B) and in planning decisions, proposals for new schools, including free schools should be given positive consideration.
and should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations (3.18D).

7.30 OPDC Revised Draft (Reg 19) Local Plan Policy SP4 states that proposals should support the delivery of the spatial vision by promoting lifetime neighbourhoods, social cohesion and the integration of new and existing communities through delivering and/or contributing to new high quality social infrastructure and protecting and improving existing, that meets the needs of the population in terms of its location, scale and phasing.

7.31 Further, Policy TCC4 of OPDC’s Revised Draft (Reg 19) Local Plan states that OPDC will seek to secure a range of high quality social infrastructure facilities for existing and new residents and workers by securing the delivery of, or contributions towards, enhanced or new social infrastructure facilities to meet the needs of the development.

7.32 This site offers a number of advantages including its proximity to the KAA’s catchment area and the opportunity to share facilities with neighbouring establishments. On balance, having regard to the circumstances surrounding the closure of the school’s permanent building, the principle of providing a new temporary school on this site is supported.

Summary

7.33 In summary, having due regard to the development plan and other material considerations including the exceptional circumstances surrounding the closure of the school’s permanent building, the principle of developing a temporary school on this MOL site is, on balance, acceptable.

Transport

7.34 The transport issues to consider are the impact on the transport network, highway and pedestrian safety, the servicing arrangements, the provision of car and cycle parking and the adequacy of the school travel plan.

7.35 The applicant has submitted a Transport Assessment (TA) and School Travel Plan (STP) to support the application. It reviews the operation of the school, existing transport conditions and includes measures required to appropriately mitigate the potential impacts of the development on the transport network.

Impact on the highway network

7.36 London Plan policy 6.3 ‘Assessing effects of development on transport capacity’ and OPDC draft Local Plan policy T9 ‘Transport Assessments and Travel Plans’ ensure that the full impact of development proposals are assessed in terms of their implications for transport capacity and road safety. Policy 6.3 also promotes the use of travel plans for large development proposals.
The applicant has submitted a Healthy Streets Assessment in accordance with policy T1 of the OPDC draft Local Plan and responses have been given against key indicators. Mitigation measures have been included, where appropriate, including implementing a travel plan, staggering the opening times of the school and promoting appropriate pedestrian routes for pupils and staff.

To robustly assess the impact of the development on the surrounding highway network, the applicant has modelled pupil and staff travel patterns to the school’s permanent site and analysed post code data for pupils. Whilst the survey response rate was only 46%, it is considered that this is sufficient to give a reasonable indication of current travel modes.

In order to support the survey, the transport assessment uses detailed postcode data of incoming students across years 7 to 13. Approximately 83% of students live within 2km of the temporary site with a further 10% between 2 and 4km’s. This also correlates with the predicted high percentage (92%) of students either walking or using public transport to get to school. These will be discussed later in the report.

Following this analysis, predicted pupil behaviour for the new school has anticipated that 92% of pupils will either walk or use public transport (mainly bus) and 8% of students will get dropped off by car, van or taxi.

Movements to and from the application site at present are low and therefore the immediate area will be subjected to localised disturbance in the AM and PM peaks due to the arrival and departure of pupils. The highest impact on the highway network will result from pupil drop off and pick up at the site therefore this demand must be anticipated and if possible, reduced, through mitigation measures. The Pupil Trip Generation outlined within the TA suggests that there will be 58 trips made by van or car in the AM and PM peak for the subject site. Approximately four members of staff drive to work at present and they have been informed about the parking situation at the temporary site. When surrounding committed developments are added (ABD Primary School), the number of additional trips on the local highway network increases to 73.

Whilst the demand for drop-off and collection is not significant (measuring only 8%) it will need to be addressed appropriately. There is a small public car park (approximately 50 spaces) located adjacent to the site and accessed from Scrubs Lane which can be used for drop-off and collection for a limited number of pupils. The school has already, and will continue to make clear to pupils and parents that this should only be in exceptional circumstances and the vast majority of students would be expected to make use of public transport and walking/cycling routes or use ‘Park and Stride’ (dropping off pupils away from the school and walking the rest of the way) from the surrounding street networks. Staff will be present to enforce this as outlined within the submitted Management Strategy and Travel Plan.
7.43 As outlined within the School Travel Plan and associated documents, staff will monitor drop-off activity on Woodmans Mews and Scrubs Lane to discourage parents from stopping in those locations. The STP Champion will undertake a Park and Stride promotion exercise at the start of the year to reduce the numbers of pick up and drop offs in the immediate vicinity of the school therefore alleviating stress along Scrubs Lane.

