

Email distribution:

All Councillors  
Stephen Hissett  
Marilyn Smith

16<sup>th</sup> September 2015  
Ref: P/2015/2516

**RE: PLANNING APPLICATION FOR THE ERECTION OF A NEW 'ALL-THROUGH' FREE SCHOOL AT SYON LANE, ISLEWORTH.**

We write further to our email of the 1<sup>st</sup> September 2015 and a subsequent response to Councillor Louki directly, following his request for more information.

This email exchange has unfortunately been taken out of context and an associated response produced by Keep Osterley Green. We have only had sight of this response due to publication on the resident's association web page.

It is unfortunate that the resident's association consider our email to be targeted at them, as this is most certainly not the case.

We have carefully reviewed all objections received by the Local Planning Authority in respect of the application to which we have had sight of. These have come from approximately 120 properties within Hounslow, as well as the comments made by the residents association and made our comments based on that cumulative assessment from multiple sources.

We have also reviewed a number of letters of support, but have been unable to review all these as yet, as they amount to approximately 750 letters.

The number of letters received by the Local Planning Authority is accurate as of the 4<sup>th</sup> September 2015.

This letter is written in response to the undated Keep Osterley Green document entitled 'WHO is Spreading Rumours?', as it is disappointing to see that there are factual inaccuracies within the document that are, as a consequence, misleading. It is hoped that this letter assists Councillors in respect of these matters.

Metropolitan Open Land.

The document refers to paragraph 74 of the National Planning Policy Framework (NPPF), Policy 7.18 of the London Plan, GB2 of the Emerging Hounslow Local Plan and Sport England Exception Policy E4. Unfortunately the context of these policies is lost by virtue of only extracts being provided.

The application site is designated as Metropolitan Open Land, it is not designated as local open space, to which policy 7.18 and GB2 related. The Emerging Hounslow Local Plan assists in providing context to these designations, it states that the approach to the policy is: "To protect and enhance local open spaces, outside of the Green Belt of Metropolitan Open Land designations." (Page 147)

In order to both produce the Emerging Local Plan and have it found sound at Examination in Public, Hounslow has produced an Open Space Assessment and Strategy. This Assessment has been used as part of the evidence base informing the Emerging Local Plan and its land designations/allocations. The application site has not been designated as local open space, as such policies 7.18 and GB2 do not relate to this application.

Paragraph 74 NPPF relates to existing open space, sports and recreational buildings and land. It is accepted that the site was formerly in formal sporting use, in excess of 7 years ago, this will be addressed below.

On the basis that consideration is given to this being open space, albeit not available for use by the public, the Open Space Assessment demonstrates that there is 1368ha of Public Open Space within the Borough, which equates to 5.3ha per 1,000 population. This exceeds the average level of provision for similar and neighbouring borough's, which stands at 3.6 ha per 1,000 population.

When this data is narrowed to the local level, (the site falls within the Brentford area within this assessment) the Brentford area has the provision of 7.7ha per 1,000 population of open space and as such has a surplus of 2.2ha per 1,000 population.

Paragraph 74 states:

"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;"

The only entry within the Open Space Assessment that could relate to this site looks as a site area of 0.68ha, as this site extends to 8.8ha, this cannot be this application site. Accordingly, the Brentford area has an over provision of open space without this land.

Accordingly, paragraph 74 of the NPPF is appropriately satisfied.

Keep Osterley Green have referred to Statutory Instrument 2015/593, more commonly known as the Town and Country Planning (Development Management Procedure) Order 2015.

Schedule 4, which came into force prior to the submission of this planning application, states that Sport England is a Statutory Consultee in the following circumstances:

*(z) Development which –*

*(i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field:*  
*or*

*(ii) is on land which has been –*

*(aa) used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or*

*(bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or*

*(iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface.*

In this instance, (ii)(aa) is relevant to this application. As the site has been unused for in excess of 7 years, as set out below, and as stated within the Planning Statement submitted with the application, Sport England are not a Statutory Consultee for this application.

