

Committee: Development	Date: 10 October 2012	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Mary O'Shaughnessy	Ref No: PA/12/01133
	Ward: Whitechapel

1. APPLICATION DETAILS

Location: 153-157 Commercial Road, London, E1 2DA
Existing Use: Office (Use Class B1)

Drawing Nos/Documents: Drawings:
6APFS005/WAPPING/A.01A/01 REVP01,
6APFS005/WAPPING/A.01A/02 REVP01,
6APFS005/WAPPING/A.01A/13 REVP01,
6APFS005/WAPPING/A.01A/14 REVP01,
6APFS005/WAPPING/A.01A/15 REVP01,
6APFS005/WAPPING/A.01A/16 REVP01,
6APFS005/WAPPING/A.01A/17 REVP01,
6APFS005/WAPPING/A.01A/18 REVP01,
6APFS005/WAPPING/A.01A/19 REVP01,
6APFS005/WAPPING/A.01A/20 REVP01,
6APFS005/WAPPING/A.01A/21 REVP01,
(PL) 001 REVB, (PL) 002 REVB,
(PL) 003 REVB, (PL) 004 REVB,
(PL) 005 REVB, (PL) 006 REVB,
(PL) 007 REVB, (PL) 008 REVB,
(PL) 009 REVB, (PL) 010 REVC,
(PL) 011 REVC, (PL) 012 REVD,
(PL) 013 REVA, GC.66147.002 REVA and
GC.66147.001 REVA.

Documents:
Design and Access Statement, Wapping High School
Free School Programme, May 2012, prepared by
Jacobs.
Wapping High School Design & Impact Statement,
September 2012, prepared by ECE Architecture.
Planning Statement, prepared by ECE Planning.
Wapping Free School, Commercial Road, Transport
Statement, June 2012, prepared by WSP.
Wapping Free School, Commercial Road, Transport
Statement Addendum, August 2012, prepared by
WSP.
Wapping Free School, Commercial Road Outline
Travel Plan, June 2012, prepared by WSP.

Energy and Renewables Statement, 19th July 2012
Rev A, prepared by BSD.
BREEAM Education 2008 Assessment, 3rd September
2012, prepared by ECE Architecture.
Daylight and Sunlight Report, 5th July 2012, prepared
by EB7.
Extended Phase 1 Habitat Survey, June 2012,
prepared by SES.
Noise Impact Assessment, Rev B, July 2012, prepared
by Max Fordham.
Landscape Strategy Report, September 2012,
prepared by Wilmott Dixon Construction Ltd.
Biodiversity statement, July 2012, prepared by AMA
Alexi Marmot Associates.

Applicant: The Wapping and Shadwell Trust
Ownership: Asset Co. Properties
Historic Building: No
Conservation Area: Adjacent to Myrdle Street Conservation Area

2.0 SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998 (saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (Submission Version 2012) as well as the London Plan (2011) and the relevant Government Planning Policy Guidance including the National Planning Policy Framework and has found that:
- 2.2 The proposed loss of office floor space (Use Class B1) is considered acceptable given its loss has been justified in accordance with strategic policy SP06 of the Core Strategy (2010), saved policy EMP3 of the Unitary Development Plan (1998) and DM16 of the Managing Development DPD (Submission Version May 2012).
- 2.3 The change of use to a secondary school (Use Class D1) is considered acceptable given there is a need for a secondary school in this accessible location and this accords with policy 6.13 of the London Plan, strategic policy SP07 of the Core Strategy (2010) and DM19 of the Managing Development DPD (Submission Version May 2012). Furthermore, the proposal accords with the National Planning Policy Framework and Planning policy statement – planning for schools development.
- 2.4 With regard to impact on the safety and capacity of the surrounding highway network, subject to management of impacts through the suitable use of conditions and financial contributions, the proposed school would not have an adverse impact on the highway network which accords with strategic policies SP07 and SP09 of the Core Strategy (2010) and saved policy T16 of the Unitary Development Plan (1998) which seek to manage the impact of new development on the borough highway network.
- 2.5 The proposal includes minor alterations at ground floor level which are acceptable interventions in keeping with the design and appearance of the host building and accord with strategic policy SP10 of the Core Strategy (2010), saved policy DEV1 of the Unitary

Development Plan (1998) and policy DM24 of the Managing Development DPD (Submission Version May 2012). These policies seek to ensure appropriate design within the borough.

- 2.6 It is not considered that the proposed development would have an adverse impact on the amenity of existing residents which accords with strategic policy SP10 of the Core Strategy (2010), saved policy DEV2 of the Unitary Development Plan (1998) and policy DM25 of the Managing Development DPD (Submission Version May 2012). These policies seek to protect the amenity of residents of the borough.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:

- 3.2 The prior completion of a **legal agreement** to secure the following planning obligations:

Financial contributions

- § A contribution of **£5,000** towards highway safety measures.
- § A contribution of **£1,500** towards implementing and monitoring a School Travel Plan.
- § Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

Total Contribution financial contributions **£6,500**

- 3.3 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.

- 3.4 That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

3.5 Conditions:

- § Time Limit for implementation 3 years
- § Compliance with plans
- § Construction Management Plan / Construction Logistics Plan
- § School Management Plan
- § Cycle parking details
- § Travel Plan
- § Scheme of Highway Works (S278 agreement)
- § Delivery and Servicing Plan
- § Full details of Materials
- § Energy
- § BREAAAM 'Very Good'
- § Full details of any plant including specification, background noise surveys and drawings

3.6 Informatives

- § Section 278 would be required
- § Consultation with School Travel Plan Officer

- 3.7 That if, within three months of the date of this committee the legal agreement has not been completed, the Corporate Director of Development & Renewal is delegated power to refuse planning permission.

