

Committee: Strategic	Date: 25 th February 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Jane Jin	Ref No: PA/13/02692
	Ward: St Katherines's and Wapping

1. APPLICATION DETAILS

Location:	Sceptre Court, 40 Tower Hill, London EC3N 4DX
Existing Use:	Office Use (Use Class B1)
Proposal:	Change of Use from Office (Use Class B1) to a dual use as Higher Educational Establishment (Use Class D1) and Office (Use Class B1)
Drawing and documents:	E13-011/S100; 11045/-1.101; 11045/1.101; 11045/2.101; 11045/3.101; 11045/4.101; 11045/5.101; 11045/6.01; E13-011/P01 Rev A; E13-011/P02 Rev B; E13-011/P03 Rev A; E13-011/P04 Rev A; E13-011/P05 Rev A; E13-011/P06 Rev A; E13-011/P07 Rev A; E13-011/P08 Rev A; Planning Statement with ref E13-011/PS-NOV13 Rev A; Leasing Issues Report by DTZ dated Oct 2013; Transport Assessment by Travel Plan Services dated September 2013; and Statement of Business Plan for Sceptre Court dated October 2013
Applicant:	London School of Business and Finance
Ownership:	Sceptre Court Holdings Ltd
Historic Building:	N/A
Conservation Area:	The Tower Conservation Area

2. EXECUTIVE SUMMARY

- 2.1. This application is reported to the Strategic Development Committee as the proposal is departure from the Development Plan.
- 2.2. This application is referable under Category 3E of the Schedule to the Order 2008: 'Development – a) which does not accord with one or more provisions of the development policies force in the area in which the application site is situated; and b) comprises or includes the provision of more than 2,500sq.m of floorspace for a use

falling within any of the classes in the Use Classes Order – xi) class D1 (non-residential institutions).

- 2.3. The local planning authority has considered the particular circumstances of this application against the Development Plan and other material considerations as set out in this report and recommends approval of planning permission.
- 2.4. Officers consider, on balance, the proposed dual use of Higher Education and Office Use would maintain the employment levels to a degree which would not affect the role of the Central Activities Zone and therefore would not undermine the function and the role of the Preferred Office Locations.
- 2.5. The proposed D1 use as a higher educational establishment would complement and support the specialised uses within the Central Activities Zone; and would support the expansion of higher education facilities in the borough.
- 2.6. The proposed uses are not likely to have any varying impact on the public transport network or the adjacent highway and its network to what currently exists as a B1 Use, due to the similarity in the density of the uses.
- 2.7. The scheme fully meets the S106 obligations specified in the adopted Planning Obligations SPD, which mitigates the impact of the development on local infrastructure. The proposal would also provide scholarship programmes to the local residents which can provide opportunities for the local residents.

3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT planning permission subject to:
- 3.2. Any direction by the London Mayor.
- 3.3. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) Employment (Construction Phase) - £60,436.00
 - b) Employment (End-user Phase)- £69,426.00
 - c) Idea Stores, Libraries and archives - £10,584.42
 - d) Leisure facilities - £30,779.00
 - e) Public Open Space - £50,419.98
 - f) Streetscene and Built Environment - £59,040.00
 - g) Monitoring fee (2%) – £5,613.71
- Total = £286,299.11

Non-financial contributions

- a) secure a minimum of 20% of jobs (to be defined as non-technical placements), created by the construction and end-user phases of new development;
- b) seek 20% of the total value of contracts, which procure goods and services during the construction phase of the development;
- c) Work in partnership with the Council to provide a minimum of 10 Scholarship programmes to local residents; and
- d) Car free;

e) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

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

3.6. **Conditions**

- 1) 15 years consent – to revert back to Office Use
- 2) Compliance with approved plans
- 3) Use in D1 as Higher Educational Establishment only
- 4) Delivery Servicing Management Plan
- 5) Blue Badge parking bays
- 6) Construction Management Plan
- 7) Travel Plan (with cycle parking monitoring)
- 8) Cycle stand details
- 9) Acoustic Report

3.7. **Informatives**

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1. The proposal is for a change of use from an existing B1 office building at Sceptre Court, 40 Tower Hill, to Use Class D1 as a higher educational establishment and associated B1 Office Use.

