

<b>Committee:</b> Development	<b>Date:</b> 19 June 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Jane Jin	<b>Ref No:</b> PA/13/00444
	<b>Ward:</b> Mile End and Globe Town

## 1. APPLICATION DETAILS

**Location:** 11 Solebay Street, London E1 4PW  
**Existing Use:** Office/Warehouse (Use Class B1/B8)  
**Proposal:** Change of use from office/warehouse use (Use Class B1/B8) to a two form entry primary school (Use Class D1). The proposal involves minor alterations to infill existing parking and service bays and a roof-top extension providing additional teaching and external play space.

**Drawing Nos/Documents:** Drawings:  
Site Location Plan  
112010/B001 Rev 2  
112010/B005 Rev 1  
112010/P001  
112010/P002  
112010/P003  
112010/P004  
112010/P005  
112010/P007  
112010/P008  
112010/P013 Rev 3  
112010/P014 Rev 4  
112010/P015 Rev 1  
112010/P017 Rev 5  
112010/P018 Rev3  
112010/B600

Documents:  
Draft School Travel Plan as amended and received May 2013  
Noise Assessment by Cole Jarman ref 12/6770/R1  
Small scale modulating CHP systems – Load Tracker  
CHP Design Guide  
Method Statement for CET 11 Solebay Street  
Transport Statement with reference 2671/029/R01 dated Feb 2013

Planning and Impact Statement by tp bennett dated Feb 2013  
Energy and Renewable Energy Statement by BSD with ref 130030 Rev 01, dated Jan 2013  
Solar System Design dated 03/05/13  
Design and Access Statement by WGI dated Feb 2013  
Statement of Community Involvement by tp bennett dated Feb 2013

**Applicant:** CET Primary Schools  
**Ownership:** David Barry  
**Historic Building:** No  
**Conservation Area:** No

## **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 adopted Core Strategy (2010), Managing Development Document (2013) 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/warehouse floor space (Use Class B1/B8) is considered acceptable given its loss has been justified in accordance with strategic policy SP06 of the Core Strategy (2010), and polices DM15 and DM16 of the Managing Development Document (2013).
- 2.3 The change of use to a Primary school (Use Class D1) is considered acceptable given there is a need for a Primary 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 Document (2013). 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, 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) which seek to manage the impact of new development on the borough highway network.
- 2.5 The proposal includes alterations at ground floor level and roof 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), and policy DM24 of the Managing Development Document (2013). These policies seek to ensure appropriate design within the borough.
- 2.6 Subject to conditions, 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), and policy DM25 of the Managing Development Document (2013). 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:
- 3.4 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
  - § Travel Plan
  - § Scheme of Highway Works (S278 agreement)
  - § Delivery and Servicing Plan
  - § Full details of Materials
  - § Energy
  - § BREEAM
  - § Restricted use of the open roof top play area during school hours only.
  - § A strategy for coach/mini-bus parking.
- 3.6 **Informatives**
- § Section 278 would be required
  - § Consultation with School Travel Plan Officer

#### 4.0 **PROPOSAL AND LOCATION DETAILS**

##### **Proposal and Background**

- 4.1 The proposal is for the change of use of an office/warehouse block to a primary school (Use Class D1). The Primary school would be a two form entry school with a maximum total school roll of 350 pupils aged 4-11. On opening which is timetabled for September 2014, the school would have 175 pupils and it will expand by 50 pupils in subsequent years and is expected to reach its capacity in September 2018.
- 4.2 The School would be managed by CET Primary Schools. CET primary school in Tower Hamlets is a new Free School that opened in a temporary location off the Mile End Road (The Kirkland Centre) in September 2012 and is funded through the 'Free Schools Programme' by the Department for Education. The school plans to make the application site a permanent location and would predominantly serve children from a catchment area within 3km radius.

##### **Site and Surroundings**

- 4.3 The application site is a four storey building with warehouse building with two floors located at the corner of Solebay Street and Toby Lane.
- 4.4 The site is neither listed nor located within a conservation area.
- 4.5 The area is mixed in character with B1 and B8 immediately adjacent to the east, and residential dwellings further east, along the canal. The Council's Depot abuts the site to the north, and student housing to the west of the site, opposite side of Toby Lane. To the south of the site, on the opposite side of Solebay Street, is post-war six storey residential blocks.

