Strategic planning application stage II referral


The proposal

The full planning application seeks permission for the development of an entirely new three-storey building for use as a free secondary school for 1,260 pupils aged between 11 and 18, including sixth form provision at Whitchurch Playing Fields.

The applicant

The applicant is Bowmer and Kirkland Ltd on behalf of Avanti House Free School Trust and the architect is Pick Everard.

Strategic issues

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

The Council’s decision

In this instance Harrow Council has resolved to grant permission.

Recommendation

That Harrow 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 16 November 2015 the Mayor of London received documents from Harrow Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referable under the following categories of the Schedule to the Order 2008:

- Category 3C: “Development which is likely to prejudice the use as a playing field of more than 2 hectares of land which, (a) is used as a playing field at the time the relevant..."
application for planning permission is made; or (b) has at any time in the five years before the making of the application been used as a playing field.”

- Category 3E: “Development – (a) which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated; and (b) comprises or includes the provision of more than 2,500 square metres of floor space for a use falling within any of the following classes in the Use Classes Order – (xi) Class D1 (non-residential institutions).”

2. On 21 December 2015 the Mayor considered planning report D&P/3601/01, and subsequently advised Harrow Council that the application did not fully comply with the London Plan, for the reasons set out in paragraph 70 of the above-mentioned report; but that the possible remedies set out in that paragraph of the report could address these deficiencies.

3. A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Mayor’s concerns (see below). On 17 February 2016 Harrow Council decided that it was minded to grant planning permission, for the revised application, and on 20 April 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 3 May 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 Harrow Council was advised that the application did not fully comply with the London Plan, for the reasons set out in paragraph 70 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 open space/playing fields: The proposed free secondary school on the site is supported as the scheme not only contributes through increasing provision of places in areas where there is unmet demand, but also in driving up the quality of provision and choices for parents. The sequential test exercise that has been carried out has an appropriate methodology and is suitably thorough and robust.
• **Playing fields and community use:** The community use plan which makes available the new sport facilities in the school for community use outside the school’s core hour is welcomed and should be secured. As the site is a designated playing field, the negotiations with Sport England should be continued in order to address the objection to and reach a suitable agreement.

• **Biodiversity:** The proposed mitigation measures are welcomed and need to be conditioned.

• **Urban design:** There are no strategic design concerns. However, the applicant is encouraged to explore the use of higher quality facing materials to the main school frontage. As a minimum, 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:** Whilst the proposed inclusive access measures are welcomed and need to be secured, the applicant is required to clarify on the type of lifts proposed.

• **Sustainable development/energy:** Site wide carbon emissions and savings and full BRUKL sheet including energy efficiency measures alone (i.e. excluding PV) to support the savings claimed should be provided. Further information is required on the floor area and location of the energy centre and a roof plan showing where the PV will be located, their orientation and pitch. The applicant should investigate the potential for inclusion of other renewable energy technologies in the building design in the interest of achieving the 35% carbon reduction target.

• **Flooding:** No strategic concerns. The approach to sustainable drainage is acceptable and should be secured via an appropriate planning condition to be discharged in consultation with LB Harrow Lead Local Flood Authority.

• **Transport:** The mode share for public transport should further disaggregated into buses; tube and train allowing TfL to further assess the impact on each respective mode. A site wide car parking management plan should be submitted for approval, secured by condition and implemented to manage and regulate the use of the car park along minimising any on street parking. A more thorough Pedestrian Environment Review System (PERS) audit should be carried out; further evidence to demonstrate that there will be no adverse impact on the safe operation of the junctions or on bus journey times as a result of the proposed changes of the staggered signal controlled pedestrian crossings required. The proposed cyclists’ access to the site and the cycle parking locations should be revised. Improved travel plan, DSP & CLP should be submitted and secured through conditions.

6 The following revised and additional documents have been submitted during the course of the application to address wherever possible issues raised by officers and consultees:

• Revised Sports Hall Internal Layout and Amended Site and Security Drawing,
• Addendum technical note in response to Transport for London,
• Car Park Management Plan, Construction Logistics Plan and Delivery & Servicing Plan,
• Amended Energy Strategy,
• Amended and Detailed Landscape and Tree Drawings,
• Amended and Detailed Drainage Drawings,
• Additional Air Quality Information, and
• External Lighting Strategy.
Playing fields

7 The applicant has demonstrated that the proposed development enhances the use of the playing fields and reiterated how this proposal benefits the wider communities. Although Sport England welcomed the applicant’s intention to improve the existing pitches and improve the area that has been damaged, it initially wished to submit a holding objection to this application to allow time to resolve the matters and ensure that the proposed development meets exceptions 4 and 5 of its Playing Fields Policy and paragraph 74 of the NPPF.