4.0 PROPOSAL AND LOCATION DETAILS

Proposal and Background

- 4.1 The proposal is for the change of use of an office block to a secondary school (Use Class D1). As part of the assessment of the application officers were concerned that the level of information provided was not sufficient in order to assess if the proposed school met the relevant standards to ensure a suitable educational environment for future students. The drawings as submitted did not include details of provision of outdoor space or assembly space. In discussions with the applicant, it was resolved that amended drawings should be provided in order to present the proposals for the change of use in its entirety. This includes proposals to erect a double height space at roof level for use as a hall and create outdoor roof terrace.
- 4.2 The secondary school would be for children aged 11 – 16 and would have capacity for 406 students and 55 teachers and staff.
- 4.3 The School would be managed by The Wapping and Shadwell Secondary Education Trust and funded through the 'Free Schools Programme' by the Department for Education. The school would be known as Wapping High School and would predominantly serve children from the target zone of Wapping (E1W), Shadwell (E1) and Limehouse (E14).

Site and Surroundings

- 4.4 The application site is a six storey office block located at the corner of Commercial Road and New Road. Nelson Street runs to the rear of the site.
- 4.5 The site is neither listed nor located within a conservation area. However, there are a number of designated heritage assets within the vicinity of the site including the Myrdle Street Conservation Area which includes the area of New Road to the north and west of the site and listed buildings further north of the site on New Road.
- 4.6 Commercial Road is busy road with a mix of commercial uses which creates active ground floor frontages. There is also some residential at the upper levels. The section of Nelson Street adjacent to the school is mostly residential in nature; however, there are some commercial uses at ground floor level to the east of the junction with Turner Street. New Road includes a mix of residential and commercial uses along its length.
- 4.7 Commercial Road is a designated Red Route and Transport for London (TfL) are the responsible highway authority. New Road and Nelson Street are part of the borough highway network.

Planning History

- 4.8 The following planning decisions are relevant to the application:

Application Site:

- 4.9 1980's There are several consents on the statutory register relating to the extension of the building and its change of use to offices.
- 4.10 PA/00/01754 The LPA granted planning permission on 10 January 2001 for the "Refurbishment including replacement of entrance doors and glazed side panels, removal of entrance step and replacement with patterned metal plate ramp, recladding of existing canopy and installation of new signage."

- 4.11 PA/08/01847 The LPA granted planning permission on the 23 October 2010 for the “Change of Use of 455sq m from Use Class B1 (offices) to Use Class D1 (community healthcare facility) together with alterations to the rear ground floor elevation comprising of the removal of existing roller shutters and replacement with new glazed entrance.”

5.0 POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

5.2 Government Planning Policy Guidance/Statements

National Planning Policy Framework (NPPF) (March 2012)
Policy Statement – planning for schools development (August 2011)

5.3 Spatial Development Strategy for Greater London (London Plan)

Proposals: City Fringe Opportunity Area

Policies:	Policy No.	Title
	3.18	Education Facilities
	4.1	Developing London’s economy
	4.2	Offices
	5.1	Climate change mitigation
	5.2	Minimising carbon dioxide emissions
	5.3	Sustainable design and construction
	5.4	Retrofitting
	6.1	Strategic approach
	6.3	Assessing effects of development on transport capacity
	6.7	Better streets and surface transport
	6.9	Cycling
	6.10	Walking
	6.12	Road network capacity
	6.13	Parking
	7.1	Building London’s neighbourhoods and communities
	7.2	An inclusive environment
	7.3	Designing out crime
	7.4	Local character
	7.5	Public realm
	7.6	Architecture
	7.8	Heritage assets and archaeology

5.4 Core Strategy Development Plan Document 2025 (CS)

Spatial Policies:	Policy No.	Title
	SP01	Refocusing on our town centres
	SP03	Creating healthy and liveable neighbourhoods
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering placemaking – Shadwell Area
	SP13	Delivery and implementation

5.5 Unitary Development Plan 1998 (as saved September 2007) (UDP)

Policies:	Policy No.	Title
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	EMP1	Encouraging New Employment Uses
	EMP3	Surplus Office Floorspace
	T7	The Road Hierarchy
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T19	Priorities for Pedestrian Initiatives
	T21	Pedestrian Needs in New Development
	EDU1	Allocation of Sites

5.6 Managing Development Development Plan Document (submission version May 2012) (MD DPD)

Proposals: City Fringe Activity Area
Clear Zone

Development Management Policies:	Policy No.	Title
	DM1	Development within the town centre hierarchy
	DM14	Managing waste
	DM15	Local job creation and investment
	DM17	Delivering schools and early learning
	DM20	Supporting a sustainable transport network
	DM22	Parking
	DM23	Streets and public realm
	DM24	Place-sensitive design
	DM25	Amenity
	DM27	Heritage and the historic environment
	DM29	Achieving a zero-carbon borough and addressing climate change

5.7 Interim Planning Guidance for the purposes of Development Control 2007 (IPG)

Proposals City Fringe Area Action Plan

Policies	Policy No.	Title
	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	EE2	Redevelopment/Change of Use of Employment Sites
	CON1	Listed Buildings
	CON2	Conservation Areas

5.8 City Fringe Area Action Plan – Interim Planning Guidance for the purposes of

Development Control 2007 (CF AAP)

Sub Area: Whitechapel

Policies:	Policy No.	Title
	CFR1	City Fringe spatial strategy
	CFR2	Transport and movement
	CFR4	Education Provision

5.9 Supplementary Planning Guidance/ Other Relevant Documents LBTH

Planning Obligations SPD (2012)

5.10 Community Plan

The following Community Plan objectives relate to the application:

- A great place to live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

6.0 CONSULTATION RESPONSES

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

Transport for London (TfL)

6.3 With regards to the above mentioned site, TfL offers the following comments and recommendations:

6.4 The application site would be situated on A13 Commercial Road, which forms part of the Transport for London Road Network (TLRN).