Within the vicinity of the site, predominately post-war housing estates prevails to the south

and west, and along Mile End Road to the north is predominately recent developments including student housing buildings. To the east, lies Mile End Park.

- 4.6 The site is well served by Public Transport with PTAL of 6(b), being the highest accessibility level.

### **Planning History**

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

#### Application Site:

- 4.8 PA/01/01771 Demolition of existing warehouse building and erection of a part two storey warehouse and a part four storey office/showroom building together with parking, servicing and loading areas was approved 17<sup>th</sup> December 2002.

## **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)**

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	Policy No.	Title
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Policies:

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 Managing Development Document (2013)

Development Management Policies:

Policy No.	Title
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
DM29	Achieving a zero-carbon borough and addressing climate change

## 5.6 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 TfL supports nil parking on site which promotes alternative sustainable method of travel. The proposal to stagger finish times is also supported which reduce the demand on transport capacity on School days.

6.5 TfL commented that whilst 39 cycle parking spaces would be required on site and less is provided, cycle parking should be monitored through the travel plan and additional spaces provided if it regularly exceeds 80% capacity. Scooter parking spaces are also proposed

which is welcomed.

- 6.7 The following would be required to be secured via condition
- § Delivery & Servicing Plan.
  - § School Travel Plan
- 6.8 Subject to the above, TfL would not have objections to the application.
- 6.9 **[Officer Comment:** These matters are fully dealt with at paragraphs 8.21-8.46 of this report.]

### **LBTH Highways**

- 6.10 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. The School Travel Plan Coordinator already assists the school at its temporary location and would assist further with the plan production; implementation and review.
- 6.11 Finally the following conditions should be secured:
- § Secure Travel Plan and monitoring
  - § S278 agreement to be secured.
  - § Construction Management Plan
  - § Servicing Management Plan
  - § School Management Plan
- 6.12 **[Officer Comment:** These matters are fully dealt with at paragraphs 8.21 - 8.46 of this report.]

### **LBTH Environmental Health – Noise and Vibration**

- 6.13 Environmental Health is unable to support this application; Whilst the site may be suitable for a school, a playground area is not particularly suited to this location and should not be located on the roof of the building. Such provision result in negative feedback from local residents in close proximity.
- 6.14 **[Officer Comment:** These matters are fully dealt with at paragraphs 8.47-8.51 of this report.]

### **LBTH Education**

- 6.15 The Children, Schools and Families Directorate have advised that there is a steeply rising need for additional school places in Tower Hamlets. Over the next 10 years, the total primary school roll is anticipated to increase by 34%. The Local Authority has created additional capacity and continues to plan to provide further school places. The CET free school contributes to the overall supply of primary school places for local residents although it is not part of Local authority's provision. The proposed location is in an area of the borough where there is new residential development and some pressure for admission to primary schools. The proposed accommodation does not comply with Building Bulletin 99 standards for a full 2 form entry school of 420 pupils. A maximum roll of 350 pupil is proposed. However, the Department of Education uses a lower standard of accommodation for free schools than the Local Authority aims to achieve in its proposal.

- 6.16 **[Officer Comment:** The proposed school will absorb the rising demand for primary school places over the coming years. The school anticipates the maximum roll of 350 pupils to be fulfilled by 2018.]

## 7.0 LOCAL REPRESENTATION

- 7.1 A total of 174 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: 14      Objecting: 14      Supporting: 0

No of petitions received: 2 in objection with 10 signatures, and 14 signatures respectively

- 7.2 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:

§ The site is located in an industrial site and therefore not suitable for a school.

