

Committee: Development Committee	Date: 3 September 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Esha Banwait	Ref No: PA/15/01470
	Ward: Bromley South

1. APPLICATION DETAILS

Location: Site at north east of Blackwall Tunnel Northern Approach and Twelvetees Crescent, Twelvetees Crescent, London E3

Existing Use: Vacant Land

Proposal: Provision of a new 300 place Arts and Music Academy for 16-19 year olds. The facility will include recording studios, performance spaces, classrooms, a café and other associated facilities. The proposal also includes a comprehensive landscaping scheme, bin storage, a substation, two disabled parking bays and cycle parking.

Drawing and documents: PL010; PL002; PL003; PL004; PL005; PL006; PL007; PL008; PL009; PL011; PL012; PL013; PL014; Landscape Design Plan.

- Planning and Impact Statement
- Design and Access Statement
- Transport Statement
- Air Quality Assessment
- Community Use Management Plan
- Construction Method Statement
- Noise Exposure Assessment and Vibration
- Noise Impact Assessment
- Outline Energy and Sustainability
- Phase 2 Ground Investigation
- Preliminary Ecological Appraisal
- Remediation Strategy
- School Management Plan
- Site Waste Management Plan
- Statement of Community Involvement
- Surface Water Management Plan
- Archaeological Desk Based Assessment
- Landscape specification

Applicant: East London Arts and Music

Ownership: GLA Land and Property Limited

Historic Building: N/A

Conservation Area: N/A

2. EXECUTIVE SUMMARY

- 2.1. The proposal involves the construction of East London Arts and Music (ELAM) school at the vacant land located to the east of A12, west of Maltings Close and north of Twelvetreets Crescent. ELAM is a further education facility specialising in technical industry level courses in the creative industries catering for 16-19 year old pupils.
- 2.2. The proposed education facility currently operates in Pitchford Street on a temporary basis and is seeking permission to relocate at the subject site permanently. The proposed development will include a maximum 4 storey building comprising of various music studios, teaching spaces and a multi-function hall.
- 2.3. The proposed further education facility will also cater for ancillary community uses by way of offering the proposed music studios and multi-function hall for hire to semi-professionals within the industry and to interested parties in the local area.
- 2.4. In terms of the locality, the subject site has remained vacant for over sixteen years and the surrounding area is very much in transition with recently granted planning permissions for an eight storey hotel development to be located in the land to the south and a four to nineteen storey residential-led development on land to the north of the railway tracks. This site does however back onto a four to seven storey residential estate along Maltings Close. Bow Secondary School recently opened in close proximity.
- 2.5. The planning application has attracted a total of 24 representations raising concerns relating to authorised parking within the Maltings Close Estate, deteriorating quality of the A12 staircase which currently provides access to the proposed site and Maltings Close.
- 2.6. The proposal seeks to provide a car free development and anticipates 100% sustainable travel modes to be adopted by its students and staff given a reasonably good public transport accessibility achieved by the subject site (PTAL 5). There is provision for disabled parking.
- 2.7. The proposal is considered to be acceptable in land use terms as it seeks to provide an education facility which will comprise of educational, and ancillary community uses.
- 2.8. In terms of design, the proposed building is good quality and would provide a good quality education facility for young people. The building does not perform well in terms of integrating sustainable design and minimising CO2 emissions but this is considered acceptable on balance given the wider public benefits of the proposed development. In terms of access and egress to the site, there are challenges due to the harsh local environment, however the surrounding infrastructure is considered to be adequate to cater for the proposed development; recent developments such as Bow School,

Twelvetreets Crescent has now been completed and considered these issues previously.

- 2.9. In terms of impacts on neighbours amenity, a number of objections have been received by residents in the Maltings development regarding increasing car parking demands as a result of the proposed community uses,
- 2.10. The Local Planning Authority has 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), the London Plan (2015) and Government Planning Policy Guidance.
- 2.11. The proposal is therefore recommended for approval in line with national, regional and local policies.

3. RECOMMENDATION

- 3.1 That the Development Committee resolve to GRANT planning permission, subject to a legal agreement and conditions as detailed below.
- 3.2 That the Corporate Director Development & Renewal and the Service Head (Legal Services) are delegated power to negotiate and complete the legal agreement indicated above acting within normal delegated authority.
- 3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informative on the planning permission.

