

Item No. 7.5	Classification: Open	Date: 22 July 2014	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 14/AP/1655 for: Full Planning Permission Address: HARRIS GIRLS ACADEMY EAST DULWICH, HOMESTALL ROAD, LONDON SE22 0NR Proposal: Provision of 2 single storey temporary modular buildings and 1 administrative block for education use as associated Primary School (Class D1) until 30 September 2016. Including outdoor play space and minor external works. (This application represents a Departure from the Southwark Core Strategy 2011 and Saved Southwark Plan Policies 2007).		
Ward(s) or groups affected:	Peckham Rye		
From:	Head of Development Management		
Application Start Date 21/05/2014		Application Expiry Date 23/07/2014	
Earliest Decision Date 25/06/2014			

RECOMMENDATION

- 1 That the sub-committee consider the application as it involves inappropriate development on Metropolitan Open Land (MOL) and is a departure from policy; and
- 2 That the sub-committee grant planning permission for a limited period of 1 year and a provisional and additional 1 year period subject to conditions.

BACKGROUND INFORMATION

Site location and description

- 3 Harris Girls Academy (formerly Waverley School) is located on the eastern side of Homestall Road, partly adjoining its junction with Peckham Rye and Cheltenham Road. The site is triangular in shape and approximately 2.4 hectares in area. In terms of levels, the site falls approximately 2.5m from its north-western corner towards the south-eastern corner of the site.
- 4 The site is designated as Metropolitan Open Land. The northern part of the site contains the Academy buildings. The southern part of the site is used for outdoor play (including a grassed and hard court area) and car parking. The application site utilises the southern part of the grounds adjoining the existing hard court area.

Details of proposal

- 5 Planning permission is sought to provide three modular buildings two of which will be used as classrooms with the third used for administrative purposes. All of the accommodation will be fully accessible. The buildings will be provided to temporarily house primary school children, who would eventually be moved to a permanent site

where a new Free School will operate. Access to the temporary classrooms would be separate to the main school at Homestall Road, close to the junction of Colyton Road and would comprise a 2.4 metre wide footpath adjoining the existing games court.

- 6 A 1.2 metre high fence would be erected around the modular structures to separate the primary school from the secondary school buildings. No catering will take place on site and deliveries will take place once a day during off-peak hours. It is envisaged the school operating hours will be 07:45 to 16:30 which includes provision for a breakfast and after school club. There would be a hard surface playspace outside of the buildings, and with agreement of the Harris Girls Academy use would be made of the adjoining playing field.

Planning history

- 7 09-AP-0803 - 9/06/2009 Planning permission was granted for the erection of a two storey building to provide school accommodation for temporary two year period (Class D1).
- 8 07-AP-2948 - 01/05/2008, planning permission was granted for the erection of new 3 storey classroom block and demolition of existing swimming pool, CDT classroom block, part of the New House classroom block and 2 temporary pre-fabricated classroom buildings. Addition of 6 car parking spaces, refurbishment of existing New House classroom and Gibbs House classroom blocks and provision of new refuse bin store to replace existing

Planning history of adjoining sites

- 9 None relevant.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 10 The main issues to be considered in respect of this application are:
 - a) the principle of the development in terms of land use and conformity with strategic policies;
 - b) the impact of proposed development on amenity of adjoining occupiers and surrounding area;
 - c) traffic issues;
 - d) design issues;
 - e) impact on trees and ecology

Planning policy

Core Strategy 2011

- 11 SP2 Sustainable transport
SP4 Places to learn and enjoy
SP11 Open Spaces and wildlife
SP12 Design and conservation
SP13 High environmental standards

Southwark Plan 2007 (July) - saved policies

- 12 The Council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF.

The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

2.2 Provision of new community facilities

3.1 Environmental effects

3.2 Protection of amenity

3.12 Quality in design

3.13 Urban design

3.25 Metropolitan open land

London Plan July 2011 consolidated with revised early minor alterations October 2013

- 13
- 3.18 Education facilities
 - 5.3 Sustainable design and construction
 - 5.21 Contaminated land
 - 6.3 Assessing effects of development on transport capacity
 - 6.9 Cycling
 - 6.10 Walking
 - 6.13 Parking
 - 7.17 Metropolitan Open Land

National Planning Policy Framework (NPPF)

- 14
- Chapter 4. Promoting sustainable transport
 - Chapter 8. Promoting healthy communities
 - Chapter 9 Protecting green belt land
 - Chapter 11 Conserving and enhancing the natural environment

