

Committee: Development Committee	Date: 31 st March 2010	Classification: Unrestricted	Agenda Item No: 7.x
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Shay Bugler		Ref No: PA/09/2499	
		Ward(s): Shadwell	

1. APPLICATION DETAILS

- 1.1 **Location:** Walburgh House, Jamiatal Ummah School, 56 Bigland Street, London, E1 2ND
- 1.2 **Existing Use:** Second level school and associated library and prayer facilities
- 1.3 **Proposal:** Demolition of existing buildings and erection of an eight storey building plus three basement levels, including an open play area and terrace and erection of a new building to provide a two form entry secondary school, community centre, student accommodation, funeral facilities, library, multi-purpose sports hall, gymnasium, retail unit, cafeteria, crèche, health facility, basement level car parking; cycle storage and refuse storage facilities.
- 1.4 **Drawing Nos:** 640/1024 Rev C; 640/1025 Rev C; 640/1033 Rev B; 640/1051 Rev B; 640/1052 Rev B; 640/1053 Rev B; 640/1061 Rev B; 640/1062 Rev B; 640/1063 Rev B; 640/1064 Rev B;
- 1.5 **Supporting Documents**
- Structural Assessment of potential for reuse of existing building by Campbell Reith consulting engineers dated November 2009
 - Transport Assessment by ML Traffic Engineers (Version 1) dated November 2009
 - Document entitled "Response to a meeting with Borough Council of Tower Hamlets" by ML Traffic Engineers dated 24th February 2010
 - Energy Statement prepared by Eight Associates dated 10th February 2010
 - Energy Statement addendum by Eight Associates dated 3rd March 2010
 - Planning & Regeneration Statement prepared by CgMs consulting dated November 2009
 - Design & Access Statement prepared by PA Architects Ltd dated November 2009
 - Impact Statement by CsMs consulting dated November 2009
 - Appendices to Impact Statement prepared by CsMs dated November 2009
 - Cycle & motor cycle parking provision dated 23rd February 2010 by PA Architects Ltd

- 'Transport (Travel) Survey of the existing Darul Ummah dated 23rd February 2010 by PA Architects

1.6 **Applicant:** Dawatul Islam for Darul Ummah Community Centre

1.7 **Owner:** Dawatul Islam

1.8 **Historic Building:** N/A

1.9 **Conservation Area:** N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Plan 2008 (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 (as saved September 2007) and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007) for the purposes of Development Control (October 2007): Core Strategy Development Plan Document 2025 (Submission version December 2009), and Government Planning Policy Guidance and has found that:
- 2.2 The proposed demolition of the existing building is acceptable as it is not listed or located within a Conservation Area. As such, planning consent for the demolition is not required.
- 2.3 The proposal will provide a valued facility for local residents which will provide numerous benefits in terms of education, social and community facilities, whilst respecting the existing residential activity adjoining the site. It is therefore considered to be in accordance with saved policy SCF11 of the Unitary Development Plan 1998, policies CP27 and SCF1 of the Interim Planning Guidance October 2007 and policies SP03 and SP07 of the Core Strategy Development Plan Document 2009 which seek to support community services and facilities where they do not affect or detract from the amenity of adjoining residential occupiers.
- 2.4 The proposal is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.
- 2.5 Subject to conditions requiring the submission and approval of details and samples of finishing materials and landscaping, it is considered that the building height, scale, bulk and design is acceptable and in line with policies 4B.8, 4B.9 and 4B.10 of the London Plan 2008, saved policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998, policies DEV1, DEV2, DEV3 of the Council's Interim Planning Guidance (October 2007) and policies SP10 and SP12 of the Core Strategy Development Plan Document 2009 which seek to ensure buildings and places are of a high quality of design and suitably located.
- 2.6 The amenity of adjoining residents will be maintained, subject to conditions controlling the opening hours being implemented, including a prohibition on amplified noise. In addition, there is no undue loss of light, privacy, increased sense of enclosure or overlooking created. As such, the proposal accords saved

policies DEV2, DEV50 and HSG15 of the Unitary Development Plan 1998, policy DEV1 of the Interim Planning Guidance October 2007 and policy SP03 of the Core Strategy Development Plan Document 2009 which seek to safeguard the amenity of residential occupiers of the Borough and to minimise noise disturbance.

- 2.7 Subject to conditions requiring the submission and approval of further transport studies, it is considered that the activity would not adversely impact the adjoining local road network given the accessibility of the site by public transport and that the centre is aimed at local residents. Therefore, the proposal accords with saved policy T16 of the Unitary Development Plan 1998, policies CP41 and DEV17 of the Interim Planning Guidance October 2007 and policies SP08 and SP09 of the Core Strategy Development Plan Document 2009 which seek to ensure development reduces the need to travel and encourages alternative sustainable means of transport to ensure no adverse impacts on the safety or capacity of the transport network.
- 2.8 Sustainability matters, including energy, are acceptable and in line with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan, policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007) and policies SP04, SP05 and SP11 of the Core Strategy Development Plan Document 2009, which seek to promote sustainable development practices.
- 2.9 Contributions have been secured towards the provision of highway works; open space improvements and library and archive facilities are in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to mitigate the impact of the proposed development.

3. RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to:
- 3.2 B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:
- £30, 000 for the pedestrian improvement measures in the area
 - £10,000 for traffic management and traffic order changes
 - £10, 000 for street lighting works/improvement
 - £5,000 towards Parking Management Plan
 - £105,000 towards open space improvements including contribution to Gosling Gardens park which is located opposite the site
 - £3, 640 towards libraries and archives

Non-financial Contributions

- 'Car free' agreement
- Local labour in construction
- Travel Plan required
- Requirement to provide access to community facilities for members of the public
- Code of Construction practice

- 3.3 Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- 3.4 That the Head of Development Decisions is delegated power to impose conditions on the planning permission to secure the following

3.5 **Conditions**

1. Permission valid for 3 years.
2. Submission of samples / details / full particulars of:
 - a. Façade design and detailing;
 - b. facing materials, glazing,
3. Hours of Construction (8.00am to 6.00pm Monday to Friday 9.00am to 5.00pm on Saturdays and not at all on Sunday or Bank holidays)
4. Power/hammer driven piling/breaking (10am – 4pm Monday – Friday)
5. Contaminated land: desk study, site investigation, risk assessment and mitigation
6. Hours of opening – 06.00 – 22.30 hours Monday to Friday and 09.00 – 21.00 hours on Saturdays and Sundays (for all uses)
7. No amplified call to prayer
8. Submission of Service Management Plan
9. Submission of details of cycle parking
10. Submission of Construction Logistics & Management Plan
12. Details of two car parking space to be installed with an electric vehicle recharging point.
13. Details of waste arrangements and their collection should be conditioned.
14. Secure by Design Statement required
15. Details in the approved Energy Strategy shall be implemented
16. Details of refuse & recycling facilities for each use
17. Details of design of ventilation shafts
18. Details of noise mitigation measures
19. Management Strategy for the building
20. Installation of a heat networking supplying all spaces within the development
21. Details of energy cooling strategy
22. Details of BREEM Assessment
23. Schedule of highway improvement works
24. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

3.6 **Informatives**

1. Section 106 agreement required.
 2. Section 278 (Highways) agreement required.
 3. Site notice specifying the details of the contractor required.
 4. Construction Environmental Management Plan Advice.
 5. Environmental Health Department Advice.
 8. Metropolitan Police Advice.
 9. Transport Department Advice.
- 3.7 That, if by 31st June 2010 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

4. **PROPOSAL AND LOCATION DETAILS**

- 4.1 The proposal involves the demolition of the existing building and erection of a 8 storey building plus 3 basement levels to incorporate the following:

FLOOR LEVEL	LAND USES
Basement level 3	Multi-purpose Hall Male/female changing areas Community Cafeteria Garden Court Kitchen
Basement level 2	Gymnasium Activity studio Cafeteria Female changing area
Basement level 1	Car parking /service parking Cycle stores Male WUDU Funeral reception area Access ramp to street level
Ground floor level	Main prayer hall Entrance Concourse Main school access Shop Funeral facility Iman's area
First	Female prayer hall Female WUDU Female Youth Room Creche Play Space Concourse Terrace Residential access entrance
Second	Library Heathcare facility Project Rooms Stores
Third	Secondary school
Fourth	Secondary School
Fifth	Open space/play area
Sixth	Student accommodation
Seventh	Student accommodation

Access to uses

- 4.2 Access to the basement levels are from Bigland Street on the eastern boundary

to the site.

- 4.3 The main entrance to the proposed building is on the corner of Bigland Street and Tillman Street.
- 4.4 The ground floor concourse entrance provides access to the educational, prayer halls and community facilities with a lift leading to the school at third, fourth and fifth floors.
- 4.5 The student accommodation is accessed from a separate entrance on the south side of the building. This facility will accommodate 34 female students.

Site and Surroundings

- 4.6 The site is located in Shadwell on the South side of Bigland Street. The surrounding area is predominantly residential in character. The context of the form of development in the vicinity is established by 4 storey flats to the immediate east, south and north of the site. To the west of Tillman Street is the 22 storey high development of Luke House with an attached 2 storey building used as the local housing office.
- 4.7 Opposite the site is a park, Gosling Gardens, which extends back from the street and then across, westwards, to the boundary of the more recent development of Bigland Green Primary School situated to the north west. Further north, adjacent to Bigland Green Primary, is Mulberry Secondary Girls school with an attached leisure centre. To the west of Luke House there is a hard surface games area for a variety of sports uses.
- 4.8 The application site encompasses the area previously occupied a former London School Board School.
- 4.9 The site has a Public Transport Accessibility Level (PTAL) rating of 6a. As such, the site is highly accessible. The site is located close to Aldgate East and Whitechapel underground stations and within walking distance to Shadwell DLR. In addition, the site is located approximately 250m of distance from bus services on Commercial Road and Cannon Street.

Relevant Planning History

- 4.10 Ref no: PA/98/1365: The conversion of existing laboratory block into 1 bedroom caretakers flat and change existing workshop into a tuckshop plus an extension to enlarge the schools WC provisions. This was approved on 08/03/1999

5. 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 **The London Plan 2008 (consolidated with alterations since 2004) - the Mayor's Spatial Development Strategy**

3A.24	Education facilities
3C.23	Parking strategy
3A.17	Addressing the needs of London's diverse population
3A.18	Protection and enhancement of social infrastructure and community facilities
3A.3	Maximising the potential of sites
3A.13	Special needs and specialist housing
3A.21	Locations for health care
3A.18	Protection and Enhancement of social infrastructure and community facilities
3A.21	Locations for Health Care
3A.25	Higher and further education
3C.1	Integrating Transport and Development
3C.3	Sustainable Transport in London
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
4A.3	Sustainable Design & construction
4A.4	Energy Assessment
4A.6	Decentralised energy heating, cooling and power
4A.7	Renewable Energy
4A.19	Improving air quality
4A.20	Reducing noise and enhancing soundscapes
4A.22	Spatial policies for waste management
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an Inclusive Environment