7.44 The school has implemented a staggered timetable due to the proximity to Burlington Danes Academy. Whilst school times can only vary slightly, the peak times where the majority of students arrive and leave will be spread out therefore reducing the impact of pickups and drop offs.

7.45 Walking, cycling and the use of public transport will be heavily encouraged and the Travel Plan will outline measures to decrease the amount of pick up and drop offs in cars.

7.46 The proposal is car free, with no staff or pupil parking available on site, with the exception of one blue badge holder space. This will be secured through condition. The school has the ability to provide one more parking space if required.

7.47 The development is likely to result in short-term, localised impacts on the highway network. It is considered that the proposed mitigation, including the measures outlined in the Travel Plan (discussed in more detail at 7.62), will minimise these impacts and ensure as little disruption as possible.

Public Transport

7.48 The TA estimates that 319 pupil trips will be made by public transport in the morning and afternoon peaks. When the ABDA primary school is expanded, a further 75 pupil trips are likely to occur therefore the total increase is predicted to be 394 trips.

7.49 In order to cater for this increased demand, KAA has made arrangements with TfL to provide three extra bus services from Latimer Road / Ladbroke Grove from 8am towards the school site and 4pm away from it. This is the number 7 bus and whilst this is a public service, it will cater for the additional demand of children at the peak times in the AM and PM. Officers are satisfied that these arrangements are already secured by agreement with TfL and is an acceptable solution to mitigate against the increase in bus users.

Walking

7.50 Policy 6.10 of the London Plan and Policy T2 of the OPDC draft Local Plan provides advice on walking and recommends that planning decisions should ensure that developments have a high-quality pedestrian environment and emphasise the quality of pedestrian and street space.

7.51 The applicant has undertaken an assessment of walking routes between the permanent school site and temporary site along with a safety audit. The route from the permanent school site to the application site passes through much of the catchment area for the school. It is considered that there are good quality
pedestrian connections along all identified routes, all with kerbs and street lighting, and some junctions with enhanced measures including tactile paving raised entry treatment and kerb build outs. Notwithstanding this, a Pedestrian Environmental Review System (PERS) Audit should be carried out to identify any additional routes or pedestrian requirements. It has been agreed to secure this by condition.

7.52 More locally, there are two formal pedestrian crossing points located to the north and south of the subject site crossing Scrubs Lane. For those pupils walking from the east, they will use the northern crossing and follow the pedestrian accesses through the Scrubs to the school. There have recently been upgrades to pedestrian facilities on Mitre Way including wider pavements and traffic calming measures, which have improved the safety of this route.

7.53 The Safety Audit identified some areas of concern, which have been addressed through submission of a Management Strategy. It is noted that there are residual risks that need to be managed by the School associated with warning pupils of hazards in the area and ensuring that they know where there are safe locations to cross. This will be managed through the School Travel Plan and Management Strategy which will be secured by condition.

7.54 Measures set out in the Management Strategy include:

- ten additional staff to act as marshals during the AM and PM peak to ensure that pupils are able to access the site appropriately and safely;
- staff being available between 0810 and 0840 in the morning peak and 1545 and 1630 in the afternoon peak;
- identification of eight locations at key junctions where staff will be present along the route to school; and
- directions for staff to marshal pupils along the identified routes and ensure that the pupils are crossing at appropriate places.

7.55 These extra staff and their strategic placement at key junctions are included in the Management Strategy and is considered to be acceptable to overcome the issues identified in the Safety Audit and these measures should be implemented in full.

**Cycling**

7.56 Policy 6.9 of the London Plan provides policy on cycling and it is recommended that planning decisions should ensure that new developments have secure, integrated and accessible cycle parking facilities in line with the minimum standards outlined in the plan. Developments should also contribute to a cycling network that is integrated and linked to existing and planned cycle infrastructure.

