



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT: Lisa Thornley
lisa.thornley@bromley.gov.uk

DIRECT LINE: 020 8313 4745

FAX: 020 8290 0608

DATE: 6 October 2017

PLANS SUB-COMMITTEE NO. 2

Meeting to be held on Thursday 12 October 2017

SUPPLEMENTARY AGENDA

Please see attached appendix for the following report

Report No.	Ward	Page No.	Application Number and Address
4.2	Kelsey and Eden Park	1 - 10	(17/01652/FULL1) - Langley Park School for Girls, Hawksbrook Lane, Beckenham BR3 3BE

Copies of the documents referred to above can be obtained from
www.bromley.gov.uk/meetings

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Development, Enterprise and Environment

Claire Harris
Town Planning
Bromley Council
Civic Centre
Stockwell Close
LONDON BR1 3UH

Our ref: D&P/4117/SC02
Your ref: DC/17/01652
Date: 20 June 2017

Dear Ms Harris,

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

Langley Park Sports Ground
Local Planning Authority Reference: DC/17/01652

I refer to the copy of the above planning application, which was received from you on 10 May 2017. On 20 June 2017, the Mayor considered a report on this proposal, reference D&P/4117/01. A copy of the report is attached, in full. This letter comprises the statement that the Mayor is required to provide under Article 4(2) of the Order.

The Mayor considers that the application does not currently comply with the London Plan, for the reasons set out in paragraph 45 of the above-mentioned report; but that the possible remedies set out in that paragraph could address these deficiencies.

If your Council subsequently resolves to grant permission on the application, it must consult the Mayor again under Article 5 of the Order and allow him fourteen days to decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 to refuse the application. You should therefore send me a copy of any representations made in respect of the application, and a copy of any officer's report, together with a statement of the decision your authority proposes to make, a statement of any conditions the authority proposes to impose and (if applicable) a draft of any planning obligation it proposes to enter into and details of any proposed planning contribution.

If your Council resolves to refuse permission it need not consult the Mayor again (pursuant to Article 5(2) of the Order), and your Council may therefore proceed to determine the application without further reference to the GLA. However, you should still send a copy of the decision notice to the Mayor, pursuant to Article 5 (3) of the Order.

Please note that the Transport for London case officer for this application is Beth Havelock (e-mail: bethhavelock@tfl.gov.uk).

Yours sincerely,

A handwritten signature in black ink, appearing to be 'SC' with a flourish extending to the right.

Sarah Considine

Senior Manager – Development & Projects

cc Gareth Bacon, London Assembly Constituency Member
Nicky Gavron, Chair of London Assembly Planning Committee
National Planning Casework Unit, DCLG
Lucinda Turner, TfL

Langley Park Sports Ground, Hawksbrook Lane**in the London Borough of Bromley****planning application no.DC/17/01652/FULL1****Strategic planning application stage 1 referral**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

The proposal comprises construction of a new primary school.

The applicant

The applicant is **Bowmer & Kirkland**, the agent is **DPP Planning** and the architect is **Pick Everard**.

Strategic issues summary:

Land use principle: Robust justification on educational need and an alternative site search including co-location options is required in order to justify development on the existing Metropolitan Open Land and designated playing fields. This should also address the loss of sports facilities and concerns expressed previously to the Council regarding its proposed site re-designation, (paragraphs 13 to 25).

Community use: A detailed community use agreement for out-of-school-hour usage of appropriate facilities should be secured, (paragraphs 29 and 30).

Sustainable development: The proposal does not meet the 35% target. The site wide carbon savings for each stage of the energy hierarchy should be provided, (paragraphs 36 and 37).

Transport: Car parking should be reduced and the travel plan should be updated, (paragraphs 38 to 40).

Recommendation

That Bromley Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 44 of this report; but that the possible remedies set out in that paragraph could address these deficiencies. The application does not need to be referred back to the Mayor if the Council resolves to refuse permission, but it must be referred back if the Council resolves to grant permission.

Context

1 On 10 May 2017 the Mayor of London received documents from Bromley Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 20 June 2017 to provide the Council with a statement setting out whether he considers that the

application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Category 3D of the Schedule to the Mayor Order 2008: *"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."*

3 Once Bromley Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision, as to whether to direct refusal or allow the Council to determine it itself, unless otherwise advised. In this instance if the Council resolves to refuse permission it need not refer the application back to the Mayor.