5.3 Unitary Development Plan (as saved September 2007)

Proposals: Not subject to site specific proposals

Policies: Environment Policies

ST45	Education and training
ST46	Encourage education and training provision at accessible locations
ST37	Enhancing Open Space
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use development
DEV4	Planning Obligations
DEV50	Noise
DEV51	Contaminated Land
EMP1	Encouraging New Employment Uses
EMP6	Needs of Local People
HSG6	Separate Access
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T21	Existing Pedestrians Routes

5.4 Core Strategy Development Plan Document 2025 (Submission Version December 2009)

Policies	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating green and blue grid
	SP05	Dealing with waste
	SP09	Making connected places
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering placemaking – Vision, priorities and principles for Stepney

5.5 Interim Planning Guidance for the purposes of Development Control (Oct 2007)

Policies:	CP4	Good design
	CP27	High quality social and community facilities to support growth
	CP29	Improving education and skills
	CP30	Improving the quality and quantity of open spaces
	CP38	Energy efficiency and production of renewable energy
	CP39	Sustainable waste management
	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessibility and inclusive design
	DEV4	Safety and security
	DEV5	Sustainable design
	DEV6	Energy efficiency and renewable energy
	DEV12	Management of demolition and construction
	DEV13	Landscaping and tree preservation
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV19	Parking for motor vehicles
	DEV22	Contaminated Land
	OSN2	Open space
	SCF1	Social and community facilities
Proposals:	C12	Development Site (Specific uses have not yet been identified)
Core Strategies:	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP2	Equal Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP11	Sites in Employment Use
	CP41	Integrating Development with Transport
CP46	Accessible and Inclusive Environments	
Policies:	Development Control Policies	
	DEV1	Amenity

DEV2	Character & Design
DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV22	Contaminated Land
DEV27	Tall Buildings
EE2	Redevelopment /Change of Use of Employment Sites
RT4	Retail Development
CON1	Setting of a Listed Building
CON2	Conservation Area

5.6 **Supplementary Planning Guidance/Documents**

Designing Out Crime
Residential Space
Landscape Requirements
Archaeology and Development

5.7 **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPG13	Transport
PPS22	Renewable Energy
PPS23	Planning and Pollution Control (2004)
PPG24	Planning & Noise

5.8 **Community Plan** The following Community Plan objectives relate to the application:

A better place for living safely
A better place for living well
A better place for creating and sharing prosperity
A better place for learning, achievement and leisure
A better place for excellent public services

6. **CONSULTATION RESPONSE**

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

LBTH Cleansing

6.2 No comments were received from LBTH Cleansing department.

LBTH Education

- 6.3 LBTH Education officers has expressed concern on traffic and transport impact on Bigland Street. The increase in size of Jamiatul Ummah School will have an impact on travel at key points in the school day for both this school and Bigland Green Primary School which has approximately 470 pupils.

(Officers comment: The applicant is currently undertaking further studies on trip generation and its overall impact on traffic. This will be addressed in the update report)

LBTH Energy Efficiency Unit

- 6.4 The Sustainable & Energy Strategy is acceptable subject to the following conditions:
- Details of energy cooling strategy
 - Details of BREEM Assessment

(Officers comment: The applicant will be required to submit the above details for approval prior to the commencement of works on site. This will be secured by way of condition).

LBTH Environmental Health

Noise & vibration

- 6.5 The Impact Statement states that adequate noise insulation measures is required to ensure good levels of wall insulation to prevent unacceptable levels of noise emanating from activities within the centre. However details of this have not been submitted to the Council.

(Officers comment: The applicant will be required to submit details of noise insulation measures. This will be secured by way of condition)

Code of Construction Practice:

- 6.6 A detailed code of construction practice should be provided by the applicant as well as an agreement for COPA(1974) section 61 with LBTH Environmental Health (COCP) so as protect the amenity of residents of the adjoining/nearby properties.

(Officers comment: The applicant will be required to submit a code of construction practice to the Council. This will be secured in the S106 Agreement)

Daylight & Sunlight

- 6.7 The Daylight & Sunlight officer has assessed the submitted Daylight & Sunlight report and is satisfied that the Development will not result in unacceptable loss of daylight and sunlight levels to surrounding properties).

LBTH Highways

- 6.8 The Transport Assessment does not sufficiently address the following Highways matters:

- Service and delivery management
- Cycle parking
- Trip generation & its associated impact on traffic matters

(Officers comment: The applicant shall be required to submit details on cycle parking, servicing & delivery management prior to the commencement of works on site. This will be secured by way of condition.

The applicant is currently undertaking further studies on trip generation and its overall impact on traffic. This matter will be addressed in the update report).

Transport for London (Statutory)

- 6.9 Transport for London note that the scheme is not referable to the Greater London Plan and that the site is “relatively remote from the TLRN (A13) and is not directly above the East London Line tunnels of DLR”. TFL do not wish to formally comment further of the scheme.

Environmental Agency

- 6.10 The Environmental Agency has confirmed that they do not have any formal objections to the principle of the proposed development but notes the following with respect to ground quality and land contamination:

Groundwater Quality

- 6.11 The construction of the building with a deep basement extends through the silts, and into the London Clay. Best practice needs to be applied to avoid any contaminants being introduced into the shallow aquifer, or the Ground Water flow being disrupted for any reason.

(Officers comment: The Environmental Agency have not requested to condition groundwater quality details. The applicant is advised to contact the Environmental Agency to discuss the matter of groundwater quality further. This advice will be attached as an informative to the decision notice).