**[Officer comment:** The site is in an area of a mixed character, and whilst some light industrial activities do occur in the immediate vicinity, the site is located in an area with good public transport accessibility and local amenities. With a good school management plan and travel plan, the proposed location is suitable subject to conditions. This matter is fully dealt with at paragraphs 8.2-8.20]

§ Increase in traffic and congestion in the area

**[Officer Comment:** The success of the scheme depends on a good School Travel Plan. The School is currently working with the Council's School Travel Plan Co-ordinator and will continue to do so when it is re-located. The draft Travel Plan submitted with the application was also developed in consultation with the Council's School Travel Plan Co-ordinator. Whilst some traffic in the area is likely to increase, the impact would be managed through the School's Travel Plan. This matter is fully dealt with at paragraphs 8.21-8.46]

§ Pollution in general

**[Officer Comment:** The proposed school activity alone is unlikely to create significant pollution problems in the area. The noise issue is addressed below, and expanded upon in paragraphs 8.47-8.51]

§ Narrow pavement which is not suitable for children to gather

**[Officer Comment:** The proposed school provides holding areas inside the building which include the use of the school halls. In addition, the school is proposing staggered finish times and also the start times will naturally be staggered through the school's morning clubs and therefore large amount of students and parents are not likely to congregate outside of the school at the same time. This can further be prevented through a school management plan, which will be secured through a condition]

§ Level of noise created by the children playing on the roof

**[Officer Comment:** School activities are likely to generate some noise from children playing, whether it be from a playground at ground level or roof level. Noise generated outside unsocial hours will be restricted by a condition to ensure that other community uses or after school hours uses does not take place on the roof level after 1730.]

§ There is sufficient tenant interest for commercial property in this area and therefore there is no justification for change of use.

**[Officer Comment:** The application is accompanied by marketing evidence which indicates that the property has been marketed since August 2011, without any significant interest. This is addressed in more detail in paragraphs 8.3-8.5]

§ Was not aware of the public consultation carried out by the applicant.

**[Officer Comment:** Whilst early consultation with local residents is recommended this is not a requirement, although encouraged. 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.]

§ Traffic movement and pedestrian safety and impact to the business nearby

**[Officer Comment:** Please refer to paragraphs 8.21-8.46 of this report where these matters are fully addressed.]

§ Loss of employment area

**[Officer Comment:** Please refer to paragraphs 8.3-8.5 of this report where these matters are fully addressed.]

## **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
- § Human Rights

### **Land Use**

8.2 The site currently provides 2300 square metres of vacant office and warehouse floor space (Use Class B1/B8) arranged over four floors for office space and two floors for warehouse building. The main pedestrian access is located on the corner of Toby Lane and Solebay Street and on-site servicing bay is accessed from Solebay Street.

#### Loss of Employment Floor Space (B1/B8):

8.3 The application site is has no designation. It is noted that the office/warehouse floor space is not located within any Strategic Industrial Location or Local Industrial Location or any of the preferred office locations where there are specific policies to protect such employment floor space.

8.4 Strategic policy SP06 of the CS, and DM15 of the MDD require supporting information to justify the loss of employment floor space, which should include marketing evidence that the site has been actively marketed for approximately 12 months or that the site is unsuitable for continued employment use.

8.5 The application is accompanied by marketing information to show evidence of active marketing since August 2011. Whilst the existing building was constructed and completed in 2006 by the current owners for their business in the fashion industry, since the economic down turn in 2008 the existing business has not been able to sustain a building of this size. The supporting marketing evidence demonstrates that the existing building has been actively marketed without success and it is considered that the loss of



employment floor space is justified in this instance.

Principle of School:

8.6 The proposal is for the change of use to a Primary school (Use Class D1) and this section of the report will focus on the land use implications of the proposed educational use.

8.7 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.”*

8.8 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.”*

8.9 State-funded schools are defined by the policy statement and include ‘Free Schools’.

8.10 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.”*

8.11 The policy also supports proposals which maximise the extended or multiple use of educational facilities for community or recreational use.

8.12 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 primary schools and states that:

*“Primary schools should be located to be integrated into the local movement routes, the neighbourhood they serve, and be easy to access on foot or by bicycle.”*

8.13 Part 3 of the policy supports co-location and clustering of services as well as the encouragement of the use of schools after hours.