4 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The application site is within Metropolitan Open Land located on Hawksbrook Lane in the London Borough of Bromley. The site is owned by the Langley Park Academies Trust is 1.5 hectares in area and consists of tennis courts and playing fields that are part of the Langley School for Girls complex that wrap around the edge of the adjacent golf course in a broad 'L' shape. Immediately to the north west is a gravel car park that is associated with the tennis courts, playing fields and adjacent Multi-Use Games Area (MUGA). Further to the north of the site is the Langley Park School complex that includes separate boys and girls schools and associated facilities, whilst the remaining area surrounding the site consists of MOL and sports facilities.

6 Access to the site is facilitated by Hawksbrook Lane, which itself links to South Eden Park Road. Additional pedestrian access is provided via St Dunstan's Lane. The nearest section of the Transport for London Road Network is the A232, over one kilometre to the south. One bus route is available from Wickham Way, 500 metres from the site and West Wickham Station is also located approximately one kilometre to the south east of the site. As a result, the site has a public transport accessibility level of 1a, measured on a scale of 1 to 6b, where 6b is the highest.

Details of the proposal

7 The detailed planning application involves the development of the site for a new primary school that would form part of the existing Langley Park School for Girls complex. The two-storey (approximately 8.2 metres maximum height) building for a free school would be circa 2,000 sq.m. and would accommodate 420 pupils when it reaches full capacity in 2022.

8 Langley Park Primary School has already opened in temporary accommodation at the Hawes Down Centre and accommodates 60 reception age children following the initial intake of two forms of entry in September 2016. The school is due to relocate from its temporary premises to the new school at the application site in September 2018.

Case history

9 On 4 November 2016, a pre- application meeting was held at City Hall on the above proposal (D&P/4117). Robust justifications to redevelop the site which is located in MOL was required. Concerns related to other strategic issues; playing fields and community use, urban and inclusive design, sustainable development and transport were required to be addressed.

Strategic planning issues and relevant policies and guidance

10 The relevant issues and corresponding policies are as follows:

- Education *London Plan; Mayor's Social Infrastructure SPG;*
- Metropolitan Open Land *London Plan;*
- Playing fields *London Plan;*
- Urban design *London Plan;*
- Inclusive access *London Plan; Accessible London: achieving an inclusive environment;*
- Sustainable development *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy;*
- Transport *London Plan; the Mayor's Transport Strategy;*

11 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2006 Bromley UDP (saved policies), and the 2016 London Plan.

12 The following are also relevant material considerations:

- The National Planning Policy Framework, Technical Guide to the National Planning Policy Framework and National Planning Practice Guidance.
- The emerging Bromley Local Plan (proposed submission draft, 2017) and the 2015 'Review of Primary Schools Development Plan'.

Land use principle; provision of education facility on MOL and playing fields

13 The National Planning Policy Framework and Government Policy Statement on Planning for Schools Development emphasise that great importance should be attached to the delivery of a sufficient choice of school places to meet the needs of existing and new communities. London Plan Policy 3.18 'Education facilities' confirms that the Mayor strongly supports the provision of new schools in response to local need. The Mayor encourages development proposals that co-locate schools with other schools and/or other uses in order to maximise land use and reduce costs.

14 The application site is part of a larger area identified as Metropolitan Open Land and designated playing fields. London Plan (Policy 7.17) gives MOL the same level of protection as Green Belt, and the National Planning Policy Framework (paragraph 89) sets out that only development associated with agriculture, forestry, outdoor sport and recreation, limited infilling and redevelopment of existing sites is appropriate in the Green Belt. All other forms of development are, by definition, 'inappropriate'. In order for 'inappropriate' development to be acceptable in the Green Belt, very special circumstances must apply. The NPPF in Para 87 sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. 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

Local site designation

15 As stated above, the application site is within Metropolitan Open Land and is currently used as playing fields. Bromley Council is currently drafting its development plan including draft allocation policies and designations. The Council's draft Allocations, Further Policies and Designations

Document (September, 2015) and the 2016 Proposed Submission Draft Local Plan (Regulation 19), identifies this site and four others and proposes to allocate them for new education provision, removing them from Green Belt or Metropolitan Open Land and re-designating them as Urban Open Space, safeguarded as 'Education Land' for education development only.