6.5 TfL is satisfied with the Transport Statement and the assessment exercises undertaken.

6.6 As such, TfL is satisfied with the provision of one disabled parking space and the level of servicing. However, they have raised concerns about the level of cycle parking provision.

6.7 The management of the impacts of the new school on the surrounding highway network by staggering of school start and finish times is welcome and the submission of a Management Strategy to ensure the safety of pupils should be controlled via condition.

6.8 The following would be required to be secured via condition

- § Delivery & Servicing Plan.
- § School Travel Plan
- § Construction Management Plan (CMP) and Construction Logistics Plan (CLP)

6.9 It is noted that the footway and carriageway on the A13 Commercial Road must not be blocked during the construction and maintenance of the proposal.

6.10 Subject to the above, the proposal as it stands would not result in an unacceptable impact to the Transport for London Road Network (TLRN).

6.11 **[Officer Comment:** These matters are fully dealt with at paragraphs 8.25 - 8.53 of this report.]

LBTH Highways

- 6.12 Highways, have no objection on balance, and recognise that the success of the scheme will depend on the rigour with which the School Travel Plan is implemented and reviewed. Whilst this land use could in principle slightly increase peak time vehicular trips compared to the current land use, a School Travel Plan produced in liaison with expert help will successfully mitigate and reduce the potential for car-borne trips to the school. Secondary schools in any case attract relatively few such trips compared with primary schools. Road safety will be safeguarded through a package of traffic signage measures, to be funded through s278/106. The School Travel Plan Coordinator would assist with the plan production; implementation and review despite this being a Free School and as such monitoring costs of £1500 should be secured via a S106 agreement. Furthermore, it is recommended that a contribution towards highway safety of £5000 which would include three 'school' signs and a guard rail opposite the New Road Entrance should be secured to mitigate the impact of the development.
- 6.13 Finally the following conditions should be secured:
- § The cycle storage (final design) should be retained and maintained as cycle storage only and not for any other purpose; the 'future-proofed' areas indicated for cycle storage should not be fitted out with permanent fixtures such as would prevent or hinder the future installation of cycle storage.
 - § The applicant should supply a coach/mini-bus parking, pick-up and set-down strategy, including a plan showing the school in relation to the locality where these actions are to take place and the route taken by pupils to them.
 - § The developer shall contact the School Travel Plan Advisor to draw up a draft initial School Travel Plan two months prior to the school opening, which shall be reviewed using feedback from pupils/parents 6 months after first occupation.
 - § S278 agreement to be secured.
 - § Construction Management Plan
 - § Servicing Management Plan
 - § School Management Plan
- 6.14 **[Officer Comment:** These matters are fully dealt with at paragraphs 8.25 - 8.53 and 8.82 – 8.89 of this report.]

LBTH Environmental Health – Noise and Vibration

- 6.15 Environmental Health is unable to support this application; the applicant does not make any reference to how the School would comply with the requirements of BB93. BB93 was also not designed for Schools in such noisy locations and subject to poorer air quality than other existing areas on less major roads. Teaching should be undertaken in quieter areas and this is taken into account in the building regulations BB93, BS8233 and the guidance issued by the World Health Organization. This particular area is highly trafficked and the School teaching areas would suffer detrimentally from vehicle noise and vibration from the Commercial Road, which has a high proportion of HGV Lorries. The site also has no external play areas and any that did exist would be again subject to high noise levels, the building is only suitable for commercial or office based activities.
- 6.16 **[Officer Comment:** These matters are fully dealt with at paragraphs 8.54 – 8.65 of this report.]

LBTH Education

- 6.17 The Children, Schools and Families Directorate have advised that there is a steeply rising need for additional school places in Tower Hamlets. The population is rising due to both rising birth rate and new residential developments. In the period 2012 to 2022 it is projected that the total school roll of 5 -16 year olds in Tower Hamlets will increase by 38%,

from 34,172 to 47,069. This equates to a need for 12,897 additional school places. The Children, Schools and Families Directorate is planning to meet this demand within the maintained school sector. The Directorate has raised concerns about the fact the proposed building does not comply with Building Bulletin 98.

6.18 **[Officer Comment:** These matters are fully dealt with at paragraphs 8.10 – 8.24 and 8.72 – 8.74 of this report.]

7.0 LOCAL REPRESENTATION

7.1 A total of 78 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses:	11	Objecting: 3	Supporting: 8
No of petitions received:	1 in objection with 107 signatures		

7.2 The following local groups/societies made representations:

- The Varden and Nelson Street Residents Association submitted a letter of objection and organised a petition which contained 107 signatures.
- They sent a further objection during the second consultation period confirming that their objection still stood.

7.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

- § Concern about intention of Community involvement and use of community facilities.
- § There is no evidence that there is need for a new secondary school and what impact will the school have on existing secondary schools.

[Officer Comment: Please refer to paragraphs 8.10 - 8.24 of this report where these matters are fully addressed.]