8.14 DM18 of the MDD 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.

8.15 The proposal is for the creation of new primary 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.

- 8.16 Given the site is not allocated for education use, consideration is given to the need for a new primary school. The Children, Schools and Families Directorate have advised that there is a steeply rising need for additional school places in Tower Hamlets. Over the next 10 years, the total primary school roll is anticipated to increase by 34%. As such, the proposal accords with part (i) of the policy given there is a need for additional primary school places within the borough. In conclusion the proposed primary school would have a capacity of 350 students by 2018 which would contribute to the delivery of Primary school places in accordance with policy.
- 8.17 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.
- 8.18 As discussed within the highway's section of this report the site is in a highly accessible location which accords with part (iv) of the policy. Furthermore, it is considered that the site is suitably located within the context of the current catchment area for the existing temporary school location at 1-3 Colborn Street, E3.
- 8.19 To conclude, in land use terms, the principle of an educational use accords with policy given there is a need for a new primary school and it meets the other tests of the policy. Furthermore, it accords with national policy which encourages educational uses.
- 8.20 The applicant state whilst there is no firm programme established, it is the school's intention to enable access and use by community groups outside normal school hours. The principle of shared facilities and co-location is promoted by policy and the sharing of school facilities would be acceptable however, a condition will be included to restrict the use of the roof top play area outside school hours to ensure impacts to the neighbours are minimised.

### **Highways and Access**

- 8.21 Policy SP07 of the CS states that primary schools should be located to be integrated into local movement routes, the neighbourhood they serve and be easy to access on foot or bicycle. Also relevant is policy SP09 which seeks to ensure that new development has no adverse impacts upon the safety and capacity of the road network.
- 8.22 The subject site is positioned on the corner of Solebay Street and Toby Lane and is within close proximity to Mile End Road. The area has a Public Transport Accessibility Level (PTAL) of 6b which indicates 'excellent' and the highest level of accessibility. The nearest tube stations are Mile End and Stepney Green stations which can be reached within a ten minute walk. There are several bus stops close to the site which are located on Mile End Road, Harford Road and Burdett Road and the distances range from 145m to 300m which are all within 3-5 minutes walking distance. These bus stops serve several bus routes going in all directions – north, east, south and west.
- 8.23 The proposal is for the creation of a new primary school with a maximum capacity of 350 students including up to 40 teachers and staff.
- 8.24 The KS1 and visitor entrance to the school would be from Solebay Street and KS2 entrance to the school would be from the corner of Solebay and Toby Lane. The ground

floor layout includes holding areas and the use of the school hall to prevent congregating on the footways adjacent.

- 8.25 The main concern for officers has been the assessment of the impact of locating a primary school in this location in relation to the traffic congestion and safety impact surrounding highway network for all users. Local residents have similar concerns.
- 8.26 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 Robert West. 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.
- 8.27 Whilst, it is noted the school would have a capacity of 350 students and 40 staff, this would not be reached until 2018. However, the Transport Statement has carried out an assessment based on the maximum capacity of the school.
- 8.28 In order to provide a forecast of trips for the proposed school, this was modelled against the existing travel data for the current school located at the Kirtland Centre. The existing pupil trips are outlined in table 1 below. Table 2 shows predicted pupil travel patterns.

**Table 1: Existing Pupil Trips at the Kirtland Centre**

<b>Bicycle/ Scooter</b>	<b>Bus</b>	<b>Car</b>	<b>Car- share</b>	<b>Train/ Tube</b>	<b>Walk</b>	<b>Total</b>
<b>4 (5.3%)</b>	<b>14 (18.7%)</b>	<b>11 (14.7%)</b>	<b>0 (0%)</b>	<b>6 (8%)</b>	<b>40 (53.3%)</b>	<b>75 (100%)</b>

**Table 2: Predicted Pupil Travel Patterns**

<b>Bicycle/ Scooter</b>	<b>Bus</b>	<b>Car</b>	<b>Car- share</b>	<b>Train/ Tube</b>	<b>Walk</b>	<b>Total</b>
<b>19 (5.3%)</b>	<b>65 (18.7%)</b>	<b>51 (14.7%)</b>	<b>0 (0%)</b>	<b>28 (8%)</b>	<b>187 (53.3%)</b>	<b>350 (100%)</b>