16 In response to the Council's Proposed Submission Draft Local Plan (Regulation 19) Consultation, the GLA in its letter dated 30 December 2016 (GLA ref: LDF05/LDD05/KR01), stated that the borough's approach is not considered to be in general conformity with the London Plan, and that there is not currently sufficient evidence of "exceptional circumstances" to support the proposed release of Green Belt/MOL.

17 Whilst the pressing need for educational space is acknowledged, the Council must have a thorough evidence base to support any proposed releases of Green Belt and MOL. Further evidence is therefore required which explores the scope for more intensive use of existing sites and explores other potential innovative approaches such as opportunities to provide schools as part of mixed use developments before any release of Green Belt or MOL can be considered justified. In the absence of this robust evidence the release of this site and the development of a school cannot be supported.

Very special circumstances

18 The applicant acknowledges that the proposed school development is 'inappropriate' development on MOL and has identified what it considers to be very special circumstances to justify the scheme, which are summarised and assessed as follows.

Educational need

19 It is acknowledged that there is a school places shortage in London, which the applicant has highlighted, cross referencing the Council's 2015 'Review of Primary Schools Development Plan' and the Bromley Education Background Paper (2016), to justify the need for a new primary school on the application site.

20 It is noted that there is a strong need for primary school places. The applicant's planning documentation demonstrates the rising demand for school places in the Borough in the coming years with increased pressure in the immediate future, rising to almost 4,500 places per annum. It illustrates the projected need for primary school places and in total, there is a need for 20 additional forms of entry through increased places at existing schools and a further ten forms of entry from five new primary schools in Bromley, to address the pressures of the Borough's rising population.

21 Whilst need has been demonstrated, the applicant must provide further evidence which explores the scope for more intensive use of existing sites and explores other potential innovative approaches such as opportunities to provide schools as part of mixed use developments. It should robustly assess why the shortages cannot be addressed through expansions of existing primary schools, or on alternative sites, and clearly set out how the current application addresses the shortages in the area. As part of this exercise, the applicant should provide results of site searches, including co-location of the new school with other uses including other existing or proposed schools.

Alternative sites/co-location options

22 The applicant has submitted a sequential site assessment. The size criteria for the school used in the assessment is indicated to be a building area of 2,000 square metres, with maximum site area of 1.8 hectares, and an availability to facilitate occupation at the earliest opportunity, given that the school is due to relocate from its temporary premises to the new school site in September 2018. The other elements of the site selection assessment include; catchment area EPA 2 (EPA 2 is one of the 9 Education Planning Areas, which includes the wards of Copers Cope and Kelsey and Eden Park.

EPA 2 currently contains 7 primary and 3 secondary existing schools), current uses and site conditions, access issues, affordability and overall suitability.

23 Nearly 50 sites were assessed and discounted not meeting one or more of the above criteria. Of these some sites were discounted on the basis that they are designated for other uses such as housing and business offices or mixed uses. The report concludes that after undertaking this Sequential Site Assessment, the process leaves only one site available and capable of meeting the above criteria and the needs of Langley Park Primary School, sited on Hawksbrook Lane, which is located within EPA 2 and thus would meet the desired catchment area for the school.

24 Co-location: The main weakness of the site selection assessment is that no evidence is produced that demonstrates sites have been assessed in terms of co-location where there may be scope to co-locate with other schools or in a mixed use with other suitable uses. Each site capable of accommodating a mixed-use scheme is not considered on a case-by-case basis to assess the suitability of firstly, the scheme and other uses proposed on-site to ensure safeguarding measures are appropriately catered for, and secondly the availability of sufficient space to meet BB103 needs. Co-location of schools with other uses, and delivery of schools on constrained urban sites, is being delivered across London, including within the Borough of Bromley, and must be robustly and proactively pursued in the first instance.

Conclusion

25 Robust justification on educational need, and an alternative site search including co-location options, and addressing concerns related to the loss of playing fields and sport facilities is required in order to justify development on existing designated MOL and playing fields.