- § The proposal will result in unsafe conditions on the road and will impede traffic movement resulting in parking and traffic congestion and disruption to residents.
- § There is already a girl's secondary school in the area; another school will worsen the existing impacts on the highway network.
- § The pavement along New Road is too narrow and is already busy. The impact of the school would cause further congestion.
- § Adjacent schools, having students congregating on the pavement during breaks which affects pedestrian movement.
- § There is already parking stress in the area and staff and parents may legitimately be able to use residents parking bays surrounding the site and worsen the existing situation.
- § Impact of students congregating on the pavement for fire drills or in the case of an emergency.

[Officer Comment: Please refer to paragraphs 8.25 – 8.53 of this report where these matters are fully addressed. The applicant has advised that the fire drill assembly point would be on Commercial Road which is similar to the existing building.]

- § The increased noise pollution will impact on residential amenity.
- § The hours (07:45 – 20:30) are long for an educational establishment and would

mean more amenity impacts over a longer period of time.

§ Impact on privacy from overlooking to the residents of Nelson Street.

[**Officer Comment:** Please refer to paragraphs 8.61 – 8.65 of this report where these matters are fully addressed.]

§ The human rights of adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the first protocol, the right to enjoyment of property. A grant of planning permission may infringe these rights.

[**Officer Comment:** Please refer to paragraphs 8.90 – 8.98 of this report where these matters are fully addressed.]

§ Concern about principle of Free Schools and lack of information about governance of the school.

[**Officer Comment:** This is an application for the change of use of a building to an educational use (Use Class D1) and the type of school being provided and how it is funded and managed is not part of the assessment in planning terms. It is noted that the proposal is for a Free School funded directly by central government as opposed to an LBTH run secondary school. It is noted that support and funding for the Free School movement is administered by the Department for Education and opinions about the impact of the Free School movement on existing educational provision do not form part of the planning assessment of this change of use.

§ Lack of consultation with local residents about a new secondary school in the area.

[**Officer Comment:** Whilst early consultation with local residents is recommended this is not a requirement. As part of the planning application consultation as set out at paragraph 7.1 has been carried out in accordance with statutory requirements and the Council's Statement of Community Involvement.]

§ Eight letters expressing support of the change of use to a Free School have been received. They support the proposal because of the need for a secondary school, it is considered bringing this vacant building back into use would benefit the community and they consider this to be a suitable location for a secondary school.

8.0 MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are:

- § Land Use
- § Highways
- § Amenity
- § Design
- § Energy and Sustainability
- § Planning Contributions
- § Human Rights

Land Use

8.2 The site currently provides 4060 square metres of vacant office floor space (Use Class B1) arranged over seven floors (including basement). The main pedestrian access is from Commercial Road and there is a servicing bay to the rear which is accessed from Nelson Street.

Loss of Office Floor Space:

8.3 The application site is located within the City Fringe Activity Area as designated by the Core Strategy 2010 (CS) and the boundary of the City Fringe Activity Area is defined by the

Managing Development – DPD (submission version May 2012) (MD-DPD). It is noted that the office floor space is not located within a preferred office location nor a local office location where there are specific policies to protect office floor space.

- 8.4 Strategic policy SP06 of the CS, saved policy EMP3 of the adopted Unitary Development Plan 1998 (UDP) and DM16 of the MD-DPD require robust supporting information to justify the loss of office floor space, which should include the following:-
- § length of time the office floor space has been vacant,
 - § details of marketing carried out including comparables and rent details,
 - § assessment of office provision in the area including details of vacancy, and;
 - § justification as to why the buildings are no longer suitable for continued employment use.
- 8.5 On the 23 October 2010 (LBTH Ref.:PA/08/01847) the LPA granted planning permission for the change of use of the majority of the building from office (Use Class B1) to a community health care facility (Use Class D1). At the time the loss of office floor space was assessed and given the building had been vacant and actively marketed it was considered that the loss of office floor space was justified.
- 8.6 The change of use to a community health care facility was never implemented and the permission has now expired. However, the building has remained vacant. From records it would appear the building has been vacant since 2006 and since that time has been marketed by a range of agents. Evidence of this has been provided in the form of a letter from Strettons dated 1 May 2012 setting out the marketing they carried out since August 2011. As such, it is evident that the building has been vacant for nearly six years and has been actively marketed during that time at reasonable rates.
- 8.7 A detailed assessment of office provision in the area including details of the level of vacancy was not carried out in this instance. However, given the length of time this space has been vacant it is clearly evident there is not a demand for this particular office space.
- 8.8 The building is currently unfurnished, and supporting information in the form of the Strettons letter dated 1 May 2012, has been provided by the Council to show that substantial money would be required to bring this building up to the standard of office accommodation expected by today's market.
- 8.9 In conclusion, taking account the length of time the office floor space has been vacant (since 2006) and the marketing evidence provided officers are satisfied that supporting information has been provided to justify the loss of office floor space in this instance and that the loss of office floor space would accord with policy.