Land Contamination

- 6.12 It is recommended that the requirements of PPS23 and the Environment Agency Guidance on Requirements for Land Contamination Reports and EA Land Contamination: A Guide for Developers should be followed.

(Officers comment: The applicant is required to submit a land contamination study. This will be secured by way of condition)

7. LOCAL REPRESENTATION

- 7.1 A total of 334 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 in East End Life and on site. The number of representations received from neighbours were as follows:

No of responses:	Objecting: 5	Supporting: 328
No of petitions:	Objecting: 0	Supporting: 0

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:

Objections

Amenity

- 7.2 An eight storey building will cast a greater shade over Chapman House. This would adversely impact on daylight levels to this property.

(Officers comment: A daylight & sunlight report was submitted as part of the formal application. The report confirms that the extent of overshadowing to the rear gardens at Chapman House is less than 20%. As such, it complies with BRE guidelines. The proposal will not have an adverse impact in terms of overshadowing or loss of daylight).

- 7.3 The proposal will result in excessive noise, loss of light and loss of a green area.

(Officers comment: With reference to noise, details of noise mitigation measures will be submitted and approved in writing prior to the commencement of work on site. This will be secured by condition. With reference to loss of daylight, the proposal would not result in an due loss of daylight to surrounding properties as demonstrated in the Daylight & Sunlight report and verified by the Councils Daylight & Sunlight officer. With reference to "a loss of a green area", there is no loss of a green area on site. Therefore, the proposal will not result in the loss of green open space).

Design & land use

- 7.4 The scale of development does not relate to its context and will result in overdevelopment of the site.

(Officers comment: It is not considered that the scale of development would not lead to overdevelopment of the site. The scale of the development responds to the surrounding content and provides a valuable social and community facilities accessible to all members of the public)

- 7.5 With reference to historic buildings, a recent English Heritage document concludes that refurbishment rather than demolition is usually the most sustainable option of historic school buildings.

(Officers comment: English Heritage have not made a recommendation to retain the existing building on site)

- 7.6 The existing site should not be demolished for the following reasons:

- The site contains a cookery centre, designed by Robson, which is a pioneering example of such additions, that were intended to provide

practical and vocational training for children.

- The existing building is one of the earliest surviving " Queen Anne" board school in London. It is of national importance as various " Queen Anne" styles were used by Robson and Bailey for practically all the board schools built in London between 1874 and 1904.
- In the playground there is a little single storey building which is possibly the sole surviving example from Robson's first generation of purpose built cookery centres for girls.
- The building is of historical value and should be saved for the enjoyment of the community it serves and for the benefit of future generations.
- The retention of historic school buildings is a far more sustainable option than demolition and redevelopment which takes no account of the embodied energy in the hard-wearing materials used for historic buildings.
- The building is an important landmark for the area and represents a remarkably complete board school site.
- The former lower Chapman Street School building is an early example of a London Board school. Between 1870 and 1902 hundreds of Board Schools were built in London with the intention of providing primary education for all children. The former lower Chapman Street Board School is a local landscaping and has architectural interest and should be preserved.

(Officers comment: The existing building is not nationally or locally listed building. Neither English Heritage or the Council has deemed the building necessary to be listed. In addition, the building is not in a Conservation Area. As such, the Council does not have planning powers to retain the building. Notwithstanding, the existing building is in poor condition and does not contribute to the appearance of the area. It is considered that the proposal scheme will enhance the appearance of the area whilst providing a valuable social and cultural community facility for the public).

7.7 The existing building should not be demolished for the following reasons:

- The assertion by the applicant that the conversion of the existing building would not be feasible and would result in an inefficient use of space is unsubstantiated and implausible.
- The building itself has been passed as fit to be adapted for a new purpose and can be safely renovated as the building itself is in fine shape and open for these changes.
- Victorian and Edwardian schools can provide very good working environments with their large, airy rooms allowing in fresh air and natural light.

7.8 *(Officers comment: The applicant has not provided a viability assessment to demonstrate that the refurbishment of the existing building would be*

feasible. However, the applicant has submitted a Structural Assessment which examines the potential for reuse of the existing building. The report concludes that:

a):” The existing buildings are currently perceived to be in a satisfactory state of repair. However, they are not, or are unlikely to comply with current Building Regulations requirements in a number of key areas, principally in respect of thermal losses through the fabric, fire resistance, and air tightness. In addition the current provisions for disabled persons access need to be improved and the services installations throughout the building need to be assessed and replaced/upgraded to meet with current standards and to suit the proposed configuration of the redeveloped school.

b): Retention of the existing building imposes substantial constraints on the size and layout of accommodation which can be provided on the site, and in addition requires substantial structural and fabric alterations to be undertaken to upgrade the building to current standards”.

It is considered that the existing building does not provide a high quality working environment for students. The replacement of the existing building will provide a new facility which meets the requirements of the school and local community in a much more efficient and comprehensive manner than the refurbishment and extension of the existing structure).

Highways

- 7.9 The proposal will result in a substantial increase in traffic to the surrounding area. Extra parking will lead to further congestion.

(Officers comment: Details of the trip generation assessment will be addressed in the update report. Notwithstanding, there are no new additional car parking spaces proposed. The site has a PTAL rating of 6a which means that the site is highly accessible. As such, it is not considered that the proposal will result in a substantial increase in road traffic to the area).

- 7.10 The change in road line in front of the building on Bigland Street site should be addressed as this causes highways problems.