4.2. The proposal will involve the conversion of the existing 11,600sq.m of B1 office space to 8,700sq.m D1 Use as higher educational establishment and 2,900sq.m will be retained as offices which would be associated with the D1 use.

4.3. The applicant is the London School of Business and Finance (LSBF), working in partnership with the University of Lincoln, who are a recognised provider of higher education. The applicant is seeking to use the application site as D1 Use for the duration up to 15 years.

4.4. There are no external changes proposed however internal re-configuration and alterations would be required to accommodate D1 Use as higher educational establishment.

Site and Surroundings

4.5. The application site is a triangular site and is an island site bounded by three streets, Mansell Street fronting the south-east elevation, Shorter Street fronting the north elevation, and Tower Hill fronting the south-west elevation. It is located on the western edge of the borough boundary with The City of London and across Tower Hill is the Tower of London. The existing building is 7 storeys in height and comprises a total of 11,600sq.m of office floor space.

- 4.6 The site falls within the spatial policy designations Central Activities Zone; Tower Hamlets Activity Area; and a Preferred Office Location as identified within the London Plan 2011 and the Council's Core Strategy 2010.
- 4.7 The site lies within The Tower Conservation Area; and is within close proximity of the World Heritage Site, The Tower of London.

Relevant Planning History

- 4.8 An application was submitted for the same proposal in June 2013 however it was withdrawn at the advice of officers due to lack of commercial appraisal/marketing evidence surrounding the justification of the loss of existing office use. Otherwise there is no other relevant planning history for the site however the existing building was a purpose built office building erected in the 1980's.

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. **Government Planning Policy Guidance/Statements**
National Planning Policy Framework (March 2012) (NPPF)

- 5.3. **Spatial Development Strategy for Greater London - London Plan 2011 (LP) the Revised Early Minor Alterations to the London Plan published 11th October 2013; and Draft Further Alterations to the London Plan (consultation edition 2014)**

- 2.10 Central Activities Zone – Strategic Priorities
- 2.11 Central Activities Zone – Strategic Functions
- 2.13 Opportunity Areas and Intensification Areas
- 2.15 Town centres
- 3.1 Ensuring equal life chances for all
- 3.18 Education facilities
- 4.1 Developing London's economy
- 4.7 Retail and town centre development
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 7.2 An inclusive environment
- 7.4 Local character
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

- 5.4. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**
SP01 Refocusing on our town centres
SP05 Dealing with waste
SP06 Delivering successful employment hubs

- SP07 Improving education and skills
- SP08 Making connected Places
- SP10 Creating Distinct and Durable Places
- SP12 Delivering placemaking
- SP13 Planning Obligations

5.5. **Managing Development Document (adopted April 2013) (MDD)**

- DM0 Delivering Sustainable Development
- DM1 Development within the town centre hierarchy
- DM8 Community infrastructure
- DM10 Delivering open space
- DM14 Managing Waste
- DM15 Local job creation and investment
- DM16 Office locations
- DM20 Supporting a Sustainable transport network
- DM21 Sustainable transportation of freight
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM27 Heritage and the historic environments
- DM28 World heritage sites

5.6. **Supplementary Planning Documents**

Planning Obligations SPD – LBTH – January 2012

5.7. **Tower Hamlets 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. CONSULTATION RESPONSE

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

6.3. Comments incorporated into GLA Stage I response – See GLA Stage I response below.

English Heritage

6.4. English Heritage do not have any comments to make on this application.

6.5. *[Officer Comment: This is noted]*

Historic Royal Palaces

6.6. As there will be no substantive changes to the external appearance of the building, and therefore no direct impact on the setting of the Tower of London WHS, HRP has no objections to the proposals. Indeed, we welcome the diversification of use on the site.

6.7. *[Officer Comment: This is noted]*

City of London

6.8. The City does not wish to make any observations in relation to this proposal.

6.9. *[Officer Comment: This is noted]*

Greater London Authority (Stage 1 response)

6.10. The London Plan policies on change of use, education, office use and transport are relevant to this application. The application complies with the London Plan.