Principle of School:

- 8.10 The proposal is for the change of use to a secondary school (Use Class D1) and this section of the report will focus on the land use implications of the proposed educational use.
- 8.11 The NPPF states that:

“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- § *give great weight to the need to create, expand or alter schools;*
- § *and work with schools promoters to identify and resolve key planning issues before applications are submitted.”*

- 8.12 Furthermore, Policy Statement – planning for schools development clearly states that:
- “There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.”*
- 8.13 State-funded schools are defined by the policy statement and include ‘Free Schools’.
- 8.14 Policy 3.18 of the London Plan supports proposals which enhance education and skills provision including change of use to educational purposes. It continues to state that:
- “Proposals for new schools should be given positive consideration and should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations.”*
- 8.15 The policy also supports proposals which maximise the extended or multiple use of educational facilities for community or recreational use. Finally the policy encourages co-location of services between schools to maximise land use.
- 8.16 Part 2, of strategic policy SP07 of the CS, seeks to increase the provision of both primary and secondary education facilities to meet an increasing population. Part 3, of the policy sets out the criteria for the assessment of new secondary schools and states that:
- “Secondary schools should be located in highly accessible locations, to be integrated into the secondary and main movement routes, as they generate trips from a wider catchment area.”*
- 8.17 Part 3 of the policy supports co-location and clustering of services as well as the encouragement of the use of schools after hours.
- 8.18 DM18 of the MD - DPD sets out criteria for the assessment of new schools and states that they should be located where:-
- i. a site has been identified for this use or a need for this use has been demonstrated;
 - ii. the design and layout accords with relevant standards;
 - iii. for existing schools, there is no net loss of school play space; and
 - iv. the location of schools outside of site allocations ensure accessibility and an appropriate location within their catchments.
- 8.19 The proposal is for the creation of new secondary school (Use Class D1) which is not located on an allocated site. Policy advises that the location of new schools will be guided by the criteria listed above. This provides a positive approach to the development of state funded schools including ‘free schools’, ensuring they are located where they can be easily accessed and that they provide a high quality teaching environment.
- 8.20 Given the site is not allocated for education use, consideration is given to the need for a new secondary school. The Children, Schools and Families Directorate have advised that there is a steeply rising need for additional school places in Tower Hamlets. The population is rising due to both rising birth rate and new residential developments. In the period 2012 to 2022 it is projected that the total school roll of 5 -16 year olds in Tower Hamlets will increase by 38%, from 34,172 to 47,069. This equates to a need for 12,897 additional school places. As such, the proposal accords with part (i) of the policy given there is a need for additional secondary school places within the borough. Furthermore, it is

noted that the need for a secondary school within this area has also been assessed by the Department for Education as part of the application for funding for a 'Free School'. In conclusion the proposed secondary school would have a capacity of 406 students which would contribute to the delivery of secondary school places in accordance with policy.

- 8.21 With regard to part (ii) design and layout this is discussed at paragraphs 8.66 - 8.74 of this report. Part (iii) does not apply in this instance given the proposal does not involve the loss of school play space.
- 8.22 As discussed within the highway's section of this report the site is in a highly accessible location with accords with part (iv) of the policy. Furthermore, it is considered that the site is suitably located within the context of the catchment area for the proposed school which includes Wapping, Shadwell and Limehouse.
- 8.23 To conclude, in land use terms, the principle of an educational use accords with policy given there is a need for a new secondary school and it meets the other tests of the policy. Furthermore, it accords with national policy which encourages educational uses.
- 8.24 The applicant has made reference to their intention to allow local community groups use the school outside of school hours. The principle of shared facilities and co-location is promoted by policy and the sharing of school facilities would be acceptable.

Highways and Access

- 8.25 Policy SP07 of the CS states that secondary schools should be located in highly accessible locations and integrated into secondary and main movement routes. Also relevant is policy SP09 and policy T16 of the UDP which seek to ensure that new development has no adverse impacts upon the safety and capacity of the road network.
- 8.26 The subject site is positioned on the corner of the A13 Commercial Road and New Road. To the rear of the building runs Nelson Street. The area has a Public Transport Accessibility Level (PTAL) of 6a which indicates 'excellent' level of accessibility. The nearest tube stations are Whitechapel, Aldgate East and Shadwell which can be reached within a ten minute walk. The nearest bus stops are located on Commercial Road on the northern (going eastbound) and southern (going westbound) side of the road approximately 50 metres from the proposed school entrance. These bus stops are served by the following bus services 115, 135, 15, N15 and N550. Additional bus stops are located on New Road and are served by the D3 route which serves Wapping, Shadwell and Limehouse.
- 8.27 The proposal is for the creation of a new secondary school with a maximum capacity of 406 students including 55 teachers and staff.
- 8.28 The main student entrance to the school would be from Commercial Road with a secondary entrance located along New Road (near to the junction with Commercial Road). The ground floor layout includes large lobbies to prevent congregating on the footway adjacent.
- 8.29 Servicing, disabled parking, cycle parking and refuse would all be provided off Nelson Street where there is an existing servicing bay. However, students would not be able to access the building from Nelson Street.
- 8.30 The main concern for officers has been the assessment of the impact of locating a secondary in this location on the capacity and safety of the surrounding highway network for all users. Local residents have similar concerns. At pre-application stage officers clearly set out the information officers required to assess the impact of the proposed school. This information has been provided in the form of a detailed Transport Statement prepared by

WSP. This has been assessed by TfL and the borough highway officer and both are satisfied with the way in which the assessment has been carried out. In accordance with the NPPF guidance which gives great weight to educational development officers have sought to mitigate any impacts through the use of conditions.

- 8.31 The School has a target admissions zone giving priority to families living in Wapping, Shadwell and Limehouse. This is defined by the school as an area south of Cable Street and Royal Mint Street, West of Butcher Row, North of the River Thames and East of Mansell Street. This means the majority of the school catchment would be from the southern side of Commercial Road.
- 8.32 Whilst, it is noted the school would have a capacity of 406 students and 55 staff, this would not be reached until 2016. However, the Transport Statement has carried out an assessment based on the maximum capacity of the school.
- 8.33 In order to provide a forecast of trips for the proposed school, this was modelled against the current secondary school travel mode data obtained from LBTH School Travel Plan Data. The predicted pupil trips are outlined in table 1 below.