3.5 Conditions

Compliance Conditions

- 1. Three year time limit
- 2. Compliance with approved plans and documents
- 3. Hours of use of community events (no later than 7pm except for no more than five events per year which will finish before 10pm)
- 4. School management plan
- 5. School Travel plan
- 6. Disabled parking provision
- 7. Cycle parking provision
- 8. Delivery and servicing management plan
- 9. Noise report and acoustic specification
- 10. Compliance with Energy Statement
- 11. Breeam 'very good' accreditation
- 12. Waste and recycle storage
- 13. Hours of construction and demolition (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays).
- 14. Thames Water – properly maintained fat trap on all catering establishments

Prior to commencement

15. Demolition/Construction Environmental Management & Construction Logistics Plan.
16. Ground contamination – investigation and remediation.
17. Piling Method Statement.
18. Thames Water (water infrastructure capacity)
19. Thames Water (Any work involving new foundations, underpinning, piling or basements requires approval)
20. Air Quality Assessment

Prior to above ground works construction

21. Noise and acoustic specification
22. SUDs details (drainage strategy)
23. Details of external plant and ventilation, including noise attenuation measures.
24. Samples and details of all facing materials, including balconies, windows and doors.
25. Details of on-site and off-site signage.
26. Details of hard and soft landscaping, including boundary treatment and tree replacement scheme and a Landscaping Management Plan for the school and playground.
27. Details of rooftop PV array
28. Details of biodiversity enhancement measures
29. Details of all boundary treatments including hedges, fences, railings and walls for the rest of the development
30. Security Management Plan including details of all Secure by Design (SBD) measures to achieve level 2 SBD accreditation
31. Details of external lighting and CCTV
32. Details of cycle parking provision
33. S278 agreement with Transport for London
34. Details of whole building mechanical ventilation and the location of the ventilation inlet

Prior to Occupation

35. Delivery, Servicing Plan and Waste Management Plan including refuse storage and collection.
- 3.6 Any other conditions considered necessary by the Corporate Director Development & Renewal.
- 3.7 Informative:
1. Thames Water standard informative
 2. Building Control
 3. Associated S278 agreement with the Highways Authority
- 3.8 Any other informative considered necessary by the Corporate Director Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS

Site and surroundings

- 4.1. The application site has an area of approximately 0.2ha which is brownfield land that has been vacant for over 16 years. It is located to the north of Twelvetrees Crescent, west of Maltings Close, south of Bromley-by-Bow Underground Station and east of the A12. The site fronts onto the A12 and is bounded by a car park along Twelvetrees Crescent to the south, railway to the north and Maltings Close to the east, beyond which is the River Lea. Further south of Twelvetrees Crescent is Bow School which is a 9FE secondary school catering for approximately 1350 pupils aged between 11 and 16 years, 240 sixth form pupils and approximately 200 members of staff.
- 4.2. This site is generally rectangular in shape that is currently bounded by hoardings and is accessed via an existing staircase located directly off the A12. To the immediate south of the existing site is a communal passageway which currently links the A12 to Maltings Close. Vehicular access onto the site is directly off Maltings Close.
- 4.3. No parts of the application site fall within the curtilage of a listed building or within a conservation area. The nearest conservation area is Limehouse Cut located over 180m to the south. Although, there are no particular designations associated within the subject site, this site is located within an archaeological priority area and has potential land contamination.
- 4.4. The subject site has remained vacant for over sixteen years but is located in an area of significant change where the surrounding area is in transition. The site lies to the south of the Bromley by Bow district centre as defined in both the LLDC local plan (2015) and LBTH MDD (2013). The site does not have any specific designation within the adopted local plan but is within the Bromley-by-Bow Masterplan 2011, and although this can be afforded little weight in planning decisions, it considered the subject site suitable for commercial uses..
- 4.5. The site has a fairly good accessibility to public transport with a PTAL of 5 (in the range 1 to 6 where 1 is low and 6 is excellent). The site is approximately 67m to the south east of Bromley by Bow London Underground Station serviced by the District line and Hammersmith and City line. This site is also serviced by a number of bus routes along the A12.