Offices: The temporary change of use to education is acceptable, in this instance.

Education: The proposals to enhance education and skills provision are supported.

Transport for London

Accessibility of the car parking spaces for Blue Badge holders and the delivery and servicing plan (DPS) should be secured by conditions.

6.11. *[Officer Comment: The suggested condition is recommended to this application]*

Transportation & Highways

6.12. Insufficient information is provided to adequately assess the proposal in terms of the highways and transportation elements of this proposal. Further detail is required on servicing requirements; detailed plan of the two car parking spaces as proposed; breakdown of numbers of staff and students in order to establish whether an adequate provision for cycle parking is provided; alternative methods of cycle storage provision; and re-design of the cycle store entrance door does not swing outwards.

In addition to the above, the following should be secured as a condition/s106 agreement.

- Travel Plan;
- Servicing Management Plan;
- Construction Management Plan;
- Car-free
- Any s278 agreement with relevant highway authority.

6.13. *[Officer Comment: The requested information has been submitted to the officers to review. Given that the serving and delivery will take place off the highway it is not considered to have any significant impact on the highway network. The applicant has confirmed that the likely servicing and delivery frequency is expected to be similar to that of the existing office use and therefore there would be no net additional impact to the highway network. Nevertheless, a condition will be secured for the submission of a full delivery and servicing management plan and which will need to be agreed with TfL who are the authority for the surrounding roadnetwork. The details of the two car parking spaces have been provided which is located within the site, and would be*

designated for blue badge holders. The number of students and staff would mean that a total minimum of 70 cycle parking is required. The submitted details show 90 spaces with double tier stands. The full detail of the cycle parking provision is assessed in detail within the transportation section of this report. In relation to the entrance doors, these are located within the site, off the public highway and therefore are of no concern. The suggested conditions and s106 obligations are recommended.]

6.14. **Waste**

6.15. Waste storage arrangements are satisfactory. No objection to the proposal.

6.16. **Environmental Health (noise)**

6.17. An acoustic report is required to show that: The Noise Rating level for schools should not exceed the Noise Rating NR35; and D1 & B1 use, all plant and equipment must meet BS4142.

6.18. *[Officer Comment: A condition will be recommended for acoustic report to be submitted and complied with.]*

7. LOCAL REPRESENTATION

7.1. A total of 2 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 and in the local press. 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	0	Objecting:	0	Supporting:	0
No of petitions received:	0				

8. MATERIAL PLANNING CONSIDERATIONS

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

- § Land Use
- § Urban Design & Heritage Assets
- § Transport, Connectivity and Accessibility
- § Amenity
- § Human Rights
- § Equalities

Land Use

8.2. The proposal is to convert the existing 11,600sq.m of office floor space to a dual use of higher educational establishment and B1 office use. The proposal would see the loss of large quantum of office floor space within the Council's Preferred Office Location, Central Activities Zone and the Tower Hamlets Activity Zone.

Loss of B1 use

- 8.3. Policy DM1 supports the continued enhancement and promotion of the Central Activities Zone. It also supports the mix uses within the Tower Hamlets Activity Areas.
- 8.4. Employment uses are managed in accordance with SP06 of the Core Strategy, which seeks to ensure job opportunities are provided and maintained. Policy SP06 in the adopted Core Strategy (2010) state that larger floor plate offices should be focussed in Preferred Office Locations (POLs).
- 8.5. This is further reiterated in the Managing Development Document (MDD) policy DM16, which states that 'Developments resulting in the net loss of office floor space in POLs will not be supported'.
- 8.6. In the case of the application proposal, whilst the proposal would see a net loss of B1 Office use through substantial conversion to a D1 Use to be occupied by the London School of Business & Finance in partnership with the University of Lincoln, it has to be considered on the basis of the acceptability of the D1 use within the CAZ and POL designation.
- 8.7. The applicant has submitted a supporting report which looks at the leasing issues in relation to the current use as office and the supply of modern office spaces within the vicinity. The report submitted identifies the availability of office stock which is currently under construction and recently completed compared to lack of demand for these offices in the current market. The application site's previous tenant has already re-located due to the inadequacies of the building as an office and therefore the building has been marketed over 18 months without a successful lease arrangement.
- 8.8. Whilst there may be marketing justification for an alternative use for this building, it is important that the proposed alternative use provide a supporting role and/or a specialised use that is acceptable in CAZ and the POL, and therefore the acceptability of the alternative use is a key consideration in this instance. The acceptability of the proposed use is expanded below.
- 8.9. The applicant have applied for a 'temporary' use as D1/B1 of no more than 15 years, however the Officers consider that the 'temporary' nature is not a key deciding factor, rather, it is the acceptability of the proposed use within the location the application site lies.