7.57 The distance between the school's permanent site and the temporary site is approximately 1.5km, which equates to 6 minutes on a bicycle. Cycle routes would generally follow the pedestrian routes, which are relatively quiet. Care
would need to be taken when pupils reached Scrubs Lane however cycle lanes are marked on both sides of the road and there will be staff at the site at peak times to direct cyclists. Shared routes for cyclists along with pedestrian only signs are present on the western footway of Scrubs Lane. A Cycle Environment Review System (CERS) Audit is proposed to be conditioned as a way of identifying the most appropriate routes to access the site along with any improvement measures.

7.58 The trip generation assessment suggests that no students will cycle to the new school. However, a further survey that has been undertaken by the school has suggested that there are up to 20 pupils and 12 members of staff who regularly cycle.

7.59 In order to increase the number of pupils and staff cycling, the Travel Plan has suggested cycle training for new pupils and opening up the Cycle to Work Scheme for Staff members. The School Travel Plan and CERS Audit will be secured by condition.

7.60 The school has made provisions for 50 cycle parking spaces. Whilst this is a shortfall on the stipulated policy amount held within the London Plan, it is above the predicted mode share for cycles.

7.61 The school has confirmed that they will monitor the use of cycle facilities as part of the Travel Plan process. If demand increases, additional cycle parking can be made available adjacent to the existing provision.

Travel Plan

7.62 The submitted School Travel Plan (STP) primarily outlines objectives to influence travel behaviour, provides travel information to pupils, parents and staff and monitors and manages travel behaviour to and from the temporary site. The school has an existing STP, which this temporary STP will build upon.

7.63 The STP includes the following measures:
- consultations with a working group, pupils, management and parents;
- additional surveys with pupils and parents to identify travel behaviour and adapt appropriately;
- promote walking, cycling and use of public transport to access the site;
- produce marketing information and regular news letters to inform pupils and staff of alternative modes of transport; and
- manage the access points to the site, and monitor arrivals and departures on local roads and at bus stops to ensure good pupil behaviour and discourage inappropriate parking or disturbance to residents or other road users.

7.64 Additional measures that are not already implemented by the school include:
- organise a talk to cover the road safety messages relevant to the temporary site;
- staff participating in the Cycle to Work scheme; and
- an activity to encourage parents to drop off their children in the wider area surrounding the temporary site and walk at least five minutes to the site.

The school has proposed several consultations including the creation of a ‘Working Group’. Any communications regarding transportation will be done through Management Team meetings and then distributed amongst students. In terms of implementing and supervising pupil flow to the school, the school have confirmed that:
- staff will be briefed on the strategy before taking up their duties;
- staff will be briefed on maintaining their own safety as well as others (e.g. not to stand in the carriageway);
- staff will wear high vis vests to ensure they are visible to pupils; and
- staff will direct pupils which approach to take and will be available at key points to ensure they take the correct route.

The above measures rely on active management of the situation to negate the need for extensive highway works. This has been agreed by highways officers at LBHF. Given the temporary nature of the proposals, it is considered that the Travel Plan and Management Strategy provide an appropriate response to pupil safety.

Servicing

Policy T7 of OPDC’s Regulation 19 Local Plan refers to: ‘Freight, servicing and deliveries’. The policy requires off-street servicing facilities to ensure that the quality of the public realm is not undermined. LBHF DMLP policy DM J1 ‘Transport Assessment and Travel Plans’ requires applications to provide a Delivery and Servicing Plan.

The applicant has submitted a Delivery and Servicing Plan (DSP) which provides a summary of measures to be implemented at the temporary site.

The DSP anticipates five deliveries per day with a maximum vehicle size of 7.5t (box van). Refuse collection is proposed to be scheduled to take place twice a week between 07:00 and 08:00. This is prior to peak time therefore minimising conflict between vehicles and pedestrians.