Table 1: Predicted Pupil Trips

Bicycle	Bus	Car	Car-share	Other	Rail	School Bus	Walk	Total
5 (1%)	123 (30%)	27 (7%)	3 (1%)	4 (1%)	17 (4%)	4 (1%)	223 (55%)	406 (100%)

- 8.34 This data indicates that the majority of pupils would travel to school by sustainable means of transport; walking or taking the bus. A further analysis has been undertaken of the catchment area for the school in order to assess the feasibility of these travel modes. The vast majority of prospective pupils would live within close proximity of the proposed school. Approximately 77% would live within a 2km radius of the site which is considered to be a walkable distance. This means the walk mode share could be higher than the 55% average of LBTH secondary schools.
- 8.35 It is not proposed to provide any staff car parking on site. The only car parking provided is a disabled car parking space. This is considered acceptable and the lack of provision of on-site car parking facilities for teachers would further encourage the use of sustainable modes of transport.

Impact of vehicle trips / Pupil Drop off and Peak Times:

- 8.36 The proposed secondary school based on these results would be forecast to generate 28 vehicular trips in the peak hours and this represents a worst case scenario. In order to mitigate against the vehicular trips it is proposed to have three separate drop-off times for different year groups, 07:30 – 08:00, 08:00 – 08:30 and 08:30 – 9:00. This would potentially reduce vehicular trips to 9 per half hour period. This would be secured via condition.
- 8.37 It is noted that residents are concerned that parents would be able to park adjacent to the school given they may live within the same parking zone which would worsen parking stress. However, the staggering of drop-offs and pick-ups over a 90 minute period would limit any potential adverse impacts.

Pedestrian Impacts:

- 8.38 Residents have also raised concerns about impacts of the proposed school on pedestrian movement given the footpaths in the area are perceived to be congested. This concern relates to the perceived congestion caused by the increased footfall associated with the

school and concern about students congregating on the footway before, during and after school. The school is forecast to generate 228 walk trips during the peak hours. Given, the priority admission zone is to the south of the site it is considered most students would access the site heading north along Cannon Street Road and accessing the site from Commercial Road. Students travelling by bus could take the D3 which would mean they would use the New Road bus stop and could access the site from New Road or Commercial Road.

- 8.39 Directly outside the proposed entrance of the school from Commercial Road the footpath measures approximately 4.8 metres in width including an area of tactile paving (0.8 metres). Along New Road, the width of the pavement outside the secondary entrance is approximately 2.4 metres.
- 8.40 Given, it is anticipated that the majority of students would walk to school consideration has been given to managing the impacts on the local pedestrian network. Firstly, the ground floor has been designed to include two entrances to the school (one along New Road and one along Commercial Road). This would mean students would not be accessing the school from Nelson Street. This was recommended by officers given the narrow pavement width along Nelson Street and its more residential character. Full details of the management of the two entrances would be sought via condition and would form part of the School Management Plan.
- 8.41 Secondly, the ground floor layout has been carefully considered in order to ensure there is sufficient circulation space internally to cater for students arriving and departing from the school. This includes two lobbies directly inside the entrances. This would assist with alleviating any issues with students queuing on the pavement to access the school during the morning and means staff can manage students leaving during the afternoon.
- 8.42 Thirdly, start and finish times for the school would be staggered in order to limit impacts. As such this would reduce the number of students arriving and departing the school at the same time to about one year group.
- 8.43 Officers consider that residents concerns with regard to students congregating within the vicinity of the school would be further managed by the school management who have advised teachers would patrol at peak times encouraging students to access the school immediately.
- 8.44 A total of 20 accidents have been recorded within the vicinity of the site over the past three years. Of these 20 accidents, three occurred at the junction of Commercial Road and Cannon Street and one occurred at the junction of Commercial Road and New Road. All of these accidents occurred because of pedestrian or driver error. The submitted Transport Statement concludes that there is no specific pattern of accidents which would indicate an issue with the local highway.
- 6.45 Through mitigation and the imposition of conditions the impact on the pedestrian network would be minimised.

Cycle Parking:

- 8.46 With regard to the level of cycle parking it is noted that the school generates a requirement for 44 cycle parking spaces in order to accord with policy. Currently an area accessed from Nelson Street has been secured. This area has the potential to provide 9 cycle parking stands if Sheffield Stands (this would equate to 18 spaces). If two tier josta cycle stand system were to be used the same space could accommodate more cycle parking spaces.
- 8.47 LBTH preferred cycle parking stand is a Sheffield Stand and officers would not normally

support a josta cycle stand system. However, taking account of the constrained nature of the site officers are looking at different types of stands and may consider a space saving hybrid that looks to potentially satisfy desired security, stability, minimum effort, non-lifting designs.

- 8.48 As such, the final design of the cycle parking stands would be secured via condition. It is noted that the borough highway officer also wishes to safeguard space for future provision. However, if officers were to secure space at basement level it would also be necessary to install a lift which is not a feasible option. Another alternative would be to convert teaching space in the future should there be demand. However, given the constrained nature of the site the loss of teaching space to provide cycle parking would not be a solution. As such, officers consider that the area of cycle parking as proposed would be safeguarded and through the discharge of condition a stand which maximises provision of cycle parking whilst also being usable would be secured.