8 However the planning committee minutes (17 February 2016) stated that Sport England has withdrawn its holding objection and this withdrawal has been confirmed by the copies of the email sent to the Council’s planning officer from Sport England. It states that Sport England is satisfied that the proposed development accords with a combination of policy exceptions E4 and E5. This documentation was sent by the Council to the GLA as part of the stage 2 referral representations.

9 The Council has made a reasonable approach and taken appropriate measures that are secured through conditions and the committee report confirmed that a community use agreement strategy will be secured as part of the application which will include access to the sports facilities and playing pitches. In addition the committee report highlights that an area adjacent to the stream crossing the corner of the Whitchurch playing fields which was put out of use and later damaged by Environment Agency works to the watercourse would be brought back into use to provide additional football pitches, to help meet the demand from the youth teams that currently use the site. This is welcomed.

Community use

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

Biodiversity

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

Urban design

12 In regard to facing materials the Council has imposed an appropriate condition requiring details of the proposed external materials be submitted to the Local Planning Authority.

Sustainable development/energy

13 There were outstanding issues at stage 1 consultation.

14 The applicant provided additional information and revised energy statement which confirm that the requirements of the London Plan in relation to climate change mitigation were satisfied. This included provision of the requested BRUKL sheets detailing energy efficiency measures alone, details of the size and location of the energy centre, a roof plan of the proposed 220sqm solar PV array.

15 As a result, the proposals comply with the London Plan energy policies.
Flood risk management

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

Transport for London’s comments

17 At Stage 1, TfL raised a number of issues, which includes car parking, walking and cycling (including crossing), trip generation and highway capacity.

18 As the proposal is for a free school, TfL is not seeking financial contribution toward mitigating bus service impacts, as alternative arrangements exist.

19 TfL welcomes the applicant has agreed to optimise cycle parking facility in the detailed design stage to address TfL’s concern on cycle parking design.

20 TfL supports that Harrow Council has secured improvements to the Marsh Lane/ Honeypot Lane, Whitechurch Lane/ Honeypot Lane/ Wemborough Road signal controlled junction by legal agreements. The proposal includes the provision of an additional left turn lane onto the Honeypot Lane approach and kerb adjustment to other arm to improve capacity and relief congestion at peaks; an additional controlled east-west crossing point will also be provided to facilitate crossing, hence this will improve pedestrian and cycle safety.

21 Harrow Council has imposed a condition to stagger the school starting and finishing time, along with enhanced enforcement of local waiting and loading restrictions to minimise impact to the local highway network; this is supported by TfL.

22 TfL is also content that the implementation of car parking management, delivery & servicing plan (DSP) and construction logistics plan (CLP) is conditioned by Harrow Council. Furthermore, Harrow Council has secured the school travel plan by s106 agreement, this is supported by TfL.

23 In summary, the proposal complies with London Plan transport policies.

Response to consultation

24 The Council’s committee report confirms that the application was advertised in the local press and eighteen site notices were displayed at various locations. In addition, nearly 1,200 notification letters were sent to residents and local businesses.

25 Local resident’s response: The Council’s committee report states that 220 representations of support and 52 objections to the proposal have been received.

26 In support: Among the supporters is GLA Assembly Member Navin Shah. He stated that ‘both Harrow Council (planning authority) and the Mayor of London acknowledge that the application is a departure from the development in that it is a development proposed on open space and for a school use which is contrary to the site’s allocated purpose. However, Government’s ‘firm’ planning policy statement which requires support for the schools development and acute shortage of secondary school places in Harrow (and across the country) are ‘compelling’ material planning considerations which justify consideration of granting permission for this application.'
The ‘Avanti House’ have a remarkable track record of running a primary school in Harrow which has a proven record of high educational attainment in a beautiful environment created by energy efficient building of high architectural merit - designed in beautifully landscaped grounds. This is one of Harrow’s top schools which is loved by pupils and cherished by parents who are now naturally looking forward to the expansion of the school on this site together with the extension of the inclusivity and spiritual values the school promotes. I have no doubt whatsoever that if the permission is granted Harrow, in addition to generating more school places, will have another high achieving school and provide the ‘choice’ that Harrow’s diverse community is aspiring and demanding.

The Hindu Forum of Britain have stated ‘please support the cause as space in schools are so difficult to get and children need education’.