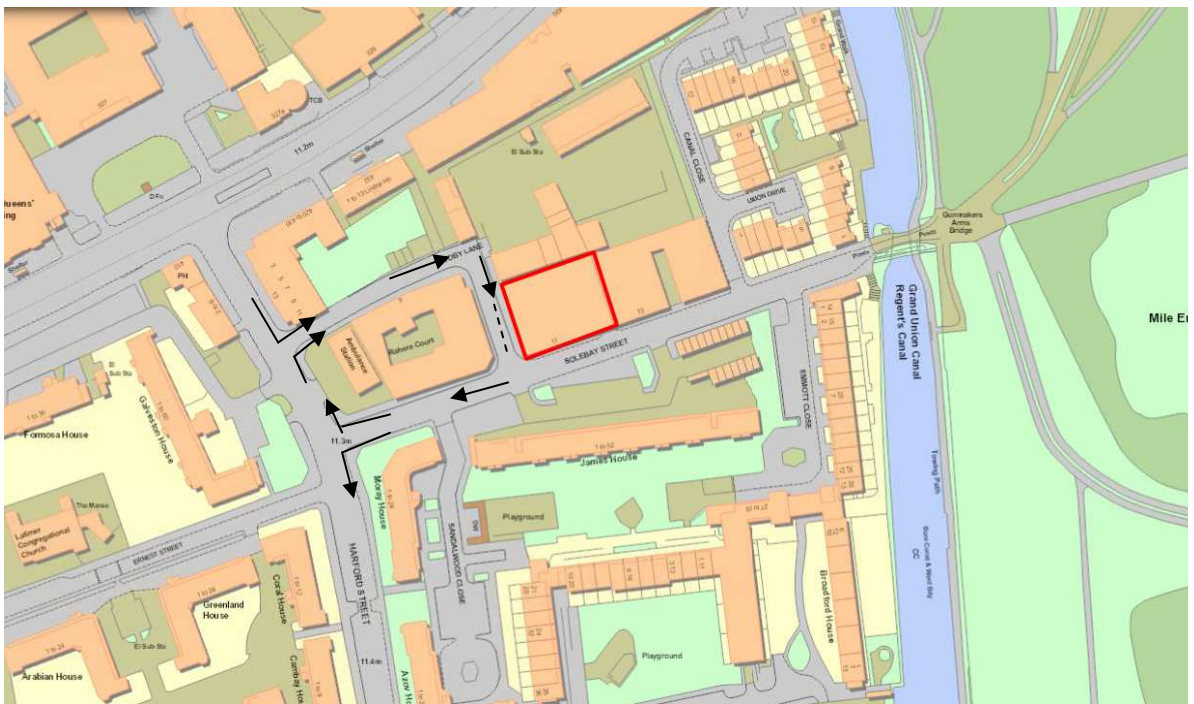
- 8.29 This data indicates that the majority of pupils would travel to school by sustainable means of transport; cycling/scooter, tube, walking or taking the bus. A further analysis of the existing catchment area for the school was reviewed in order to assess the feasibility of these travel modes. The vast majority of existing pupils live within close proximity of the existing school and would continue to do so as the proposed location is within a kilometre of the same. Currently, 79% live within a 2km radius of the existing site at Kirtland Centre and therefore, it can be envisaged that similar percentage of the pupils would live within 2km radius of the proposed school site which is considered to be a walkable distance.
- 8.30 It is not proposed to provide any staff car parking on site. 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 pick up and Peak Times:

- 8.31 The proposed primary school based on these results would be forecast to generate 51 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 the finish times of KS1 and KS2 pupils staggered by 15 minutes. The KS1 pupils will finish at 15:30 and KS2 pupils will finish at 15:45. This would potentially reduce congestion during the peak hour times in the afternoon. This would be secured via condition. In addition, the school will operate

morning breakfast club and after school activities and clubs which will further stagger the start and finish times of some pupils. The breakfast club would operate from 08:00 in the morning and the after school activities and clubs will finish from 16:30 to 17:30.