The route for servicing vehicles is detailed within the submitted tracking diagrams and follows a one-way route, where the vans can enter and exit in a forward gear. In addition:
- the school will implement a ‘ring ahead’ system to deal with larger vans (i.e. 7.5t box vans) and a member of staff will be present to supervise the vehicle movement;
- deliveries and refuse collections should be timed to occur outside peak hours of arrival and departure for KAA and Ark Burlington Danes Academy;
- the school will liaise with the suppliers to ensure that vehicles no greater than 7.5t box van are used, and ideally use of light goods vehicles will be recommended;
- the refuse vehicle turning manoeuvre and on-street loading of refuse activities will be supervised by staff;
- suppliers using large vehicles (7.5t box vans) will be advised to ring ahead of the delivery. This will ensure that a member of staff is present at the junction of Scrubs Lane and Woodmans Mews to assist in the turning movement;
- should occasional deliveries by larger vehicles be required, the school would arrange for this to occur at the Ark Burlington Danes Academy school site from where goods will be moved to the KAA site. This is not expected to be a regular occurrence; and
- the delivery and servicing strategy will be constantly monitored by the premises manager, and adjustments made where required to ensure delivery and servicing activities can be made without inconveniencing other road users.

7.71 The DSP is considered to be adequate and will be secured through condition.

Transport conclusion

7.72 The school development would increase the number of movements generated to and from the site compared to its existing use. There would be an increase in demand for drop off and pickups along with increased demand for public transport, but these impacts would be mitigated through a robust Management Strategy and School Travel Plan along with additional bus services to and from the site. The Management Strategy promotes active transport by staff to assist pupils travelling to and from school and the STP aims to increase the number of pupils and staff walking and using public transport.

7.73 It is considered that, through these measures, the pupils and staff attending the school will be able to access the site safely and the highway impacts will be minimised.

Layout and Design

7.74 The urban design issues to consider are height and massing, visual impact, character, materials, security, and public realm.

7.75 A number of policies in the London Plan provide criteria against which the design merits of development proposals, including those of schools and temporary buildings, should be considered. The most specific guidance includes policy 7.4 ‘Local Character’, 7.5 ‘Public Realm’ and 7.6 ‘Architecture’.
7.76 Policy SP9, D1 (Securing High Quality Design), D2 (Public realm), D3 (Accessible and inclusive design), D4 (Well-designed buildings) and D6 (Amenity) held within the draft Local Plan provides clear direction with regards to design, public realm and amenity.

7.77 It is acknowledged that the proposal is temporary and therefore design standards may not be as high as OPDC would generally expect for major applications. Notwithstanding this, it will be expected that the proposal meets minimum design standards and demonstrates mitigation where this is not possible.

_Layout_

7.78 The layout of the proposed buildings is linear, running east / west adjacent to the northern boundary of the site. The main pupil flow will be to the south where approximately 15m separates the southern boundary and the school buildings. There is space for pupils to walk between the blocks which is important for those accessing the site from the north. There is also room for emergency vehicular access to the site, if required. This is further addressed in the transport chapter.

7.79 There are three main, large teaching blocks which have a depth between 20m and 25m along with three smaller blocks which includes provision for the reception, SEN classrooms, staff areas and a dance studio. The reception is situated to the front of the site to greet visitors. The SEN classrooms are towards the west of the site, furthest away from the road. The SEN space also has provision of a soft play area (rubber macadam).

7.80 There is general recreational space and provision for activities, such as basketball nets, along the southern boundary. Given the length and depth of this space, it is considered a valuable resource for informal recreation.

7.81 A secure pathway has been built to facilitate access from the subject site to Burlington Danes Academy for the purposes of meal times and formal
physical education. Part of this pathway is not within the OPDC area and does not form part of this planning application.

7.82 Considering the above, the layout is deemed appropriate, allowing for pupil flow from the entrances and exits, adequate spacing between classrooms for informal recreation and access for emergency and waste vehicles.

*Height and Massing*

7.83 The proposal is generally two storeys in height (between 6.53m and 7.02m) however some elements, such as the proposed SEN space, are one storey in height (approx. 3.51m).

7.84 The Portakabin buildings are regular in their massing and are considerably smaller than other buildings within the immediate vicinity, such as the residential block to the south.

7.85 The applicant has undertaken a Landscape Assessment of the development to better understand the key landscape and visual impacts of the proposed development. This contains photographs of the partially completed scheme from key viewpoints along with justification and rationale for the proposal.

7.86 The buildings are regular in their appearance and parts of the more visible elevations have a vinyl wrap with the name of the school along with some artistic drawings and slogans which relate to the school’s colours and ethos. The basic external colour scheme is light grey and white with dark grey windows and doors.