Loss of playing fields and sport facilities

26 London Plan Policy 3.19 ' Sport facilities' sets out that those proposals that increase or enhance the provision of sports and recreation facilities will be supported; whereas those that result in a net loss of sports and recreation facilities, including playing fields should be resisted. In this context, although the applicant asserts that the proposals will enhance the existing sports facilities and improve the remaining playing fields qualitatively, the quantitative loss of urban open space/ playing fields (nearly half of the 1.5 hectares) is a key strategic planning concern. In satisfying London Plan Policy 3.19, the applicant must demonstrate that there would not be a loss of sport facilities for which there is a defined need. Furthermore, the applicant needs to confirm what consultation with local residents, nearby schools, local cricket, athletics and football clubs has been undertaken so that any displacement can be assessed.

27 It is noted that the development would result in the loss of five tennis/four netball courts and would encroach onto the playing fields to an extent that the development would compromise the cricket, athletics and football use of the playing field by preventing the pitches being marked out. Therefore, the applicant is required to engage actively with Sports England. The initial response from Sport England is that the proposal is not considered to adequately meet any of the exceptions set out in its policies and that Sport England is likely to object to any planning application. To overcome these concerns Sport England advised considering an alternative site or the provision of equivalent (at least) playing pitches/courts within the locality, particularly the site east off St. Dunstan's Lane.

Visual impact

28 The applicant has submitted a visual assessment from fifteen key points. The visual effects of the proposed development on the openness of MOL are found to be moderate from few of the key points and negligible from most of the key points. Given that the assessment was taken in November

(winter) and that the scale of the development is relatively small in magnitude (with maximum height of 8.2 metres), the results of the assessment is acceptable.

Community use

29 The area to the rear of the school will provide external play space and ball courts and the re-provision of the tennis courts further south of the site for the continued use by Langley Park Girls School.

30 London Plan Policy 3.18 'Education facilities' expects community use to be maximised in such proposals. School facilities such as sports, training and meeting facilities should be capable of use by the wider community outside school hours. Maximum use of schools in the evenings and at weekends will reduce the land requirement for other uses. Therefore, the design of the school should assist in this, for example by creating zones where community use can be easily provided (for instance the school hall, the football and cricket pitches), while ensuring that access to other parts of the school can be easily segregated. In summary, the applicant must demonstrate that the school has been designed to ensure community use, and a detailed community use agreement for out-of-school-hour usage of appropriate facilities should be secured by the Council.

Urban design

31 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained within chapter seven 'London's Living Spaces and Places' which address both general design principles and specific design issues.

32 The proposed scheme is for a two storey building set back from Hawksbrook Lane. The proposed height of the school building is 8.2 metres maximum. The building will have a maximum development footprint area of 1,050 sq.m. and floor space of 2,000 sq.m. (GIA), which is 2,209 sq.m. (GEA).

33 Layout: The building has been developed from the EFA baseline design for a 'Finger Block' in accordance with Building Bulletin 103 and features a number of efficiency and design enhancements. Administration areas are located on the ground floor and are positioned such that they are adjacent to the main site entrance on the west providing a high level of passive supervision. The broad layout principle of the building which is to take a pure linear form is supported from a strategic design perspective and the access strategy prioritises pedestrians over vehicles while also ensuring that the school block is orientated to provide a sense of arrival for staff, students and visitors. The primary access routes will relate to movement routes within the campus, ensuring safe and fully inclusive links between school facilities. The landscaping strategy illustrates how campus facilities are integrated into the existing landscape, with the aim of safeguarding the existing open quality of the site. Boundary treatments are also carefully considered to provide security while also enabling views into the site, avoiding large expanses of blank and inactive frontage.

34 Use of materials and appearance: The proposed building incorporates brick, timber and render facade materials with a slim-profiled aluminium fenestration. Vertically orientated windows allow natural light into classrooms and stairways creating a rhythm to the horizontal form. 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.

Inclusive design

35 The development complies with inclusive design Policy 7.2 of the London Plan, Accessible London SPG and Building Bulletin 102 and 104. Horizontal and vertical circulations will be designed to meet the requirements of Building Regulations Part M and guidance within BS8300 Design of buildings.