Coach and Mini-bus Parking:

- 8.49 Given the constrained nature of the site there is no potential for on-site coach or mini bus parking. The submitted Transport Statement outlines the intended travel modes to other sites which for the most part rely on walking and the use of public transport. Groups of fewer than 25 students travelling to local facilities (less than 20 minutes walk) will walk. If the site is further away these groups will mostly use public transport or occasionally a mini-bus. There are numerous short-stay spaces on Commercial Road that would accommodate a mini-bus. The requirement for coach parking would be infrequent (normally about three times per year) and the school would ensure that the pick-up would be an appropriate location within the wider local vicinity. There is a car park at Royal Mint Street (15 minutes walk from the proposed school) which offers coach parking facilities at a daily rate. Full details of the coach / mini-bus parking, set-down and pick-up strategy would be managed via condition as requested by officers.

School Travel Plan:

- 8.50 The purpose of a School Travel Plan is to encourage sustainable means of transport for staff, students and visitors. The Council has a School Travel Plan Coordinator who assists schools develop School Travel Plans which are reviewed regularly. As part of this application the school has submitted an Outline School Travel Plan setting out the commitment to encouraging sustainable mode of transport and the development of this into a formal School Travel Plan and its regular review would be secured via condition. Furthermore, a sum of £1500 would be secured via S106 for implementation and monitoring of the School Travel Plan by the Council's School Travel Plan Coordinator. It is noted that the School Travel Plan would play an integral role in mitigating any adverse impacts of the development on the surrounding highway network by encouraging sustainable modes of transport.

Servicing:

- 8.51 Servicing of the site would be from Nelson Street which is the same as the existing situation. A servicing bay has been retained which would be required given the school intends to provide on-site catering. The applicant has committed to developing a Service and Management Plan in accordance with the London Freight Plan and TfL's best practice guidance. The school does not anticipate it would generate a significant level of servicing demands. The full details of this would be contained within a delivery and servicing management plan secured via condition. This would need to set out details of when and how servicing would occur. The condition would also seek to ensure all servicing is off-street.
- 8.52 The conditions requested by TfL and LBTH Highways would be attached as requested.

- 8.53 In conclusion, it is evident that careful consideration of the impact of the school on the surrounding highway network has been carried out. In order to ensure that the proposed school would not have an impact on capacity and safety of the surrounding highway network, measures such as staggering start and finish time, allocating drop-off times, and encouraging sustainable transport options would need to be carefully managed. However, officers consider through the use of conditions and securing financial contributions that this impact can be managed. As such, whilst there were concerns about the suitability of this site for a school, in line with policy officers have sought to manage impacts through the use of conditions and as such the proposed development is considered to be in accordance with policy.

Amenity

- 8.54 Strategic policy SP10 of the CS, saved policy DEV2 of the UDP and policy DM24 of the MD-DPD seek to protect the amenity of residents of the borough.

Overlooking and loss of privacy:

- 8.55 Local residents have raised concerns about the impact of overlooking and loss of privacy should the building be used as school. There are residential properties to the west on the opposite side of New Road with a separation distance of approximately 15 metres. There are also residential properties to the north on the opposite side of Nelson Street with a separation distance of approximately 12.4 metres. It is noted that this is an existing building which in the past was in use as an office. The proposal also includes alterations at sixth floor level which includes removing the existing structures and erecting a double height volume along the northern edge with an outdoor terrace along the southern edge. It is not considered that the use of the building as a school have a worse impact than the existing situation with regard to overlooking and loss of privacy. With regard to the new extension it would be used as a hall and includes a large glazed area along New Road. Given, the separation distance and the difference in height between the three storey residential dwellings on the opposite side of New Road it is not considered there would be an adverse impact on amenity.

Daylight and Sunlight:

- 8.56 The application has been accompanied by a daylight and sunlight report to assess the impact of the proposed extensions at roof level on the surrounding residential properties. Properties along New Road and Nelson Street were assessed.
- 8.57 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice - Second Edition' (2011).
- 8.58 In respect of daylight, there are three methods of calculating the level of daylight received known as Vertical Sky Component (VSC), No Sky Line (NSL) and Average Daylight Factor (ADF). BRE guidance sets out that the first test applied should be VSC and if this fails consideration of the NSL test may also be taken into account.
- 8.59 BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 8.60 A daylight and sunlight report has been provided as part of the application documents. Properties within the vicinity of the site were tested and the analysis confirmed that in respect of VSC the following properties accord with BRE guidance:

- § 11-17 New Road
- § 1 Nelson Street
- § 3-17 Nelson Street
- § 18 Nelson street

As such, the impact in respect of daylight and sunlight is considered acceptable.

Noise, Vibration and Fumes:

- 8.61 With regard to noise impacts, bringing the building back into use would result in increased noise from the new users. It is also noted that the school includes a roof terrace. The hours of operation of the school would be from 07:45 – 22:00. It is noted that there is an intention to allow community groups to use the school facilities for meetings after school hours which is why the hours of operation would be until 22:00. It is not considered that these hours of operation are unreasonable given the busy urban location. The main entrance is from Commercial Road which is a busy road with high levels of noise from vehicular traffic. The roof terrace is located along the New Road and Commercial Road elevations which heavily trafficked. It is not considered that the comings and goings of students during the day and into the evening nor the use of the roof terrace would result in an unacceptable level of noise and disturbance. With regard to noise during construction this is managed by environmental health legislation.
- 8.62 The proposed school would have a kitchen within the basement which would serve hot and cold food and would require the installation of plant and flue. The building has existing plant which would be upgraded. In order to ensure that any new plant would not have an adverse impact on the amenity of residents it is proposed to manage the installation of plant via condition.
- 8.63 As such, it is not considered that the proposed development would have an adverse impact on the amenity of surrounding residents which accords with policy.