7.87 The subject site will also be lit, given that during the winter, pupils and staff may be arriving and leaving in darkness. A lighting diagram has been submitted with the proposal. It demonstrates that luminance outside the site will be minimal.

7.88 The Landscape Assessment also identifies four key views which can be seen in Appendix. 1.

- view A – from Woodmans Mews to the south of the site;
- view B – from Scrubs Lane to the east of the site;
- view C – from Wormwood Scrubs Nature Reserve to the north of the site; and
- view D – from Wormwood Scrubs Park to the north of the site.

7.89 The above views demonstrate that, whilst visible in places, the school buildings will be largely screened by the existing mass of foliage along the northern edge of the site. Even in the winter, due to the depth of foliage, it is considered that there will be adequate screening to the north. In view D, the development cannot be seen. Given the temporary nature of the proposal, there will be no long-term residual visual impact from any viewpoint.

7.90 The visual impact from the most sensitive areas of Wormwood Scrubs is limited, owing to the substantial foliage to the north of the subject site. A 100-150m deep screen of shrubs, trees and hedges restrict views from the north (the main part of the Scrubs). Whilst there has been a complete change of
use on site, all the surrounding foliage, green networks and connections been unaltered. There is no visibility of the site from the open grassland areas of Wormwood Scrubs to the north therefore it is considered that the proposal would have a neutral impact on the wider setting of the Scrubs, maintaining its open character.

7.91 The Landscape Assessment also includes an assessment of nearby listed buildings and conservation areas. Officers agree that the school is not visible from the listed buildings and therefore will not impact on their setting. Additionally, the school will not impact on the three conservation areas that have been identified due to the proximity and their location.

7.92 Whilst it is acknowledged that the temporary buildings would not meet OPDC’s standards in terms of design and architectural quality (Policies D1 and D2), the height and massing of the proposal is acceptable in streetscape terms and owing to its temporary nature, will not have a lasting negative impact. The limited scale of the proposal also respects the openness and function of the wider Scrubs. The visual impact of the temporary buildings on the character of the surrounding area is limited. It is not considered that the proposals, subject to appropriate conditions, will cause permanent harm to the openness of the MOL.

Security

7.93 London Plan policy 7.3 relates to ‘Designing Out Crime’ and policy 7.13 relates to ‘Safety, Security and Resilience to Emergency’. Given the concentration of pupils at the school, it is necessary to adopt robust procedures relating to securing the site from members of the public and ensuring that emergency vehicle access is not restricted.

7.94 To improve safety of the school and pupils who attend, there has been security fencing placed around the subject site. This is a 2.55m high green weld fence which will restrict access to those who do not hold a pass.

7.95 A fob system is proposed for both the students and staff and there will be no public access allowed within the inner school compound, aside from scheduled visits from external visitors.

7.96 Given the relatively open nature of the proposal to the north, security is proposed 24 hours a day.

Neighbouring Amenity

7.97 The key amenity issues to consider are privacy, lighting and noise/disturbance. Policy D6 of the draft Local Plan seeks to ensure that neighbours do not unduly suffer from new development. Daylight and Sunlight has not been assessed due to the distance, siting, orientation and height of the temporary buildings.

Privacy
The nearest sensitive premises are located on the south side of Wormwood Scrubs, along Woodmans Mews. These dwellings lie approximately 14m from the subject site and are separated by Woodmans Mews (access road) and existing foliage on the south boundary of the site.

The residential properties within Woodmans Mews on first and second floor have an aspect towards the Scrubs past a balcony / external access corridor. The building façade at ground floor level is blank. The shared external amenity space for the properties is to the west of the building with an aspect towards the subject site.

The main school buildings sit approximately 30m from the northern façade of Woodmans Mews and whilst the first floors of the school buildings will be at a similar height to the first floor of Woodmans Mews, there is a line of semi-mature trees and foliage on the southern boundary. It is not anticipated that there will be any overlooking or loss of privacy to Woodmans Mews as a result of this development, due to the distance involved and the foliage to the south of the site.