(Officers comment: There is no evidence to suggest that the layout of the building would cause highways concerns)

Support

- 7.11 As noted in section 7.1 of the report, the proposed scheme received 328 letters of support. The scheme is supported on the following grounds:
- 7.12 The new building will improve learning & sports facilities.
- 7.13 The existing school building is in poor condition and has no playground facilities. The proposed development provides much needed community facilities

including new play facilities; refurbished gym, school and Mosque.

- 7.14 The new building will be modern, open and welcoming to all its local residents and the member of public.
- 7.15 The new building will have state of the art technology and more courses will be offered to 2nd level students.
- 7.16 The proposal will offer a modern outlook which will compliment the recent modernisation of Shadwell area.
- 7.17 The proposal provides a much needed comprehensive centre.
- 7.18 (Officers comment: All representations (both letters of objection & support have been taken into consideration in the assessment of the application)

8. MATERIAL PLANNING CONSIDERATIONS

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

- Demolition of existing building
- Land Use
- Design
- Amenity
- Highways
- Energy & Sustainability

Demolition of existing building

- 8.2 The existing building was originally used as a board school and over the years became used as a day school and place of worship. Planning permission is required to demolish a building only if the building is listed or falls within a Conservation Area. The existing building is not listed nor is it in a conservation area. As such, planning permission for the demolition of the existing building is not required.
- 8.3 The demolition of the existing building and replacement with the proposed development will result in a high quality multi functional building which provides a valuable community facility to all as discussed in the following sections of the report.
- 8.4 English Heritage not formally consulted on the proposed redevelopment of the site as the building is not listed. As such, English Heritage is not a Statutory consultee for this application. Notwithstanding, English Heritage has noted that " As the Government's statutory adviser on the historic environment with responsibility for listing, the Secretary of State asked us whether the building holds special architectural or historic interest".

(Officers comment: English Heritage have not formally responded as yet. As such, the views of English Heritage on the architectural and historic value of the building are unknown at present).

Land use

Secondary school

- 8.5 The principle of a secondary school use has already been established on site. The proposal will facilitate the expansion of the Jamiatal Ummah Secondary school from its present student population of approximately 150 students to 300 students. The current school is a single form entry; the proposal is for a two form entry with A level intake.
- 8.6 Saved policy ST45 of the UDP (1998) seeks to ensure that sufficient buildings are available to meet all existing and future educational needs arising in the Borough. Saved policy ST46 of the UDP encourages educational and training provision at locations which are accessible to the Borough's residents. Policy CP29 of the Interim Planning Guidance (2007) seeks to improve education and skills within the Borough through educational and training initiatives and adequate education facilities. These policies are, in turn, supported by policy SP07 of the Core Strategy DPD which seeks to improve education and skills by supporting developments which encourage local enterprise.
- 8.7 Policies ST47, ST48 & ST49 (Education & Training) stipulates that the Council will encourage education and training at locations accessible to the boroughs residents, with measures to support the skills requirements of residents and businesses and to maximise the benefits offered by educational facilities.
- 8.8 Policy EDU3 of the UDP advocates that permission for new or extended schools and nurseries will be considered favourably where the Council is satisfied that there is a need for the proposal and that it is on a site which is easily accessible by public transport and accords with other UDP policies relating to Environment, Transport, Economy & Employment. Policy EDU5 of the UDP states that the dual use of education facilities for social, sports, cultural and recreational use will be allowed where there is no adverse impact on the amenity of nearby residents. CP29 of the IPG (Oct 2007) refers to the support for education providers which address the skills requirements through adequate education facilities.
- 8.9 The proposal site has a PTAL rating on 6a. As such, the site is very accessible by public transport. The expansion of the school addresses the requirements of the local community. The Socio Economic Assessment submitted by the applicant illustrates that there is a significant requirement for additional school places post 2015, whether a low or high increase in population occurs.
- 8.10 It is considered that a larger secondary school with improved facilities (social, sports, cultural) on site would benefit the local community. In addition, the use would not have an adverse impact on the amenity of local residents.
- 8.11 The proposal therefore adequately complies with policies ST47, ST48, ST49, EDU3 & EDU 5 of the UDP; policy CP29 of the IPG (Oct 2007) & SP07 of the Core Strategy Document (Submitted version dated December 2009) which seeks to ensure that education facilities are easily accessible and offer a benefit to the community.

Student accommodation

- 8.12 The proposed third level student accommodation is located on the sixth and

seventh floors. The student accommodation is designed for 34 (female students). The applicant notes that "the provision of female only student accommodation is regarded as an important element of the proposed development. It is seeking to make available accommodation to female students wishing to attend universities and colleges in London but currently unable to do so because there is very limited female accommodation available".

- 8.13 Pursuant to the Mayor's Policy 3A.25, the Mayor and boroughs should work with the LDA and higher education sectors to ensure that housing needs are met including the provision of student accommodation. In general, Policy HSG 14 of the LBTH UDP 1998 as well as Policy CP24 of the Interim Planning Guidance encourage student housing in the borough. Policies CFR1 of the City Fringe AAP identify that the Aldgate is appropriate for student accommodation, given the presence of London Metropolitan University (LMU) and the potential consolidation of its activity to this area. The site is located within close proximity to LMU. As such, the proposed specialised student accommodation for 34 students on the subject site is appropriate and acceptable.