The other support comments can be summarised as: Harrow needs more school places; important for education of children; Avanti House takes community very seriously; new building will help the area; school started in 2012 with 500 students but still doesn’t have a home; school is very popular; application warrants full support; there will be a shortage of school places in the next few years; the sports facilities will benefit the local community; the school has a gold standard Travel Plan; most families attending the school live in Stanmore/Edgware; school rated good with fantastic features by Ofsted; many students of school already use public transport; decision should be made as soon as possible; further delays risk damaging education; will help regenerate the area; good use for the land; will bring secondary school closer to primary school; not enough good schools in Harrow; will improve educational achievement; traffic congestion to site will be kept to a minimum; new school needed to balance out new homes built recently; existing great transport links; the school is open to all faiths; meets demand; will provide good recreational facilities; decision should be made as soon as possible; lack of permanent site detrimental to children.

Objection: The objection to the scheme are summarised below:

Traffic congestions, insufficient parking, loss of open space and playing fields, school issues - a multi-phase school to accommodate people who live in the area, flooding – building likely to exacerbate local flooding to surrounding area, character and appearance – three storey building out of keeping and an eyesore, overdevelopment, both buildings of considerable height and mass, no architectural merit, amenity - overbearing and visually obtrusive, biodiversity impact, air and noise quality impact, procedural concerns – 21 days inadequate time for response.

Canons Park Residents’ Association (summarised): Size and nature of proposal warrants an Environmental Impact Assessment or a Cumulative Impact Assessment; 21 day consultation period inadequate and unreasonable; changes made following pre-application consultation have not been relayed; the Statement of Community Involvement presents only partial account of consultations held; a challenge on the process employed may be forthcoming; Honeypot Lane junction will be overloaded at peak times; lack of cycling provision for a new school a safety risk; terms of community use should be generous – on a cost not a commercial basis.

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

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

Sport England: Sport England welcomed the applicant’s intention to improve the existing pitches and improve the area that has been damaged, it initially wished to submit a holding
objection to this application to allow time to resolve the matters and ensure that the proposed
development meets exceptions 4 and 5 of its Playing Fields Policy and paragraph 74 of the NPPF.
However copies of the email sent recently (17 February 2016) to the Council’s planning officer from
Sport England states that ‘Sport England is satisfied the proposed development accords with a
combination of policy exceptions E4 and E5’. This documentation was sent by the Council to the
GLA as part of the stage 2 referral documentations.

36  Environment Agency: The proposed development has been arranged through use of a
sequential approach, ensuring that the more vulnerable aspects of the site are located within Flood
Zone 1 and the higher flood risk areas are used for water-compatible development. The application
does not include an assessment of the safety of the site’s route of access / egress during a flood
event. Harrow Council are the competent authority on matters of evacuation and rescue, and
therefore should address the adequacy of the evacuation arrangements, including safety on the
route of access / egress in a flood event, or information relating to signage, underwater hazards or
any other particular requirements. You should consult your emergency planners as you make this
assessment.

37  Historic England: Although the site lies outside an archaeological priority area, an
investigation directly to the north–west of the site recorded evidence of multi-period activity (from
the prehistoric through to the medieval period). The site is of a large scale and the proposed works
is likely to result in a significant amount of top soil stripping which, due to the lack of historical
development on the site, could result in extensive removal of previously unrecorded archaeological
remains across much of the site. I therefore recommend that the following further studies should be
undertaken to inform the preparation of proposals and accompany a planning application:
Geophysical Survey.

38  Thames Water: No impact piling condition recommended. Informative relating to ground
water and the installation of petrol/oil interceptors and fat traps recommended.

39  GLA officers position on the consultation: Considering the Council’s response to the
residents and associations objections, and to Sport England’s comments; GLA officers are satisfied
that, on balance, the approach and measures taken by the Council in addressing the issues raised
are reasonable and supported. In addition, GLA’s planning assessment at stage 1 and in this report
has been dealt with the issues that have strategic planning relevance.

40  Representations sent directly to the Mayor: Four individual letters and a petition
signed by thirty residents objecting to the proposed development under the heading, ‘Appeal to
the Mayor to intervene/direct refusal of planning application approval by London Borough of
Harrow of Avanti School on Whitchurch Playing Fields - Planning Application No. P/4910/15’ has
been received by the GLA on 2 March 2016. It is noted that this petition is also posted on a
website known as ‘Change.Org’.