**Lighting**

In order to protect the amenity of neighbours, the lighting placed on the school buildings will be directed downwards to illuminate the immediate areas. The 3D luminance views submitted in the lighting assessment demonstrate that there will limited impact on the edges of the subject site and virtually zero illuminance past the boundary.

Given the proposal will be mainly operating within daylight hours, aside from some of the shorter days in the winter months, and the illuminance is generally restricted to the site, it is not considered that neighbours will suffer any adverse impacts as a result of the lighting strategy proposed.

**Disturbance / Noise**

Policy EU5 of the OPDC Regulation 19 Local Plan requires the submission of a noise assessment for major applications, which has been provided. The noise report submitted provides an assessment of the noise and its impacts on the pupils within the school. This is discussed in more detail in the following section.

EU5 states that these assessments should include details of the construction phases of the proposal, however this is not possible as the school is already operational and this application is retrospective.

It is acknowledged that a school with nearly 1,000 pupils will potentially bring a level of disturbance to the area. However, this should be confined to the start and end of the school day, along with break and lunch times. No activities on site are considered to warrant mitigation as general school activities are all within the daytime and restricted for a temporary period. It is
therefore considered that the potential disturbances will not cause undue impacts on the neighbouring residential properties.

7.106 An acoustic report has been provided to demonstrate the likely impacts of the proposal on the learning of pupils. Certain values should not be exceeded to ensure effective communication between teachers and pupils.

7.107 As outlined within the report, background noise from Scrubs Lane has the ability to slightly exceed recommended thresholds. However, on balance, given the temporary use of the proposal, it is unlikely that this will have a detrimental impact on the learning of the pupils.

**Environment**

7.108 The sustainability issues to consider are energy efficiency, noise, flood risk and water management, contaminated land, ecology and biodiversity. The use that is being proposed is temporary and therefore some requirements will be difficult to achieve. Officers have therefore taken a proportionate approach to assessing the proposals.

*Energy efficiency/climate change*

7.109 London Plan policy 5.2 seeks to minimise carbon emissions by adopting sustainable measures, supplying energy efficiently and using renewable energy for all new major proposals (the energy hierarchy).

7.110 Whilst it is acknowledged that the proposal has shortfalls when considered against these requirements, this is a temporary development and it would be difficult to achieve compliance against BREEAM requirements. The proposal will meet the functional requirements of the Building Regulations (2010) Part L and had limited environmental impacts during the construction period.

*Flood risk and water management*

7.111 London Plan policies 5.12 ‘Flood Risk Management’ and 5.13 ‘Sustainable Drainage’ are relevant when assessing this proposal. Policy EU3 of OPDC’s draft Local Plan addresses all issues relating to water.

7.112 The site is situated in Flood Zone 1. Thames Water and the EA have been consulted on the proposals.

7.113 The proposal also includes substantial SUDs measures and a drainage layout has been submitted. The brief was to attenuate flows to 5l/s without attenuation or storage for surface water drainage which has been achieved.

7.114 Thames Water have not objected to the proposals.

*Contaminated land*

7.115 A Phase 2 (intrusive) geo-environmental risk assessment has been undertaken to assess the contamination risks on the site. Evidence of elevated levels of some contaminants were found however the clean,
imported Sub-Base is considered to be suitable for the proposed school for the temporary period.

Trees

7.116 A tree survey, Arboricultural Impact Assessment and Arboricultural Method Statement has been prepared by the applicant. The proposed development has the potential to impact on a number of trees, predominantly on the southern edge of the site which is away from the main part of Wormwood Scrubs.

7.117 The assessment concludes that whilst no trees will be removed as part of the proposal, some self-seeded Silver Birches should expect some root loss and damage, along with crown pruning. This is necessary for the development to be built. It is suggested that, whilst they should be monitored, the trees are young enough to cope with the level of root disturbance.

7.118 All other trees, including the Category A trees on the boundary to Scrubs Lane will not be impacted by the proposal, save for some minor root disturbance which has already occurred. These are detailed in 6.3 of the Transport Statement.

7.119 Given the construction period has completed, it is not necessary to implement any conditions relating to trees however if any suffered irreversible damage during the construction period this will be addressed within the site restoration strategy.

Ecology and biodiversity

7.120 A Preliminary Ecological Appraisal of the site has been undertaken to assess the impact of the development on the surrounding area. Prior to commencement of development, the site consisted of bare ground and hard standing with very limited ecological value.

