Marjory Kinnon School, Hatton Road, Feltham
in the London Borough of Hounslow

planning application no.00576/C/P11

### Strategic planning application stage II referral


### The proposal

Demolition of existing school and construction of a two storey, 3-form entry primary and secondary SEND School.

### The applicant

The applicant is London Borough of Hounslow and the architect is Pick Everard.

### Key dates

**Stage 1 representations issued:** 12 April 2016

**Hounslow Council planning committee decision:** 10 March 2016

### Strategic issues summary

**Land use principle** - Very special circumstances which include: educational need for special educational need school on site, results of the sequential test confirming no alternative site, and the community benefits were demonstrated in justifying the proposed SEND school on Green Belt (paragraph 6).

**Inclusive design:** Revised documents submitted have addressed concerns raised at stage 1 in regard to inclusiveness (paragraph 9).

Other issues with respect to community use and playing fields, urban design, sustainable development and transport have also been resolved (paragraphs 7 & 8, 10-16).

### 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 5 February 2016 the former 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 referred to the former Mayor 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 1,000 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—(ix) class D1 (non-residential institutions).”

2. On 12 April 2016 the former Mayor considered planning report D&P/3910/01, and subsequently advised Hounslow Council that the application did not comply with the London Plan, for the reasons set out in paragraph 72 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 former Mayor’s concerns (see below). On 10 March 2016 Hounslow Council decided that it was minded to grant planning permission, and on 29 November 2016 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 12 December 2016 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 comply with the London Plan, for the reasons set out in paragraph 72 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 Green Belt**: The proposed SEND secondary school on the site is supported as the scheme contributes through increasing provision of places in areas where there is unmet demand. However, justification for development on Green Belt should be provided.

- **Community use and playing fields**: A community use plan agreement which makes the School’s facilities available outside the school’s core hour should be submitted and secured. The applicant is advised to actively engage with Sport England and the local communities. Delivery of the external sports facilities should be secured.
• **Urban design:** There are no major design concerns. As a minimum requirement, the Council should secure key details of the cladding system to ensure the best possible build quality is delivered and ease of maintenance is prioritised.

• **Access:** The design and access statement does not comply with policy 7.2 of the London Plan. Given the proposal is for SEND School the applicant must address satisfactorily the concerns flagged up in the inclusive design section.

• **Sustainable development/energy:** The applicant has broadly followed the energy hierarchy. However, the carbon emission figure in tonnes per annum for each stage of the energy hierarchy should be provided. The BRUKL sheet including efficiency measures alone (i.e. before CHP) should be provided to support the savings claimed. Further revisions and information are required before the proposals can be considered acceptable and the carbon dioxide savings verified.

• **Flooding:** The development complies with the London Plan policy 5.12 (flood risk), and sustainable drainage policy 5.13. All measures should be secured via appropriate planning conditions.

• **Transport:** Whilst most of the proposed transport measures are supported and should be conditioned, there remain concerns that need to be resolved.

**Principle of land use: provision of school on Green Belt**

6 The very special circumstances submitted by the applicant include: the educational need for special educational need school on site, results of the sequential test confirming there is no alternative site suitable for the scheme other than the application site, and the community benefits, outweigh the harm that may be caused as the result of the inappropriate development on Green Belt. As a result, the proposed SEND school on Green Belt is accepted and supported.

**Community use and playing fields**

7 An appropriate condition has been imposed related to the submission of community use plan and states, ‘Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the sports pitches and include details of pricing policy, hours of use, access, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.’ This is accepted and supported.

**Urban design**

8 An appropriate condition has been imposed by the Council that ensures the best possible build quality is delivered. This is supported and welcomed.

**Inclusive access**

9 The revised and additional documents have addressed the concerns raised at stage 1 in regard to inclusiveness, and the Council has updated the conditions in reference to this additional information. As a result, the proposals comply with inclusive design policies of the London Plan.
Sustainable development - energy

10 The applicant has provided the required additional information in regard to carbon emission figures and efficiency measures which are accepted. These measures are secured in the Council’s draft decision notice. As a result, the proposals comply with energy policies of the London Plan.

Flood risk management

11 The proposed flood risk management measures have been secured.

Transport for London’s comments

12 At Stage 1, TfL raised a number of issues. These included a road safety audit, car and cycle parking, travel plan, servicing, and construction logistics plan.

Road safety audit

13 A Stage 1 Road Safety Audit assessing the proposed access arrangement has subsequently been submitted, and the outstanding issues identified can be appropriately addressed at the detailed design stage.

Car and cycle parking

14 The applicant has clarified that six blue badge spaces will be provided on site; 6 active electric vehicle charging points will also be provided along with a further 15 spaces for passive provision. This has been secured by conditions and is welcomed. The applicant is providing 30 cycle spaces for staff and accompanying shower and locker facilities. Also, the implementation of a car parking management plan has been secured by condition.

Travel planning

15 Hounslow Council has secured the submission and implementation of the school travel plan by condition, which shall include targets for modal share, measures to reduce car borne staff trips and parking surveys of the surrounding roads. The submission and approval of delivery & servicing plan, and construction logistics plan have also been secured by conditions.

16 As a result, the proposal complies with transport policies of the London Plan.

Response to consultation

17 87 neighbouring properties were consulted by letter. Site and press notices were also posted. Two representations from residents were received asking whether the allotments along Hatton Road would be affected and raised concerns on lack of parking.

18 Whilst the southern section of the site involves a small area of allotment land, this section is not in use and, as set out in the Council’s Committee report, has not been used for allotments for several years and is no longer required. This section forms a small annex to a large and established area of allotments to the east of the site which is not affected by this proposal. With regards to the concerns raised relating to parking, a travel plan is secured that effectively manages traffic and parking.

19 The Environment Agency and Sport England did not raise any objections.
Legal considerations

20 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice.

Financial considerations

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

22 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

Conclusion

23 Outstanding issues related to land use, inclusive access, energy and transport have been addressed satisfactorily. The proposal for the SEND school is supported and complies with the London Plan.