Proposed Use:

- 8.64 The Environmental Health Department has raised objections to the proposed school given the location of the building in an area with high levels of noise and vibration from traffic and poor air quality. The Environmental Health Department is concerned that the development would not comply with Building Bulletin 93: Acoustic Design of Schools: A Design Guide (BB93) which was issued by the Department for Education.
- 8.65 BB93 specifies targets for indoor ambient noise levels in teaching and study spaces and the applicant has advised that they would achieve the Alternative Performance Standard. As with many schools across the borough the building would need to rely on mechanical ventilation given it would not be possible to have opening windows. This is as per the existing situation. Furthermore, the DfE are satisfied that the school accords with the relevant standards for free schools.

Design and layout:

- 8.66 Strategic policy SP10 of the CS and DM23 and DM24 of the MD-DPD, seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. Saved UDP policies DEV1 and DEV2 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials.
- 8.67 The existing building is six storeys with plant above. The proposal includes the removal of the existing sixth floor level and plant above and erection of a modern double height extension which would provide a hall for the school. The remainder of the roof would

include a roof terrace, covered walkway and plant.

- 8.68 The proposed extension would be clad in standing seam metal panelling system. Interest will be added along the west elevation which is glazed.
- 8.69 In terms of height, the proposed double height extension is only marginally higher than the existing plant. The proposed design of the extension would be appropriate for an educational use and indicates the change of use of the building. The new plant area would be screened. The external roof terrace would also be screened with fencing and covered. The proposed full height flue would be located on the northern elevation which wraps behind 159 Commercial Road and would be clad in materials to match the existing building.
- 8.70 In conclusion, the design, bulk scale and massing of the proposed extension is considered acceptable. This is a corner building and an additional storey would be acceptable addition and in keeping with the surrounding area. The proposed materials would be controlled via condition in order to ensure a high design quality.
- 8.71 The proposal only includes minor alterations to the external faces of the building. These works include the installation of a new fire exit door along Commercial Road and the alteration of the rear servicing area to create access for refuse, cycle, parking and servicing. The proposed alterations are considered acceptable given they are in keeping with the host building and the character of the area. The proposals would not affect the setting of the nearby listed buildings nor the character and appearance of the Myrdle Street Conservation Area. It is noted that a separate application for advertising consent would be required for the proposed signage. The applicant would be advised of this.
- 8.72 The Wapping High School intends to teach the curriculum through open spaces and flexible learning styles, similar to the Swedish Schools Model. This has influenced the design and layout of the school, which includes open plan flexible learning zones and smaller class room areas.
- 8.73 The Department of Education has advised that the school has undergone a pre-opening inspection by Ofsted, which concluded that the school was likely to meet the standards. The Department for Education has confirmed that it does not require Free Schools to adhere to Building Bulletin 98 requirements as they are Independent Schools and governed by the Independent Schools Standards and Regulations. Furthermore,
- 8.74 With regard to policy DM18 (d) part (ii) which requires schools to comply with the relevant standards the Department of Education has confirmed that the proposed school would comply with the Independent School Standards.

Energy and Sustainability

- 8.75 Climate change policies are set out in Chapter 5 of the London Plan, strategic policy SP11 of the Core Strategy and policy DM29 of the MD DPD. These collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.76 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.77 The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2

emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).

- 8.78 Policy SO3 of the CS seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.79 Policy DM29 of the MD-DPD requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential developments to achieve a Code for Sustainable Homes Level 4 rating and all non-residential schemes to achieve a BREEAM Excellent rating.
- 8.80 The applicant has submitted an Energy and Renewables Strategy (dated July 2012) detailing that carbon emission reduction would form an integral part of the proposal to convert the existing office building to a school. The submitted Strategy, advises that y adopting best practice including the London Plan energy hierarchy significant carbon reduction has been achieved through sustainable technologies. Sufficient detail of how this would be achieved was not provided as part of this application, and this matter would be controlled via condition.
- 8.81 The applicant intends to achieve BREAM 'Very Good' whereas policy would seek the achievement of an 'Excellent' rating. Due to the constrained nature of the site in terms of footprint, location and access achieving BREAAAM 'Excellent' may be technically and financially unviable according to the applicant. A condition to secure a minimum of BREAAAM 'Very Good' would be required via condition.

Planning Contributions and Community Infrastructure Levy

- 8.82 Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:
- § Necessary to make the development acceptable in planning terms;
 - § Directly related to the development; and
 - § Are fairly and reasonably related in scale and kind to the development.
- 8.83 This is further supported by policy SP13 of the CS and saved policy DEV4 of the UDP which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.84 The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development.
- 8.85 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012, and sets out the criteria for assessing the need for financial contributions. The proposal is for an educational use and as such does not trigger the need for financial contributions.
- 8.86 However, as part of the assessment of the application the borough highway officer has advised that in order to mitigate the impacts of the development on the surrounding

highway network a contribution towards highway safety measures would be required along with a contribution towards monitoring the School Travel Plan.

8.87 The proposed heads of terms are:

§ A contribution of **£5,000** towards highway safety measures.

§ A contribution of **£1,500** towards implementing and monitoring a School Travel Plan.

8.88 Officers consider that that the contributions being secured are appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

8.89 The proposed development is not liable for CIL.

Human Rights

8.90 Planning decisions can have Human Rights Act 1998 implications and in terms of relevant provisions of the Human Rights Act 1998, the following are particularly highlighted to Members:-

8.91 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

8.92 § Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;

§ Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and

§ Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "*regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole*".

8.93 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

8.94 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of increased traffic generation on the highway and any noise associated with the use are acceptable and that any potential interference with Article 8 rights would be legitimate and justified.

8.95 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

8.96 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

8.97 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into

account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

8.98 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions to be entered into.

10.0 Conclusion

10.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.