Principle of development

- 15 The site falls within an area of protected open space designated as Metropolitan Open Land. Saved Policy 3.25 of the Southwark Plan asserts that there is a general presumption against inappropriate development on Metropolitan Open Land (MOL). This policy is reinforced by Policy 7.17 of the London Plan and the NPPF Section 9, which confers the same protection on MOL as Greenbelt land. In view of the importance of retaining the open character of MOL, the main proposals for the redevelopment of the school concentrated on retaining all development on the existing building footprint. School buildings are not an 'appropriate use' as set out in MOL policy and therefore the starting point here is that such development is considered inappropriate and is therefore a departure from Development Plan policy. The NPPF (para 87) confirms that inappropriate development should not be approved except in very special circumstances.
- 16 The applicant has acquired a site, the former police station in East Dulwich, which is proposed to provide a new permanent primary school building and has provided information to the local authority in support of this application regarding the site search conducted to find a suitable location for a temporary school. The search identified other potential sites; however these were unsuitable given the very short time constraint within which to open temporary accommodation by September. In regard to the proposed new free school, the applicant would need to secure a planning permission and complete construction within a two year period. The applicant is currently in pre-application discussions with the local authority and anticipates lodging an application for the permanent facility in East Dulwich by October 2014.
- 17 The need to provide temporary accommodation and the pressing need for more school places in the borough are both relevant considerations here. It is also necessary to consider the impact of the proposals on the openness and appearance

of the MOL; and in this respect, it is considered that there will be a minimal impact only due to the size of the buildings and their low rise nature. Given these points and the fact that the buildings will be of a temporary nature, that a planning application for a permanent school building is imminent, and that the affect area of MOL will be restored to its current open appearance at the end of the two year period: it is considered that there are very special circumstances in this case which justify inappropriate development within MOL as a departure from policy.

- 18 Conditions will ensure that the land is restored to its prior condition and reinstated as informal play space after the two year period or upon the cessation of the use at the site by the school, whichever is sooner. Due to the size of the proposal it is not necessary to refer to the GLA or the Secretary of State.

Environmental impact assessment

- 19 The proposal is not of the size, scale or form that would result in the need for an environmental impact assessment. There is no formal requirement for an environmental screening opinion.

Impact of proposed development on amenity of adjoining occupiers and surrounding area

- 20 The proposal is sufficiently distanced from neighbouring properties to avoid impacting on residential amenity in terms of daylight, sunlight, noise and disturbance. The access to the classrooms would be from Homestall Road which is separate to the main school, this may give rise to some additional on street parking and congestion in during the drop-off and collection periods, although due to the relatively small numbers this is an issue that could be managed by the school.

Impact of adjoining and nearby uses on occupiers and users of proposed development

- 21 The proposal would be located on a school site adjoining the Pumping Station, given the relative openness of the site it is unlikely that there would be any conflict of uses.

Transport issues

- 22 Saved Southwark Plan Policy 5.2 (Transport Impacts) seeks to ensure that development will not result in adverse impacts on transport networks and that adequate provision is made for servicing and access. Policy 5.3 (Walking and Cycling) promotes walking and cycling. Generally, the relevant planning policies place an emphasis on sustainable transport and minimising the need to travel by the private car. The National Planning Policy Framework also places an emphasis on the need for sustainable transport, the need for safe and suitable access to sites and states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 23 The application includes a Transport Assessment considering the highways and transport implications of the proposals and a Travel Plan to encourage and facilitate the use of sustainable modes of transport to and from the site for pupils and staff. The site is within an area with a low Ptal (2) with the nearest bus stops 300 metres away.
- 24 As a free-school the catchment area is not governed by the local authority and hence students are drawn from a wider catchment area, however as a Primary school the likelihood at this very early stage is that children will be drawn from the Peckham Rye / East Dulwich area and are more likely to walk to school. Further the provision of

breakfast and after-school clubs would result in a staggering of the arrival and departure times by children. No car parking is provided with the application, however two visitor spaces with supervised access available for people with disabilities or injured children are available on the main site.

- 25 Five cycle parking spaces are provided for staff with 10 for pupils in addition 10 scooter parking spaces will be provided for pupils. It is recommended that this be a condition of any planning permission.
- 26 In conclusion, taking account of existing highway conditions, the anticipated transport, highway and parking implications of the proposed use and the limited numbers of pupils proposed over the two year period. It is not considered that significant impacts would result from the proposal that justify withholding approval. Whilst the school will result in some increase in traffic and pressure on local parking, this is not considered to result in unacceptable harmful impacts and can be satisfactorily accommodated within the local area. This is subject to a limit on the total number of pupils to 120, along with the continual implementation, monitoring and review of the Travel Plan after the first month and year of the use to promote sustainable methods of transport and discourage the use of the private car.

Design issues

- 27 The scale and layout of the classrooms is functional, however it clearly relates to the use of the land as a school and the temporary nature of the development limits any long term impact on the landscape and open space surrounding the school buildings. The single storey bulk of the classrooms is considered unobtrusive.
- 28 A minor concern is raised to the architectural design of the classrooms; the aluminium weather lap cladding, grey panelling and blue fascia lacks imagination. Given the temporary nature, however, it is not considered that this could be seen as giving rise to significant harm to the appearance of the area.