This position is further reinforced by the Town and Country Planning (consultation)(England) Direction 2009, paragraph 7, which states:

*“For the purposes of this Direction, “playing field development” means development of a description mentioned in paragraph (z) of the Table in article 10 of the Order where –*

*(a) The land (or any part of the land) which is the subject of the application –*

- (i) Is land of a local authority; or*
- (ii) Is currently used by an educational institution as a playing field; or*
- (iii) Has at any time in the five years before the application is received been used by an educational institution as a playing field; and*

*(b) The English Sports Council (“Sport England”) has been consulted pursuant to article 10(1) of the Order, and has made representations objecting to the whole or part of the development on one or more of the following grounds - ....” (The Order referred to in this text is the Town and Country Planning (General Development Procedure) Order 1995, since superseded by the Town and Country Planning (Development Management Procedure) Order 2015)*

The 2009 Direction further narrows the scope of consultation and ability to direct decisions, to sites formally in use by an educational institution. But nonetheless, both the 2009 Direction and the Town and Country Planning (Development Management Procedure) Order 2015 make clear that Sport England are not a Statutory Consultee for the purposes of this application.

As set out within the application submission, the site has not been used for formal sporting use since the demise of Hounslow Borough FC in 2007.

Sport England's guidance clearly sets out what is defined as a playing field:

*“Playing Field – the whole of a site which encompasses at least one playing pitch”.*

*“Playing Pitch – a delineated area which, together with any run off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounder's, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo”*

As there are no delineated areas on site fit for the purposes stated, and the land has not been in use formally for in excess of 7 years, policy E4 does not apply to this application.

The policies applicable to this application are, London Plan policy 7.17 relating to Metropolitan Open Land and Emerging Local Plan policy GB1, Green Belt and Metropolitan Open Land. Neither of these policies require replacement land to be provided if this application were to be successful.

### A Sikh Ethos School

It must be made clear that this is a faith school, not a Sikh school, the admissions strategy is as follows:

50% of Places allocated on a Faith basis.

50% of Places allocated on an open basis.

If oversubscribed, admissions will be undertaken on a proximity basis, with those pupils nearest being given first refusal on a place.

This should be compared against other faith Schools within the Borough:

- Gunnersbury Catholic School – 26% of places to Christians from Hounslow Deanery, the remainder to pupils from out of the Borough.
- Gumley Convent School - 27% of places to Christians from Hounslow Deanery, the remainder to pupils from out of the Borough.
- Green School - 75% of places allocated on a faith basis within Hounslow. 59% are within 3 miles of the School
- St Mark's Catholic School - 54% of places to Catholics from Hounslow, the remainder to pupils from out of the Borough.

The Nishkam proposal in respect of place allocation and admissions is therefore directly comparable with other Schools in the Borough.

Free Schools are not required to define a catchment area, with the aim being to drive up standards by creating competition and allowing parental choice.

The Nishkam School Trust have experience of running schools of this nature and have found that as the schools become established, not only are there an increasing mix of children from a variety of faith or non-faith backgrounds, there are an increasing number of local children attending the schools. The schools are regularly over-subscribed.

This must however be taken back to the facts of educational need. The Hounslow School Place Strategy 2010-2020 identifies the following shortfalls in place provision:

Primary School – a projected shortfall of 430-470 places by 2012/13 and growing.

Secondary School – a projected shortfall of 640-690 places by 2019/2020.

Hounslow Education Authority have reviewed the shortfall having regard to this proposal and other proposals within the Borough and at secondary level, even with the provision of this proposed school, there is a shortfall of 8 Forms of Entry (8FE) by 2018, increasing to a 24FE shortfall by 2019.

A failure to provide adequate schools in the area will result in local children travelling much further afield to receive essential education and the Local Authority failing to deliver their statutory requirements.

### Sequential Test

Keep Osterley Green confirm that the identification of the site is one of their reasons for finding the Sequential Test unsound. They also claim that the Sequential Test is a 'Nishkam Sequential Site Assessment', this is an assessment based on the Schools requirements and the educational need of the area, but the sequential site assessment is an independent assessment undertaken by planning professionals and follows an assessment methodology agreed by the Local Planning Authority.

It is important to note that there are no set guidelines advising on how to robustly undertake a sequential test of this nature, hence the methodology and site selection criteria was agreed in advance of the assessment being undertaken.

It has been claimed that the sequential test should have excluded the nursery as a result of this not forming part of this application submission. The nursery has not been progressed to date as a result of the details not being sufficiently advanced at the time of submission.

That said, the ethos of an all-through school is to commence education at the youngest possible age, it is the Nishkam School Trusts intention to proceed with an application for a nursery, following, hopefully, a positive determination of this application. As such, the need for a site of a sufficient size to accommodate all aspects of the all-through education is essential, therefore the sequential test is entirely reasonable.