- 8.32 It is noted that residents are concerned that parents would park adjacent to the school and congest the adjacent highways given they may live within the same parking zone which would worsen parking stress. However, it is considered that the staggering of finish times, and before and after school activities would limit any potential adverse impacts.
- 8.33 In addition, the draft school travel plan has been developed in consultation with the Borough's School Travel Plan Co-ordinator. Whilst the main objective of the Plan is to discourage parents/guardians from driving to the site it acknowledges that some may still drive. Therefore it outlines the way the school can encourage and influence the ways some parents may pick up and drop off their children if a mode of private transport is chosen. It proposes a Voluntary One Way System (VOWS). This system will work by vehicles only being allowed to arrive at the school site once all pupils and parents who walk are clear of the school site. This VOWS will be communicated to all parents and controlled and managed by staff. Vehicles will need to turn from Harford Street into Toby Lane, undertake pick up/drop and then leave the area via Solebay Street back to Harford Street. See Diagram 1 below. A staff member(s) will supervise the pick up/ drop off of pupils and therefore, parents with cars will be discouraged to park their cars within the vicinity but would allow pick up/drop off and drive away from the school site in a swift manner.



**Diagram 1: Voluntary One Way System**

Pedestrian Impacts:

- 8.34 Residents have also raised concerns about impacts of the proposed school on pedestrian movement given the footpaths in the area and nearby activities. This concern relates to the perceived congestion caused by the increased footfall associated with the school and concern about children and their chaperones congregating on the footway before, during and after school. There have also been concerns raised about the vicinity of the school entrance to the servicing bay/parking area for the adjoining premise at No 13 Solebay Street. The school is forecast to have 53% of their pupils to walk to and from the school

and 27% to be arriving to the school from either a bus or train stations.

- 8.35 Directly outside the proposed entrance of the school from Solebay Street the footpath measures approximately 2.5 metres in width. The width of the pavement outside the KS2 entrance (corner of Toby lane and Solebay Street) is approximately 2 metres and footway narrows on Toby Lane.
- 8.36 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. This is considered to be a satisfactory solution given the narrow pavement widths.
- 8.37 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 holding/waiting areas directly inside the entrances and also the use of the school halls as waiting area. 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.
- 8.38 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.
- 8.39 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.
- 8.40 A total of 191 accidents have been recorded within the vicinity of the site over the past five years. Of these 191 accidents, eight accidents occurred involving person under 16 during the school peak times. All of these accidents occurred because of pedestrian or driver error. There appears to be no specific pattern of accidents which would indicate an issue with the local highway.
- 8.41 Through mitigation and the imposition of conditions the impact on the pedestrian network would be minimised.

Cycle Parking:

- 8.42 With regard to the level of cycle parking it is noted that the school generates a requirement for 39 cycle parking spaces in order to accord with policy. The proposal provides 14 secure cycle parking area, 4 immediately outside the KS1 entrance on Solebay Street and 10 inside the building in a dedicated area which is also shared with waiting/holding area for children. The proposal also includes 30 scooter storage in a three tier system. Whilst the proposed cycle parking is short of the minimum standard, it is recognised that the school is a primary school and therefore, it is likely that there will not be a high demand for cycle parking spaces by pupils and therefore more likely to be taken up by staff of the school. Nonetheless, it is recommended that the bicycle parking area is consistently monitored as part of the school travel plan and if it nears its capacity, additional spaces shall be provided and school hall should be used as a permanent holding/waiting area for the children.

Coach and Mini-bus Parking:

- 8.43 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 to the near-by Mile end Park for PE lessons

and swimming sessions at Mile End Leisure Centre which is within 5 min walk.

The requirement for coach parking would be infrequent, however the school should ensure that any pick-up is from an appropriate location within the wider local vicinity. Such details of the coach / mini-bus parking, set-down and pick-up strategy would be managed via condition.

School Travel Plan:

- 8.44 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 to develop School Travel Plans which are reviewed regularly. As part of this application the school has submitted a draft School Travel Plan setting out the commitment to encouraging sustainable mode of transport which has been developed along with the Council's School Travel Plan Coordinator. The development of this into a formal School Travel Plan and its regular review would be secured via condition. 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:

- 8.45 Servicing of the site would be on-street which is to take place on a single yellow line on Toby Lane or Solebay Street, where an existing crossover would be made redundant. Whilst this is not an ideal situation the school does not anticipate it would generate a significant level of servicing demand. 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 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.
- 8.46 In conclusion, it is evident that careful consideration of the impact of the school on the surrounding highway network and in this particular location 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, and encouraging sustainable transport options would need to be carefully managed. However, officers consider through the use of conditions 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**

- 8.47 Strategic policy SP10 of the CS and policy DM24 of the MDD seek to protect the amenity of residents of the borough.