41  The Appeal states ‘To stop the building of the Avanti Hindu Faith School on Whitchurch
Playing Fields, calling into question the competency of Harrow Council’s planning committee in
granting the planning application, on the grounds that they displayed inadequate scrutiny of the
main issues identified by objectors within the planning process. Harrow Council’s planning
committee granted Avanti School planning permission on Wednesday 17th February at its monthly
planning meeting. However as local residents, we the undersigned feel this is a bad decision in
planning terms and we call on you as Mayor of London to call in this planning application. We
object in the strongest possible terms to the building of this 1,260-pupil school on the site of
Whitchurch Playing Fields in Stanmore, and we call on you to intervene on the grounds of two
main areas of immediate concern.'
Firstly, in what is possibly the issue of greatest significance to local residents and people living in the surrounding area in Harrow, even allowing for the fact that the arrival/departure times of the proposed school will not be at peak-traffic flow on the local road network at the start/finish times of the 2 existing schools in the immediate locality (Whitchurch and Stanburn), there will nevertheless be a drastic impact on local traffic, particularly at 17:30 when daily school time is proposed to finish, with rush-hour traffic on Wemborough Road going to Harrow and going towards Marsh Lane still considerable at that time. Staggering opening/closing times of this school will extend the period of congestion on these roads. Furthermore, vehicle movements from the school are likely to be considerably above the unrealistically low target which Harrow Council’s Planning Committee was given by Council officers before they granted planning permission. We also call into question the scrupulousness of the transport survey conducted to determine traffic flow in the immediate area, statistics for which were not published in the documentation related to this application made available to the public in Harrow Council’s Planning Committee meeting on 17th February 2016.

The second issue of major concern is the loss of open space which we feel is in contravention of the London Plan which resists the loss of local open space unless equivalent or better quality provision is made within the local area. Whitchurch Playing Fields was allocated by Harrow Council as a “Major Open Space Site” in its Sites Allocations Open Plan in 2013, which specifically stated that “development will be restricted to the minimum necessary to support outdoor sports use”. The school will not be there primarily for sports use. There will be no capacity on this flood-prone site for the school to expand, which it will likely need to do in the future. The site is inappropriate with regard to the likely future demands of the school. Council officers recommended the granting of planning approval for this school on the basis that reviews of the local area by the developer in dialogue with the Council found no suitable alternative sites in the borough. However, Harrow Council’s current regeneration strategy involves a major redevelopment of land at the former Kodak site, and at no point have the Council sought to put school capacity at its heart in development plans within its regeneration strategy and adapt the development plans for this large brownfield site to accommodate this long-term strategic requirement for new school capacity in Harrow in future years. The acres of spare land at the Kodak site should be ample to accommodate this school.

We hope you can give this controversial planning approval by Harrow Council your fullest attention and reassess the legitimacy of the said development.’

Canons Park Residents’ Association (summarised): It is also noted that similar grounds of objections sent to the Council were also received by the GLA from the CPRA.

GLA officers’ position in regard to the petition received:

GLA officers have given careful consideration to the above petition and objections. The result of officers assessment is as follows:

Call-in: This development is referred to the Mayor under Categories 3C and 3E (See para 1 above). The Mayor cannot call-in developments referred to him under Categories 3 and 4 of the Schedule to the Order 2008.

Traffic congestions: The transport assessment conducted by TfL confirms that the rush hour traffic can be controlled and managed by the measures proposed in which the Council has secured them through appropriate conditions.

Loss of open space: Although there will be a quantitative loss, the qualitative enhancement to the open space and the playing fields, and the improvement to the area that has been damaged need to be considered. Most importantly, the provision of school places that contributes to
overcome the acute shortages in the local area and in London should be given the utmost consideration in strategic planning terms.

50 As a result, the proposed Free School development complies with the London Plan policies. On balance, the benefits of the development outweigh the limited impact it will have on the openness of the site and the playing fields. Therefore the proposed development is supported.

Legal considerations

51 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

52 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.

53 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

54 Requested additional information has been provided. Outstanding issues that were raised at stage 1 have been resolved and / or addressed through appropriate conditions. As a result, the scheme complies with strategic planning policies of the London Plan.

55 Although there is a significant objection to the scheme, on balance, the benefits of the Free School development outweigh the limited impact it will have on the openness of the site. GLA officers recommend to the Mayor that he allows Harrow Council to determine the case itself.

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

Colin Wilson, Senior Manager – Development & Projects
020 7983 4783  email: colin.wilson@london.gov.uk

Justin Carr, Strategic Planning Manager (Development Decisions)
020 7983 4895  email: justin.carr@london.gov.uk

Tefera Tibebe, Case Officer
020 7983 4312  email: tefera.tibebe@london.gov.uk