Social and community facilities

- 8.14 Apart from a secondary school and student accommodation use, the proposal makes provision for the following social and community facilities:
- a) library
 - b) community centre
 - c) health care facility
 - d) crèche
 - e) multi purpose sports hall
 - f) gymnasium
 - g) retail unit
 - h) cafeteria
 - i) prayer hall and funeral facilities
- 8.15 Policy 3A.18 Protection and enhancement of social infrastructure and community facilities seeks to ensure facilities which include services for young people, older and disabled people, sports and leisure facilities, libraries, schools, nurseries and childcare facilities, community halls, meeting rooms and places of worship are being met wherever possible and are within easy reach by walking and public transport for the population that uses them.
- 8.16 Policy 3A.17 of the London Plan seeks to ensure that the needs of diverse groups are identified. The policy states that the spatial needs of these groups are met wherever possible, both through general policies for development and specific policies relating to the provision of social infrastructure including healthcare and social care, the public realm, play space and open space, inclusive design and local distinctiveness, community engagement, access to employment/skills development opportunities. This policy should have particular relevance to the additional guidance set out in the 'Planning for equality and diversity in London' SPG which accompanies the London Plan. This guidance has particular reference to the existing disparities experienced by London's older people, children, women and black, Asian and minority ethnic groups. The document aims to ensure an inclusive London that builds upon its diversity. In the case of this application, it is considered that this policy is relevant in the case of the redevelopment of Walburgh House Jamiatal Ummah School in providing 2 prayer halls and funeral facilities for the local community.

- 8.17 Policy CP27 of the Interim Planning Guidance (2007) and policy SP03 of the Core Strategy SPD (2009) build upon policy 3A.17 of the London Plan, and support the provision of high quality social and community facilities. The policies specifically support the multiple use of social and community facilities, for a mix of sporting, social, cultural and recreation uses, provided there are no adverse impacts on the amenity of residents and the facility is accessible. Again, the proposal is supported by these policies.
- 8.18 With specific reference to the health care facility, the proposal conforms with policies ST49, ST50 and SCF4 of the UDP as the health care facilities are highly accessible and do not adversely impact on residential amenity.
- 8.19 With reference to the recreational facilities, as there will be an increase in the number of students attending the second level school, the need for high quality recreational space will increase. The sports facility and gym proposed is accessible to all members of the public outside of school hours. This will be secured in the S106 Agreement. The new facility will act as an important meeting facility for people in the area. The proposal complies with policies ST38 & ST39 of the UDP which seeks to ensure that sports facilities are provided in appropriate locations and are accessible to all.
- 8.20 The proposal conforms to policy SCF1 of the Interim Planning Guidance (2007), as it is considered that the proposal continues to ensure that community facilities have a high level of accessibility.
- 8.21 In light of the above, it is considered that the proposal social and community uses are supported by the aforementioned policies within the London Plan, Interim Planning Guidance and saved Unitary Development Plan and is therefore acceptable in principle.

Design

- 8.22 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at high quality design, which incorporate the principles of good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG and policies SP10 and SP12 of the Core Strategy DPD (2009).
- 8.23 Policies DEV1 and DEV2 of the UDP, policy CP4 of the IPG October 2007 and policy SP10 of the Core Strategy DPD (2009) stipulates that the Council will ensure developments create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.24 The Council's Principal Urban Designer has reviewed the proposal and has raised no concerns regarding the bulk, height and mass of the building. The form and scale of the development is a direct response to the community uses proposed. The modern design will enhance the appearance of Bigland Street. In addition, the design approach of using different materials to reflect the different uses articulate the building well and adds to the overall design quality.
- 8.25 The layout of the development is supported by officers. The main entrance to the proposed building is on the corner of Bigland Street and Tilman Street. The building is set in from the back of the pavement at this point to create an open forecourt in front of the building. The entrance to the building will include an arch extending from ground to overhanging third and fourth floor levels. Design features such as the arch at the entrance on the ground floor, adds to the visual interest of the development.
- 8.26 Further details and samples of materials will be provided. Conditions have been added to secure the submission and approval of materials. Notwithstanding this, it is considered that the proposal complies with the aforementioned policies in paragraph 8.22 to 8.23 of the report.

Amenity

Daylight /Sunlight Access

- 8.27 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.28 Policy DEV1 of the Interim Planning Guidance states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 8.29 The applicant submitted a Daylight and Sunlight report which looks at the impact upon the daylight, sunlight and overshadowing implications of the development

upon itself and on neighbouring residential properties.

1. Daylight Assessment

- 8.32 Daylight is normally calculated by two methods - the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the rooms use.
- 8.33 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:
- 2% for kitchens;
 - 1.5% for living rooms; and
 - 1% for bedrooms.
- 8.34 The results of the assessment demonstrate that the majority of the neighbouring windows and rooms assessed within the existing properties will comply with the BRE VSC and ADF guidelines. The Councils Daylight and Sunlight Officer notes that whilst certain properties (2 Burwell House, 8 to 20 Morris Street & 1-19 Pace Place), do not fully comply with VSC guidelines, these properties achieve adequate daylight levels in accordance with ADF tests set out in the BRE guidelines. This is considered to be acceptable. Overall, the daylight levels achieved complies with BRE guidelines.

Sunlight

- 8.35 The BRE guide recommends that main living room windows should receive at least 25% of the total annual probable sunlight hours, including at least 5% of the annual probable sunlight hours during the winter months between 21st September and 21st March. Sunlight availability will be adversely affected if both the total number of sunlight hours falls below these targets and is less than 0.8 times the amount before the development.
- 8.36 The daylight and sunlight report notes that isolated windows at 59 Timberland Road, 62 to 88 Bigland Street, 8 to 30 Morris Street and 1 to 9 Pace Place do not fully comply with the BRE direct sunlight requirements. Notwithstanding this, the windows at 62 to 88 Bigland Street and 8 to 30 Morris Street are set back beneath overhanging balconies. Therefore, this limits the amount of sunlight that is received and even before the development. It is widely understood that the majority of the recessed windows do not meet the minimum BRE requirements. Windows that are in a similar location (i.e those that are not recessed) pass both the total and winter sunlight hours test.
- 8.37 The overall sunlight values achieved for all other properties remains acceptable. Given the urban context of the site, it is considered that a reason for refusal based on the minor loss of sunlight to a small number of properties could not substantiate a reason for refusal.