Higher Education Use (D1)

- 8.10. At the National level, NPPF emphasise the need for planning policies to aim for a balance of land uses within the area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.
- 8.11. The London Plan policy 3.18 is supportive of the provision and enhancement of education facilities across the city and states:

'The Mayor will support the provision of early years, primary and secondary school and further and higher education facilities adequate to meet the demands of a growing and changing population and to enable greater educational choice, particularly in parts of London with poor educational performance'.
- 8.12. Further, the London Plan policy 3.18 states:

'Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes'.

- 8.13. The Council's own policy within the Core Strategy SP07 supports growth and expansion of further and higher education facilities in the borough. The policy further supports wider skills training and education of residents within the borough by supporting local universities and colleges.
- 8.14. The Council's Managing Development Document policy DM19 supports new further and higher education facilities where they are in or at the edge of town centres; amongst other things.
- 8.15. The applicant is London School of Business and Finance who provides industry led and further adult education to the employees of City based institutions and professional firms. The college would provide undergraduate and post graduate qualifications; and courses for working professionals, which is aimed at both local and international students and vocational qualifications for people already in the field. LSBF currently have 6 campuses in London and is looking to expand. With the current proposal, it is likely that the site will initially have 120 full and part-time employee associated with running of the premises such as catering, administration and academic staff. However, indirect employment is also likely to be generated associated with the use.
- 8.16. The application site location is considered suitable for educational establishment as the site is well connected with Public Transport providing an accessible location to all; and is within a town centre. The location is also ideal for vocational qualifications for those located within the City and Isle of Dogs, supporting further wider skills training and education for the borough's day time residents and the residents themselves. LSBF is also committed to work with the Council to provide Scholarships for Tower Hamlets residents which would delivered through a s106 planning obligations.
- 8.17. The proposed use is considered to be compatible in the CAZ and POL designations as it would provide a supporting role in providing employment, and given its site's location the educational use can be supported in this instance.
- 8.18. Whilst the employment numbers are not known from the previous tenant of the office use, using the employment density guide from the Homes and Community Agency 2010, it is estimated that the office use alone could accommodate up to 960 jobs however the proposal with D1 and associated B1 is likely that the employment numbers on site can be in the region of 450. Nonetheless, the use is considered to facilitate employment, and qualifications which would lead to general professional employment. The college would also provide opportunities for the borough's residents, and therefore the proposed use is considered to be an appropriate alternative use within this spatial designation that is acceptable.
- 8.19. The proposal, whilst departure from the Development Plan, can be supported in this instance, as the proposed use is acceptable in CAZ and the loss of employment opportunity is limited. On balance, due to the acceptability of the proposed use within the spatial designations, and having regard to the commercial viability of the office use and bringing the site back into a complementary use to the role of the CAZ, the proposed dual use of D1 and B1 is acceptable and would accord with education policies within the London Plan and the Local Plan.

Urban Design and Heritage Assets

Policy Context:

- 8.20. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.21. Chapter 7 of the London Plan places an emphasis on robust design in new development.
- 8.22. 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.