Impact on character and setting of a listed building and/or conservation area

- 29 The application is close to the boundary of the site adjacent to Honor Oak reservoir. The pumping station for the reservoir is a grade II listed building, which lies approximately 90m to the south west within a large grass area on top of the covered reservoir.
- 30 The application site is separated from the reservoir site by a mature hedge and tree boundary. In close proximity to the boundary on the school's side, there are existing sports courts, lighting and a storage building. The pumping station tower is visible from Homestall Road and from this viewpoint is within the context of these other structures.
- 31 The significance of the pumping station includes its architectural and artistic character, but also as an historic example of Edwardian suburban service infrastructure.
- 32 It is considered that as there is clear separation and screening between the application site and the listed building, including the existing structures associated with the school in this area of the school grounds, the impact would not cause harm to the significance of the listed building. It is considered that the proposal is acceptable in this regard.

Impact on trees

- 33 The proposed development will not adversely affect the retention of trees located in close proximity should the arboricultural report be adhered to, a condition has been

included in this respect.

Planning obligations (S.106 undertaking or agreement)

- 34 The proposal is below the threshold for contributions. The proposal would not attract any Mayoral CiL contributions, as it is temporary in nature and for educational purposes.

Other matters

Ecology

- 35 The line of trees/hedge at the rear of the site are likely to be used as a bat commuting/foraging route so long as there is no disturbance to this feature through the installation or with new lighting there should be no ecological concerns. The nearby stream should be protected from disturbance during the installation process.

School Places Strategy Update

- 36 On 22 July the Cabinet will consider a report regarding the Council strategy for providing school places and the projections for increasing demand for primary school places. The proposed Harris Free School is included in paragraph 32 of the report that notes its plans to open with an initial 60 places in September 2014.

Conclusion on planning issues

- 37 The proposal seeks the provision of three temporary structures for use on part of the existing school site, currently designated as MOL, until a new permanent school building is completed in September 2016. As set out above, whilst the proposals have to be considered as inappropriate development in MOL due to the nature of the use and the modest impact on openness, there are considered to be very special circumstances that exist here which justify the development as a departure from policy.
- 38 Whilst resulting in a potential increase in traffic and parking within the vicinity of the site, taking account of the Travel Plan to promote sustainable travel, and an intake of a maximum of 60 pupils per academic year, it is not considered that the proposed temporary school will result in any significant impacts on the local highway or on parking capacity or safety issues, including when considered cumulatively with other schools and activities in the area.
- 39 It is therefore recommended that planning permission is granted for an initial period of one year followed by an additional period ending on 30 September 2016 subject to the applicant first obtaining planning permission before or no later than 31 July 2015 for the permanent school.

Community impact statement

- 40 In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a) The impact on local people is set out above.

b) No issues relevant to particular communities/groups likely to be affected by the proposal have been identified.

Consultations

- 41 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

- 42 Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

- 43 None received.

Human rights implications

- 44 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 45 This application has the legitimate aim of providing temporary school accommodation. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

- 46 None

47 REASONS FOR URGENCY

The necessary works for the proposed development, should Members grant permission, are required to be completed prior to 1 September 2014. A delay beyond the month of July would mean that the temporary classrooms would not be available for the start of term. The council would be responsible for placing those children already enrolled in other places, which would present a considerable difficulty for the local authority.

48 REASONS FOR LATENESS

The applicant provided additional information in regard to the site search undertaken in regard to the proposed development after the publication of the sub-committee agenda.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2613-A Application file: 14/AP/1655 Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5434 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Sonia Watson, Team Leaser	
Version	Final	
Dated	21 July 2014	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director, Finance & Corporate Services	No	No
Strategic Director, Environment And Leisure	Yes	Yes
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team	21 July 2014	

APPENDIX 1

Consultation undertaken

Site notice date: 02/06/2014

Press notice date: 05/06/2014

Case officer site visit date: 02/06/2014

Neighbour consultation letters sent: 30/05/2014

Internal services consulted:

Public Realm
Urban Forester
Ecologist
Design and conservation
Transport
Planning Policy

Statutory and non-statutory organisations consulted:

N/A

Neighbours and local groups consulted:

39 COLYTON ROAD LONDON SE22 0NP
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42 HOMESTALL ROAD LONDON SE22 0SB
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HARRIS GIRLS ACADEMY EAST DULWICH HOMESTALL ROAD LONDON SE22 0NR
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Re-consultation:

N/A

APPENDIX 2

Consultation responses received

Internal services

Public Realm - No comments received.

Urban Forester - No objections subject to tree protection conditions.

Ecologist - No objections

Design and conservation - included within the report.

Transport - No objections raised.

Planning Policy -No objections on a temporary basis.

Statutory and non-statutory organisations

N/A

Neighbours and local groups

None received.