Regard was also given to the potential for two separate schools on adjoining sites, with no playing fields or nursery, however, this was not achievable at this time either. The methodology agreed with the Local Planning Authority included this as part of its assessment and site identification criteria.

The document makes a broad statement that “If we believe Nishkam’s claim that building on open land is the only possibility for providing extra school provision on the scale proposed then we would have to conclude that all future schools of a similar scale will have to go on open land thereby consistently eroding the amount of open space, contrary to planning guidelines at every level.”

This demonstrates a lack of understanding of both the planning process and the nature of a sequential assessment. As Councillors will be aware, each planning application has to be determined on its own individual merits and in the case of applications on protected land, each application has to individually demonstrate very special circumstances, as such, each application would need to provide a sequential assessment, specific to that school proposal, which assesses sites suitable and available at the time of that assessment/application.

It is not therefore correct to state that this application means that all future schools will need to be provided on open land, as sites become available at differing times and as such it is a case of the land market at the time of the application.

We must also bear in mind that, if Keep Osterley Green’s suggestion that all future schools on open land should be resisted as it is contrary to planning guidelines at every level, then so is the lack of school provision in a Borough with an excessive and growing shortfall in school places, which fails to deliver a balanced community.

Ultimately planning is about balance, if we were to be purists, we would be likely to fail to achieve the delivery of key and essential facilities required for local functionality at every level.

#### Invest in Hounslow Webpage.

In order to close this debate, we have contacted the Invest in Hounslow webmaster, we emailed [enquiries@investhounslow.com](mailto:enquiries@investhounslow.com) and asked the following question:

“I note that there are a series of investment/development opportunities listed on your web page, these appear to come from local plan designations, however, I was wondering if you could tell me whether, by listing these sites on your web page they can be presumed to be available at this time for development?”

The following reply was received from the Economic Development Team Leader at the London Borough of Hounslow:

“These are local plan listings and they cannot be presumed to be available or not available. Rather they serve to indicate the current and preferred usage for the sites under the local plan. For more information on a site you can visit the Hounslow Council planning webpages and land registry to find out current planning applications and decisions and ownership.”

It is therefore confirmed by Hounslow Officers that this web page provides no indication as to the availability of any particular site.

### Educational Need

The educational need for a school is stated above and there is no need to re-iterate it here. There is a demonstrable and overwhelming need for school places across Hounslow.

The Keep Osterley Green document states that the need for places is Borough wide and should be provided throughout the Borough to meet that demand. At present 3 of 7 free schools are within the Brentford Priority Admissions area.

The sequential test reviewed sites across the whole of the Borough and was unable to find an alternative site to that proposed. A point of note is that the centre of Brentford and the centre of Hounslow are equidistance to the White Lodge site.

Should the delivery of essential new schools stagnate pending alternative site availability at some unknown date in the future?

### Traffic and Transport

We would like to take this opportunity to advise you of the local level improvements proposed to mitigate against the impact on traffic within the area.

The application proposal incorporates the following improvements/benefits:

- 3 park and stride locations (Wykes Green Garden Centre/Osterley Hotel/Tesco)  
Wykes and Osterley have agreed in writing to the use of their land. Tesco remain impartial at this time and are awaiting the outcome of the planning decision. Marshalling at these locations will be provided to ensure children arrive at school safely.
- Improvements to bus stops on Wood Lane – a new bus shelter on Braybourne Close side and improvements to public information on both sides.
- Footpath improvements between Tesco and Wykes Green Garden centre.
- 3 school bus routes, designed around admissions data to maximise usage. This is to be reviewed as the school grows to maximise usage and availability.
- Marshalling at entrances to the school site to mitigate against parent drop off at the school or within the vicinity of the school.
- Footway improvements to Braybourne Drive at junction with Wood Lane

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- A new zebra crossing on both Syon Lane and Wood Lane.
- A parent travel charter, requiring parents to 'buy into' the 'park and stride' proposals and school bus.

I would like to further re-iterate that the points raised in our email to Councillor Louki were not aimed at the residents association, but in response to an assessment of the objections received in response to the application generally.

Following the Keep Osterley Green response, we have endeavoured to respond to the points raised and addressed any inaccuracies within that response.

We trust this assists Councillor's in understanding the application as submitted. If you have any further queries on this matter please do not hesitate to contact me.

Yours sincerely,



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