Noise and Vibration:

- 8.48 With regard to noise impacts the school includes an open roof top play area.
- 8.49 The hours of operation of the school would be from 09:00 to 17:30. It is noted that there may be intention to allow community groups to use the school facilities for meetings after school hours however there are no current plans from the school to do so. Nonetheless, policy also supports proposals which maximise the extended or multiple use of educational facilities for community or recreational use.
- 8.50 It is not considered that the comings and goings of students during the day nor the use of the roof terrace would result in an unacceptable level of noise and disturbance. However,

the use of the roof terrace would be restricted after 17:30 through the imposition of a planning condition.

- 8.51 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.

### **Design and layout:**

- 8.52 Strategic policy SP10 of the CS and DM23 and DM24 of the MDD, 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.
- 8.53 The existing building is a four storey office building with a two storey warehouse building. The proposed school only proposes minor external alterations to the building itself. The proposal includes the formation of a new external play area within the existing warehouse roof through the removal of part of the roof and replacement with sports netting between rafters.
- 8.54 The existing loading bay off Solebay Street will be closed off and create an entrance and new teaching area on the first floor. The external materials are to match existing building. The proposal also includes an infill extension to the roof area above the warehouse building. It is proposed for the extension to be setback from Toby Lane and materials to match the existing office building.
- 8.55 In conclusion, the design, bulk, scale and massing of the proposed infill extension is considered acceptable. Furthermore, the open roof top play area will not be highly visible from the streetscene and the sports netting would prevent any objects flying out of the site. The proposed materials would be controlled via condition in order to ensure a high design quality.

### **Energy and Sustainability**

- 8.56 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 MDD. These collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.57 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).
- 8.58 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).
- 8.59 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.

- 8.60 Policy DM29 of the MDD 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.
- 8.61 The applicant has submitted an Energy and Renewables Strategy (dated January 2013) detailing that carbon emission reduction would form an integral part of the proposal to convert the existing office/warehouse building to a school. The submitted Strategy, advises that adopting best practice including the London Plan energy hierarchy significant carbon reduction has been achieved through sustainable technologies. Such details include the CHP installation to provide 60% of building heating and hot water energy demand and 8sq.m of photovoltaic installation on the roof. Whilst the scheme is not fully meeting Policy DM29 of MDD requirements for CO2 emissions reductions, in this specific instance this is considered acceptable given the proposed change of use.
- 8.62 In terms of sustainability, policy DM29 of MDD seeks for development to achieve the highest levels of sustainable design and construction. BREEAM Assessment result of 'Excellent' is normally required. Due to the nature of the application (change of use), achieving BREEAM 'Excellent' may be technically and financially unviable. Nonetheless, a condition will be imposed to seek to secure BREEAM 'Excellent' and to submit the final BREEAM certificates to demonstrate achievement of the rating agreed.

## **Human Rights**

### Equalities Act 2010

- 8.63 The Equalities Act 2010 provides that in exercising its functions (which include the functions exercise by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristics and persons who do not share it;
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.64 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 8.65 The proposal is for a non-denominational mixed sex primary school which will improve the choice of schools and number of primary school places within the borough, as such it is considered that any impact in terms of fostering relations and advancing equality with regard to sex, race, religion and belief will be positive.
- 8.66 The building already has, and where new access is entrance is created, would provide accessible entrances to the building. In addition, the proposal also include lift provision allowing all levels of the school to be accessible by persons with a disability requiring use of a wheelchair or persons with less mobility.



- 8.67 With regard to age, gender reassignment, pregnancy and maternity, and sexual orientation there are no identified equality considerations.
- 8.68 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:-
- 8.69 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:-
- 8.70
- § 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"*.
- 8.71 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.
- 8.72 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.
- 8.73 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.
- 8.74 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.75 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.
- 8.78 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.

## **9.0 CONCLUSION**

- 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.