7.121 The surrounds of the site have been evaluated and it is not considered that the site has potential to support protected, rare and/or priority plants or species.

7.122 Notwithstanding this, some ecological enhancements have been proposed in line with Policy EU2. These include maintenance of the tree belt to the west and south of the subject site and the installation of two bat boxes and two bird boxes.

7.123 Given the temporary nature of the development and that the site will be returned as per its existing state, the proposal shows general compliance with London Plan Policy 7.19 and EU2 of the draft Local Plan.

8 Human rights and equalities

8.1 Planning Committee Members should take account of the provisions of the Human Rights Act 1998 as they relate to the application and the conflicting
interests of the applicants and any third party opposing the application in reaching their decisions.

8.2 The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report. In particular, Article 6 (1), of the European Convention on Human Rights (ECHR) in relation to civil rights and a fair hearing; Article 8 of the ECHR in relation to the right to respect for private and family life and Article 1 Protocol 1 of the ECHR in relation to the protection of property have all been taken into account.

8.3 In addition, the Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, pregnancy and maternity, race, religion, or beliefs and sex and sexual orientation. It places the local planning authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and Members must be mindful of this duty inter alia when determining all planning applications. In particular Members must pay due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.4 Officers are satisfied that the application material and officers’ assessment have taken these issues into account. Matters of consideration have included provision of a new temporary school for children who have been displaced from their existing school and a range of transportation measures secured to ensure that the site can be accessed safely.

9 Financial implications

9.1 All application costs have been met by the applicant through the submission of a planning application fee.

10 Legal implications

10.1 No legal implications arise from the report and it is consistent with the Corporation’s legal framework.

11 Conclusion

11.1 The need for a temporary school for Kensington Aldridge Academy has arisen as a result of the Grenfell Tower fire. The development is essential for the
ongoing function of the school and its 949 students, providing them with schooling and supporting facilities in formal and organised manner.

11.2 Taking account of the provisions of the development plan and all other material considerations, including the exceptional circumstances surrounding the temporary closure of KAA’s permanent building, the lack of available alternative sites in the catchment area of the school and the siting of the school on a less sensitive part of Wormwood Scrubs, there are very special circumstances that justify the principle of development on MOL and open space for a temporary school. The quality of the school along with its ancillary facilities is acceptable for the temporary period. The principle of the development is therefore, on balance, acceptable.

11.3 The impacts of the development will be localised, short term and mitigated through a range of transport and environmental measures outlined in this report. The contents of the Management Strategy and School Travel Plan will be secured by condition. The massing and visual impacts of the development are considered to be acceptable and will not have a lasting adverse impact on the openness or function of the MOL.

12 Recommended planning conditions

12.1 COMPLIANCE – Approved plans
The development hereby permitted shall be retained in accordance with the following approved drawings and documents:

HD10642siteA100
HD10642_04 Rev A Block A_DE_Elevations
HD10642_04 Rev A Block A_DE_GA First Floor
HD10642_04 Rev A Block A_DE_GA Ground Floor
HD10642_04 Rev C Block C_DE_GA Ground Floor
HD10642_05_RevA Block B_DE_Elevations
HD10642_05_RevA Block B_DE_GA First Floor
HD10642_05_RevA Block B_DE_GA Ground Floor
HD10642_06_RevA Block C_DE_Elevations
HD10642_06_RevA Block C_DE_GA First Floor
HD10642_07 Block D_DE_GA
HD10642_08 Block E DE GA
HD10642_08 Block E GA Elevations
HD1064209 Block F 2xTN124 Reception D Ground Floor
HD1064209 Block F 2xTN124 Reception D
HD1064209 Block F 2xTN124 Reception D First Floor

Site Location Plan
Planning Statement (inc. DAS and SCI) – August 2017
Transport Statement - 2915_056_R01B (Pt. 1 – Pt. 5) – August 2017
Addendum Transport Statement – ref. 2915/056/T04; Ref: 2915/056/T01A
School Travel Plan - 2915_056_R02B – August 2017
Swept Path Analysis (SK-005; 006; 008; 010; 012; 014)
Delivery and Servicing Plan
Environmental Noise Survey - 8144rp24072017
Acoustic Impact Assessment – July 2017
Drainage Report (Pt. 1 – Pt. 5)
External Lighting Calculations
Preliminary Ecological Appraisal (inc. Avoidance and Mitigation Measures)
Vinyl Wrap – 21 July 2017
Sustainability Statement – EW208A
Landscape Assessment – September 2017

Reason: For the avoidance of doubt and in the interests of proper planning.