Proposal:

- 8.23. The proposal does not include any external alterations to the building and would only involve minor internal alterations to make the layout suitable for the intended D1/B1 Uses. Given the existing office floor layout, the required internal changes are very minor and would only involve removal or insertion of partition walls, generally. Therefore, there would no significant urban design implications as a result of the proposal.
- 8.24. In relation to the setting of the World Heritage Site (WHS), The Tower of London, and The Tower Conservation Area which the site lies in, the NPPF provides specific guidance on 'Conserving and Enhancing the Historic Environment'. Parts 1-3 of strategic policy SP10 of the CS provides guidance regarding the historic environment and states at Part 2 of the policy that the Borough will protect and enhance heritage assets and their setting. Policy requires that proposals protect or enhance the Boroughs heritage assets, their setting and their significance.
- 8.25. Given the nature of the application it is considered that the proposal would not impact upon the WHS, and the setting of the Conservation Area. The Historic Royal Palaces welcomed the diversification of use on the site whilst English Heritage did not have any comments to make on the proposal. Therefore, it is considered that the proposed change of use would not have any direct impact on the heritage assets.
- 8.26. **Amenity**
- 8.27. Strategic policy SP10 of the Core Strategy and policy DM24 of the MDD seek to protect the amenity of residents of the borough.
- 8.28. The hours of operation and activities associated with the college would be similar to the operations of an office, although it is expected that the college will run after hour's classes/lectures. Nonetheless given the site's location and the in a town centre, such activities is unlikely to have any significant impact to commercial occupiers of nearby buildings, and as the nearest residents being 150m away on Cartwright Street and Star Street, there would be no direct impact. Nonetheless, as required by the Council's Environmental Health Officer, an acoustic report will be required through a condition.
- 8.29. Therefore, subject to a condition, the proposal is not likely to raise any impacts associated with residential amenity.

Transport, Connectivity and Accessibility

Car Parking

- 8.30. Policy SP09(4) of the Council's adopted Core Strategy (2010) and Policy DM22(2) of the Council's adopted Managing Development Document (2013) require development located in areas of good public transport accessibility and/or areas of existing on-street parking street to be secured as 'permit free'.
- 8.31. The proposal includes the provision of two on-site car parking spaces (disabled spaces only). This level of parking is considered acceptable as the application site is located in an area with excellent access to public transport, with a Public Transport Accessibility Level (PTAL) of 6. Accordingly, given the PTAL rating, it is recommended that a condition be included to secure the development as 'permit free'.

Cycle Parking

- 8.32. Policy DM22(4) of the Council's adopted Managing Development Document (2013) requires development to meet, and preferably exceed, the Council's minimum standards for cycle parking as set out in Appendix 2 of the document. Specifically, the relevant minimum cycle parking requirements for the uses proposed in the current application are provided at Table 1 below.

- 8.33. Table 1: Adopted Cycle Parking Standards

Use	Minimum Cycle Parking (minimum 2 spaces)
B1a offices	1 space per 120 sqm
D1 higher educati onal establis hment	<i>1 per 8 staff/student</i>

- 8.34. Taking into account the above minimum standards, the proposed development would be required approximately 36 cycle parking spaces based on 120 staff and 2,600sq.m of office space. However it is anticipated that more cycle parking spaces would be required for students. Whilst the total maximum number at one given time cannot be determined, LBSF have indicated that it could be up to 350 students with 50 staff. In this instance the cycle parking requirement would be higher at approximately 70 spaces. The proposal provides approximately 90 cycle parking spaces which would be provided by a double tier cycle stands. The applicant has also provided further cycle parking area in an event that the demand for spaces would arise. It is considered through monitoring of the use secured by a Travel Plan, the demand for cycle parking spaces can be accommodated within the site. It is noted that a variety of cycle parking stands is sought from the Council's Highways Officer and therefore this will be conditioned for the full details of the cycle parking to be submitted and approved.

Servicing

- 8.35. Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the Council's Managing Development Document (2013) seek to ensure that new

development has no unacceptable impacts on the capacity and safety of the transport network.