Overshadowing

- 8.38 The BRE guide recommends that for an open space to appear adequately lit throughout the year, no more than 49% and preferable no more than 25% of its

area should be prevented from receiving any sunlight at all on 21st March.

Sense of Enclosure

- 8.39 Unlike, sunlight and daylight assessments or privacy, these impacts cannot be readily assessed in terms of a percentage. Rather, it is about how an individual feels about a space. It is consequently far more difficult to quantify and far more subjective.
- 8.40 Notwithstanding, it is considered by officers, that, given the location and orientation of the proposed buildings, it is not considered that the proposals would not result in an unacceptable sense of enclosure to neighbouring residential occupiers.

Noise

- 8.41 Saved policy DEV2 of the UDP, policy DEV1 of the IPG October 2007 and policy SP03 of the Core Strategy DPD 2009 state that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. Saved policy HSG15 of the UDP seeks to protect residents from undue noise disturbance from development.
- 8.42 An increased number of visitors may result in raised levels of noise and disturbance to nearby residents. The hours of operation for the social and community uses will be conditioned so as to ensure that surrounding residential amenity will be protected from late /early noise concerns.
- 8.43 With specific reference to the prayer hall use, it is understood that the last prayer would not normally finish later than 11pm, which would not be considered to be unusually late and cause significant disturbance to residents. A condition is suggested to prevent the amplified call to prayer. The opening hours will also be controlled by condition. These have been agreed by the applicant.
- 8.44 The Council's Environmental Health department, consider that subject to the attachment of appropriate conditions and informatives, the proposed building would create not result in an undue loss of amenity to nearby residents. As such, it is considered that the proposal accords with the abovementioned policies.

Highways

- 8.45 Both the UDP (1998) and the IPG (Oct 2007) contain a number of policies which encourage the creation of a sustainable transport network which minimises the need for car travel, and supports movements by walking, cycling and public transport.

Access

- 8.46 All proposed uses on site are accessed from Bigland Street. The main entrance to the proposed building is on the corner of Bigland Street and Tilman Street. The building is set in from the back of the pavement at this point to create an open forecourt in front of the building. The entrance to the building will include an arch extending from ground to overhanging third and fourth floor levels. The main community facilities are located on basement levels 1 to 3, on the ground floor, first and second floors, with lift access to all levels. The access

arrangements for the different uses are considered to be acceptable.

Parking

Car parking

- 8.47 Currently, there is provision for 10 car parking spaces on site. The new proposal makes provision for 10 car parking spaces. As such, the proposal does not increase the number of car parking spaces on site. This approach is supported by officers. Of the 10 car parking spaces provided, 4 will be disabled car parking places. This is considered acceptable. In addition, the provision of 3 motorcycle parking spaces is supported by officers.

Cycle Parking

- 8.48 The applicant is currently assessing cycle parking requirements against IPG policy standards. The provision of cycle parking spaces will be addressed in the update report.

Servicing

- 8.49 Currently the building receives service vehicles once a week making deliveries of school related products (books) & office supplies.
- 8.50 The expansion of the school, and other related activities will increase service deliveries. The major source of increased service deliveries is expected to be in relation to the cafeteria use. Following initial comments from LBTH Highways, the applicant has removed on street servicing which is supported by officers. The site will now be serviced on site. However, insufficient information has been provided in relation to the servicing requirements for all uses proposed. As such, the applicant is required to submit a Service Management Plan by way of condition. Nevertheless, the principle of on site servicing is acceptable).

Refuse & recycling facilities

- 8.51 The movement of refuse bins on collection days needs to be managed by the development. The area where refuse bins are to be located on collection day needs to be identified for all uses and needs to be off the public highway. Details of location and management of refuse and recycling facilities for each use shall be submitted and approved in writing by the LPA. This will be secured by way of condition.
- 8.52 The applicant is currently preparing a response to the outstanding matters raised by LBTH Highways with regard to layout; trip generation and its associated impact. All outstanding matters will be reported in the presented in the update report.
- 8.53 Subject to conditions, the proposal is likely to meet highways policies DEV1 and T16 in the UDP 1998, policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007 and policy SP08 in the Core Strategy (Submission Document- Dec 2009). However further information has been requested to ensure acceptability in line with policy requirements. This information will be submitted by the applicant and additional

comments will be circulated at the committee meeting.