12.2 **COMPLIANCE – Time limit and site restoration**
The development hereby permitted shall be for a limited period of 12 months only from the date of submission of the planning application, such period to expire on 31 July 2018, after which it shall be discontinued permanently and the site shall be restored in accordance with a scheme of works submitted to and approved in writing by the Local Planning Authority. The works must be completed and the site fully restored within 3 months of the expiry date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (amended by Section 51 of the Compulsory Purchase Act 2004). The development is of a temporary nature which the Local Planning Authority would not be prepared to approve on a permanent basis, having regard to its siting on MOL and open space.

12.3 **School Travel Plan**
Within one month of the date of this permission, the School Travel Plan (2915/056/R02B dated August 2017) and Management Strategy (held within document reference 2915/056/T01A) shall be implemented and complied with in full for the lifetime of the development.

Reason: In order to deliver sustainable transport objections including maintaining high use of public transport, walking and cycling in accordance with London Plan Policy 6.3, Policy T9 of OPDC’s draft Local Plan and LBHF Regulation 19 Local Plan Policy T2.

12.4 **Compliance– Delivery and Servicing Plan**
Within one month of the date of this permission, the Delivery and Servicing Plan submitted with this application shall be implemented and complied with in full and its procedures followed for the lifetime of the development.

‘Transport assessments and travel plans’ and OPDC Regulation 19 Local Plan (2017) policies T7 ‘Freight, servicing and deliveries’.

12.5 **Compliance – Disabled Parking Bay**
Within one month of the date of this permission, one disabled parking bay shall be marked in accordance with the approved drawings and retained for as long as the school is occupied. The disabled parking bay shall be made available at all time to motorists displaying a ‘Blue Badge’ parking permit.


12.6 **Compliance – Ecological Measures**
Within one month of the date of this permission, the ecological avoidance and enhancement measures as outlined within the approved documents (“PEA” dated August 2017 and “Avoidance and Mitigation Measures” appendix) shall be implemented and adhered to for the lifetime of the development.

Reason: To ensure that there is no lasting damage to the ecological conditions of the site for the duration of the use.

12.7 **Compliance – Cycle Storage**
Within one month of the date of this permission, no fewer than 50 cycle parking spaces shall be constructed and fully fitted out for use as secured cycle storage. The cycle storage shall be made available at all times to everyone using the premises and not used for any other purpose.


12.8 **Submission – PERS/CERS Audit**

*Part I*
Within one month of the date of this permission, a Pedestrian Environment Review System (PERS) and Cycle Environment Review System (CERS) Audit must be carried out by a suitably qualified person and submitted to the Local Planning Authority for approval in writing.

*Part II*
Pursuant to Part I of this condition, any improvements or mitigation measures identified as a result of the Audit must be implemented in full within one month of the Audit being approved by the Local Planning Authority. These measures must be retained for the lifetime of the development.
Reason: To assess the requirements of pedestrians and cyclists travelling to and from the site and make implement mitigation where necessary, in accordance with London Plan policies 6.10, LBHF Regulation 18 Local Plan (2016) policy T2 ‘Transport assessments and travel plans’ and T2 (walking) and T3 (cycling) of the OPDC Regulation 19 Local Plan (2017).

Recommended informative

1. It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required - 0800 009 3921.

2. A Trade Effluent Consent will be required for any Effluent discharge other than a ‘Domestic Discharge’. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at http://www.thameswater.co.uk/business/9993.htm or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.

3. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water’s Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk.
Application forms should be completed online via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

4. Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately one bar) and a flow rate of nine litres/minute at the point where it leaves Thames Water’s pipes. The developer should take account of this minimum pressure in the design of the proposed development.

13 Appendices

- Appendix 1 – Landscape Assessment Viewpoints

**List of Background Papers:**
- Representations

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