- 8.36. The proposal provides an on-site servicing area via the existing undercroft access road accessed off Tower Hill and egress out to Mansell Street. It is likely that the servicing activity for the proposed use would be similar to that of the Office use, and given that on-site facilities are available, it is unlikely to generate significant net additional impact to the highway network. The applicant have stated that the expected deliveries would be similar to that of other campuses in London, in that it is likely to be daily early morning deliveries for perishables and other small scale deliveries at approximately one delivery fortnightly. The TfL have commented that given the very low car parking provision and the low number of forecast vehicle movements associated with servicing and refuse collection, the impact on the Transport for London Road Network and the Strategic Road Network is considered to be acceptable. This can be applied to the Local Road Network.
- 8.37. Taking into account the above, subject to condition requiring a Servicing and delivery Management Plan and Construction Logistics Plan, it is considered that the proposed servicing arrangements for the proposed uses is acceptable and would not have an unacceptable impact on the capacity and safety of the transport network, in accordance with Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the Council's Managing Development Document (2013).

Refuse and Recyclables Storage

- 8.38. Policy 5.17 of the London Plan (2011) requires all new developments to include suitable waste and recycling storage facilities. Policy SP05(1) of the Council's adopted Core Strategy (2010) and Policy DM14(2) of the Council's adopted Managing Development Document (2013) seek to implement the waste management hierarchy of reduce, reuse and recycle by ensuring that developments appropriately design and plan for waste storage and recycling facilities as a component element.
- 8.39. The proposed development includes a designated refuse stores within the site, which can be collected off the highway. The Council's Waste officer supports the proposal and therefore the proposed arrangement is acceptable.

Planning Contributions and Community Infrastructure Levy

- 8.40. Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:
- § Necessary to make the development acceptable in planning terms;
 - § Directly related to the development; and
 - § Are fairly and reasonably related in scale and kind to the development.
- 8.41. This is further supported by policy SP13 of the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.42. The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy.
- 8.43. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, skills, training and enterprise
- Community facilities
- Education

8.44. The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability
- Public Realm

8.45. The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured. In the case of the proposed development, the students and employees who come to the site is likely to add pressure to the local services such as open spaces; community facilities; leisure facilities and general public realm. However, the priority of them all is seeking employment opportunities.

8.46. Based on the Planning Obligations SPD, the planning obligations required to mitigate the proposed development would be approximately £286,299.11. This has been applied as follows through the SPD.

8.47. The requested financial heads of terms have been broken down as follows:

Financial Contributions

- A contribution of **£60,436.00** towards employment, skills, training and enterprise during Construction Phase.
- A contribution of **£69,426.00** towards employment, skills, training and enterprise during End Use Phase.
- A contribution of **£10,584.42** towards Libraries.
- A contribution of **£59,040.00** towards Public Realm.
- A contribution of **£50,419.98** towards Open Spaces
- A contribution of **£30,779.00** towards Leisure
- A contribution of **£5,613.71** (2%) of the total financial contributions would be secured towards monitoring.

Total Financial Contribution: **£ 286,299.11**

Non-financial Contributions

- Car-free
- Scholarship programme offered to Tower Hamlets residents to be agreed with the Council;
- 20% local employment and 20% procurement;

8.48. The above contribution have been secured and negotiated in line with the S106 SPD and officers consider that for the reasons identified above that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

Local Finance Considerations

- 8.49. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides:
- 8.50. In dealing with such an application the authority shall have regard to:
- a) The provisions of the development plan, so far as material to the application;
 - b) Any local finance considerations, so far as material to the application; and
 - c) Any other material consideration.
- 8.51. Section 70(4) defines “*local finance consideration*” as:
- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 8.52. These issues are material planning considerations when determining planning applications or planning appeals.
- 8.53. Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.
- 8.54. The likely CIL payment associated with this development would be in the region £101,500.00

Human Rights

- 8.55. 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:-
- 8.56. 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:-
- § 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".

- 8.57. 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.
- 8.58. 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.
- 8.59. 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.
- 8.60. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.61. 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.
- 8.62. 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 and obligations to be entered into.

Equalities

- 8.63. The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised 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 characteristic 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. With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

9. CONCLUSION

- 9.1. All other relevant policies and considerations have been taken into account. Planning permission should be supported for the reasons set out in RECOMMENDATION section of this report.

Appendix 1: Application site map