The provision of two Blue Badge parking bays out of the total twenty spaces is welcomed. The Council should secure the proposed inclusive design measures through appropriate conditions.

Sustainable development

36 The total site wide carbon emission savings for each stage of the energy hierarchy has not been provided. Further information related to the energy hierarchy breakdown, dynamic modelling for overheating and renewable energy options is required before compliance with London Plan energy policies can be verified.

37 As the proposal does not meet the 35% carbon emission target as required in Policy 5.2 of the London Plan, the applicant should investigate the feasibility of other renewable energy technologies and installation of additional photovoltaic panels to make up this shortfall.

Transport

38 A total of twenty car parking spaces will be provided on the site, with fifteen allocated to staff, three for visitors and two Blue Badge spaces. Currently there is no on-site parking provision at this site or the temporary school location. Considering this and the London Plan's aspirations to promote sustainable travel, the staff car parking should be reduced. Whilst it is acknowledged that there are limited public transport modes available in the area, given the schools catchment area, walking and cycling should be promoted as a key travel option for both pupils and staff. Notwithstanding this, TfL welcomes the provision of active and passive electric vehicle charging points along with Blue Badge parking spaces, all in line with the London Plan standards.

39 Cycle parking has been provided in line with the London Plan standards. Provision of scooter parking should be confirmed. In line with the London Plan, shower and changing facilities should be provided for all employees to further encourage sustainable travel.

40 The submission of a school travel plan is welcomed; however there is no mention of the *Sustainable Travel: Active, Responsible, Safe (STARS)* system or the school's aspirations to work towards the accreditation. TfL has provided detailed comments on how the travel plan can be improved and points that should be incorporated into the final version. A construction logistics plan (CLP), as referred to in the London Plan Policy 6.3, which identifies efficiency and sustainability measures to be undertaken while developments are being built should be secured by condition. The final version should be approved by Bromley Council in consultation with TfL before construction work commences on site.

Local planning authority's position

41 Bromley Council planning officers have not made a full assessment of the application yet however it is due for a determination by 3 August 2017. There is a planning committee meeting planned for 20 July, which they may target but this is not yet confirmed.

Legal considerations

42 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged or direct the Council under Article 6 of the Order to refuse the application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

43 There are no financial considerations at this stage.

Conclusion

44 London Plan policies on provision of school on Metropolitan Open Land and playing fields, community use, urban and inclusive design, sustainable development and transport are the key strategic issues relevant to this planning application. On balance, the application does not comply with the London Plan. The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

- **Land use - educational facilities on Metropolitan Open Land and playing fields:** Robust justification on educational need, and an alternative site search, including co-location options, is required in order to justify development on existing MOL and playing fields. This should also address the concerns expressed previously to the Council regarding its proposed site re-designation.
- **Sports facilities:** The loss of existing sports facilities is unacceptable. The applicant must robustly justify the loss and should be able to demonstrate how it will be compensated working together with Sport England and local sports clubs.
- **Community use:** A community use plan, which makes available the sport facilities in the school for community use outside the school's core hours, should be secured.
- **Urban and inclusive design:** The Council should secure key details of the cladding system and materials to ensure the best possible build quality is delivered and ease of maintenance is prioritised. To ensure the application accords with London Plan Policy 7.2, the Council should secure all the proposed inclusive design measure with appropriate conditions.
- **Sustainable development:** The proposal does not meet the 35% requirement as required in Policy 5.2 of the London Plan. The total site wide carbon emission savings for each stage of the energy hierarchy has not been provided. Further information related to the energy hierarchy breakdown, dynamic modelling for overheating and renewable energy options should be provided before compliance with London Plan energy policies can be verified.
- **Transport:** Car parking provision should be reduced and sustainable travel promoted for both pupils and staff. Shower and changing facilities should be provided for employees and the travel plan should be improved in line with STARS system. A construction logistics plan should also be secured by condition.

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

Juliemma McLoughlin, Assistant Director - Planning

020 7983 4271 email: juliemma.mcloughlin@london.gov.uk

Sarah Considine, Senior Manager - Development & Projects

020 7983 5751 email: sarah.considine@london.gov.uk

Tefera Tibebe, Case Officer

020 7983 4312 email: tefera.tibebe@london.gov.uk