Relevant Planning History

- 4.6. Planning permission (reference: PA/01/00938) was granted on 11 December 2002 for the erection of 4 x four storey blocks and their use as 144 studio, one and two bedroom flats, a two-storey block of 6 commercial units (Block B1) together with 133 parking spaces, new riverside and pedestrian walkways and associated landscaping.
- 4.7. Advertising consent (reference: PA/02/00061) granted on 3 May 2002 for the erection of an architect designed white painted steel arch structure to support two internally illuminated advertising panels with an overall height of 6m above ground level.

- 4.8. Planning permission (reference: PA/03/01581) granted on 25 June 2006 for the erection of 4 interlinked residential buildings of between 4 and 8 storeys in height to provide 215 flats, comprising 66 x one bed and 149 x two bed with 175 parking spaces, new vehicular access, pedestrian footpath and link staircase to A12, riverside walkway associated hard and soft landscaping and public area feature.

Relevant planning history in the surrounding area:

- 4.9. Planning Permission (reference: PA/11/00485) granted by LTGDC on 11 August 2011 for the construction of an 8 storey (7 storeys at A12 level), comprising a 161 bedroom hotel (use class C1 – 6328 sqm GEA), together with site access and landscaping.
- 4.10. Planning permission (reference: PA/11/02764) granted on 12 April 2012 for the erection of new 9FE secondary school including buildings up to four storeys plus multi-use games areas, landscaping, car parking and associated works.
- 4.11. Planning permission (reference: PA/09/02574) granted on 21 July 2010 for a hybrid planning application for comprehensive mixed-use redevelopment of the site comprising the construction of 454 residential units, 1086m² flexible retail and commercial uses, 1547m² commercial uses, two form entry primary school and children's centre, 19 storey hotel, petrol filling station, public open space and associated infrastructure including creation of new roads.

Details of the proposed development

- 4.12. The application proposal involves the construction of the East London Arts & Music (ELAM) Free School at the subject site. ELAM opened in September 2014 in Pitchford Street, London E15 4RZ however the school at this site is a temporary arrangement. The proposal at the subject site will provide a permanent location for ELAM.
- 4.13. ELAM offers an industry level full time music programme to 16-19 year olds operating as a further education school. The temporary school at Pitchford Street presently facilitates for 75 pupils, however this will increase to 150 pupils with a second year group by September 2017 providing a maximum capacity of 300 pupils.
- 4.14. The core teaching day will be between 08:50-15:40 with additional lessons and clubs facilitation prior to main teaching day between 08:00 – 08:45 and after school activities between 15:40 and 18:00.
- 4.15. ELAM will comprise of a four storey building incorporating 3110sqm of educational (D1) floorspace. It is of a contemporary design, comprising of a multi-purpose hall, classrooms, café, common rooms, lecture halls, several music studios, green room, control rooms and ancillary uses. The proposed multi-purpose hall and music studios will be made available to the community outside of school hours for community use.
- 4.16. The proposed four storey building will comprise of a flat roof that will be positioned on an elevated angle and will host PV panels. Key materials include metal cladding, stone cladding, concrete and painted steel columns and majority of the façade which fronts onto the A12 will be glazed.

- 4.17. Soft and hard landscaping around the site curtilage including external lighting. The site will be enclosed by a 2.4m high 'barbican' fence (i.e. wire mesh) along the eastern, southern and western boundaries facilitating passive surveillance and safety along the communal passageway located to the immediate south.
- 4.18. In terms of access and servicing, vehicular access onto the subject site will be via Twelvvetrees Crescent, off Maltings Close which is at the south western corner of the site. The south western corner of the site will comprise of 42 secure cycle parking spaces for pupils and staff, 28 short term bicycle parking spaces for visitors and 2 disabled car parking spaces, one of which will have an electric vehicle charging point. The proposal seeks a car free development.