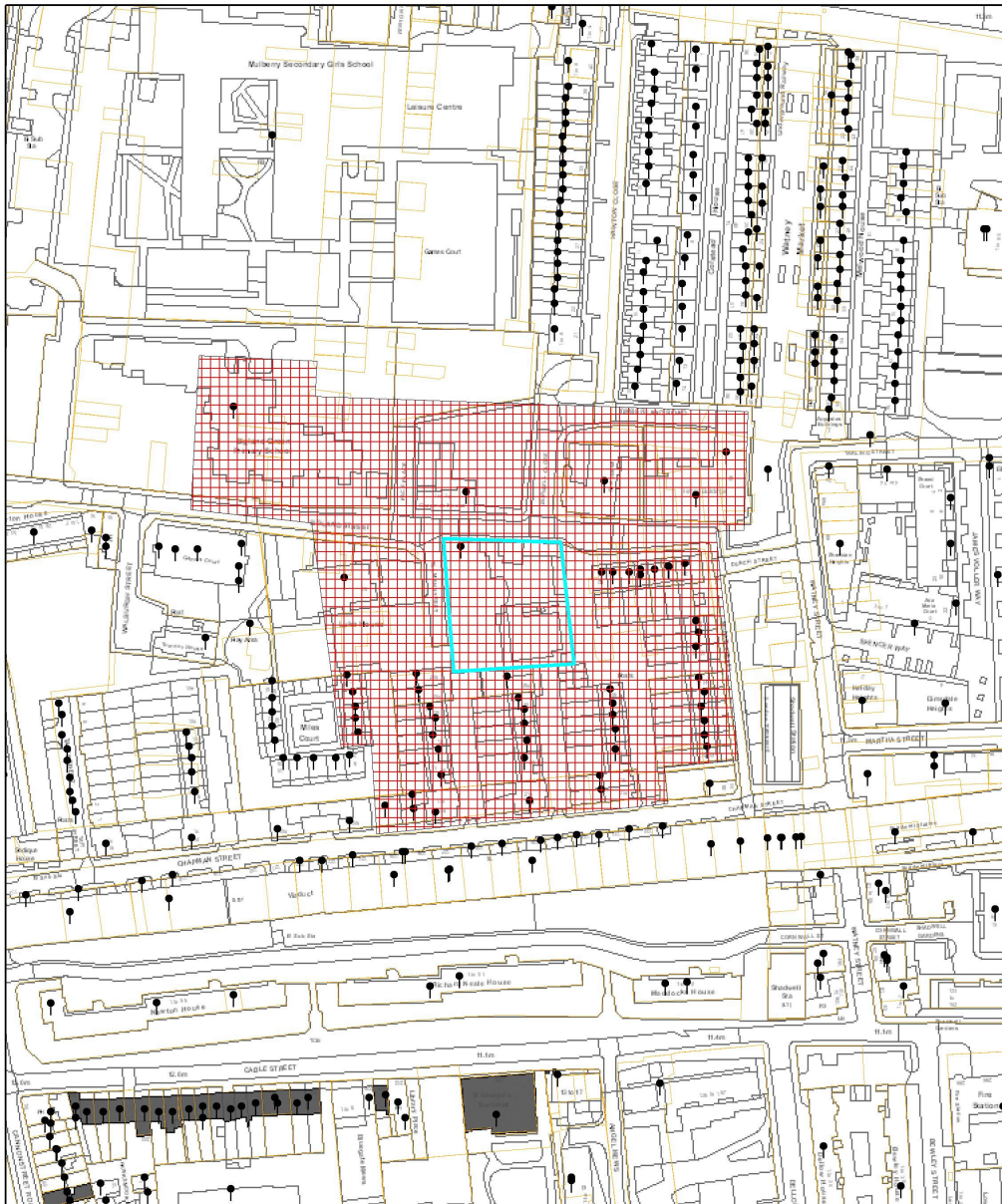
Sustainability

- 8.54 The consolidated London Plan (2008) energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and technologies, and renewable energy technologies where feasible. Policy 4A.7 adopts a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from onsite renewable energy generation (which can include sources of decentralised renewable energy) unless it can be demonstrated that such provision is not feasible.
- 8.55 According to policy DEV6 of the IPG, 10% of new development's energy is to come from renewable energy generated on site with a reduction of 20% of emissions.
- 8.56 LBTH Energy officer notes that the Sustainable Energy Strategy is considered appropriate for the development and the London Plan energy hierarchy has been followed appropriately. The use of combined heat/power and photovoltaics to result in a 29%. This is supported by officers.
- 8.57 A 'BREEAM' assessment has been undertaken against the BREEAM for Education 2008 assessment criteria. This has been undertaken as it '*most closely reflects the building type*'. The proposed development achieves a BREEAM rating of 'Excellent' against the Education 2008 criteria. It is recognised that a standard BREEAM assessment methodology is not available for this scheme and a bespoke assessment is required. LBTH will seek the development to achieve an 'Excellent' rating under the Bespoke criteria.
- 8.58 LBTH Energy team recommend that the following conditions be attached to the decision notice:
- a): The installation of a heat network supplying all spaces within the development to ensure reduction in carbon dioxide emissions.
 - b): Details of cooling strategy to ensure the reduction in carbon dioxide emissions in accordance with policies 4A.1 and 4A.6 of the London Plan 2008 (Consolidation with alterations since 2004) which seek to mitigate climate change and minimise carbon dioxide emissions
 - c): Details of BREEM Assessment to ensure the highest levels of sustainable design.
- 8.59 The reason for attaching conditions 'a' & 'b' above is to ensure a reduction carbon dioxide emission in accordance with Policies 4A.1 and 4A.6 of the London Plan 2008 (Consolidated with Alterations since 2004) which seeks to mitigate climate change and minimize carbon dioxide emissions.
- 8.60 The reason for attaching condition 'c' above is to ensure the highest levels of sustainable design and construction in accordance with Policies 4A.3 of the London Plan 2008 (Consolidated with Alterations since 2004) and DEV 5 of the London Borough of Tower Hamlets Interim Planning Guidance for the purpose of Development Control (October 2007) which seek the highest standards of sustainable design and construction principles to be integrated into all future developments.

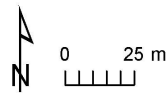
9. Conclusions

- 9.1 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.

Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA086568