5. RELEVANT PLANNING POLICIES

- 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 particularly relevant to the application:
- 5.2 National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).
- 5.3 The London Plan (as consolidated 2015)
 - 2.1 London in its global, European and United Kingdom context
 - 2.13 Opportunity areas and intensification areas
 - 3.16 Protection and enhancement of social infrastructure
 - 3.17 Health and social care facilities
 - 3.18 Education facilities
 - 5.1 Climate change mitigation
 - 5.2 Minimising carbon dioxide emissions
 - 5.3 Sustainable design and construction
 - 5.5 Decentralised energy networks
 - 5.6 Decentralised energy networks in development proposals
 - 5.7 Renewable energy
 - 5.8 Innovative energy technologies
 - 5.9 Overheating and cooling
 - 5.10 Urban greening
 - 5.11 Green roofs and development site environs
 - 5.12 Flood Risk Management
 - 5.13 Sustainable drainage
 - 5.14 Water quality and wastewater infrastructure
 - 5.16 Waste self sufficiency
 - 5.17 Waste capacity
 - 5.21 Contaminated land
 - 6.1 Strategic approach
 - 6.2 Providing public transport capacity and safeguarding land for transport
 - 6.3 Assessing effects of development on transport capacity
 - 6.4 Enhancing London's transport connectivity
 - 6.9 Cycling
 - 6.10 Walking
 - 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
- 7.7 Location and design of tall and large buildings
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

5.4 Tower Hamlets Core Strategy 2010

- SP03 Address the impact of noise pollution
- SP05 Provide appropriate refuse and recycling facilities
- SP07 Support the growth and expansion of further and higher education facilities
- SP08 Making connected places
- SP10 Protect and enhance heritage assets and their settings; protect amenity and ensure high quality design in general
- SP11 Energy and Sustainability
- SP12 Delivering Place making
- SP13 Planning Obligations

5.5 Managing Development Document 2013

- DM8 Community Infrastructure
- DM9 Improving Air Quality
- DM10 Delivering Open space
- DM11 Living Buildings and Biodiversity
- DM13 Sustainable Drainage
- DM14 Managing Waste
- DM15 Local Job Creation and Investment
- DM17 Local Industrial Locations
- DM18 Delivering schools and early learning
- DM20 Supporting a Sustainable Transport Network
- DM21 Sustainable Transport of Freight
- DM22 Parking
- DM23 Streets and Public Realm
- DM24 Place Sensitive Design
- DM25 Amenity
- DM29 Achieving a Zero-Carbon borough and addressing Climate Change
- DM30 Contaminated Land & Hazardous Installations

5.6 Supplementary planning documents and other guidance

- Bromley-by-Bow Masterplan 2011
- SBD New Schools

6. CONSULTATION RESPONSES

External consultees

Environment Agency

- 6.1 No objection.

Thames Water

- 6.2 Surface Water Drainage – any water discharge to a public sewer requires Thames Water prior approval

(Officer Comment: this required will be secured via condition)

- 6.3 Waste Water - There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer.

- 6.4 A Groundwater Risk Management Permit from Thames Water is required for discharging groundwater into a public sewer.

(Officer Comment: a pre-commencement condition is proposed to ensure the necessary approvals are gained from Thames Water prior to any piling or construction works. Additionally the requirement of groundwater risk management permit will also be secured via condition.)

- 6.5 Sewerage Infrastructure Capacity - no objection.

- 6.6 Thames Water recommends the installation of a properly maintained fat trap on all catering establishments.

(Officer Comment: this required will be secured via condition.)

- 6.7 Water Comments – No objection.

- 6.8 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

(Officer Comment: An informative will be included in line with the above comments.)

Crime Prevention Officer (Metropolitan Police)

- 6.9 All perimeter fencing and walls are not easily climbable; the site requires appropriate lighting, appropriate lighting along the public footpaths and integration of CCTV systems. The proposed security aspects must be in consideration with the SBD New School Document.

- 6.10 The proposed revolving doors could be substituted with an alternative design if there is a possibility for the building to be left unattended for hours. The proposed cycle stores and bin stores must be robust and lockable.
- 6.11 The private seating area on the upper floors should be well secured. Any fire exits on the lower and upper floors also need to be very robust. Consideration should be given to the stairs leading towards the upper ground floor level as this is likely to be used as 'seating area' by the pupils.
- 6.12 Any levels within the landscape that change due to the topography need to be very well thought out in order to not create an hiding places and recesses.
- 6.13 As an overview for the site, the Crime Prevention Officer has been to an adjacent site recently have had to recommend a number of upgrades on security. This development is quite new and has a number of weak points which are being targeted by local groups. This area has been hit by an increase in crimes since the new development has been completed and there are concerns that any new development, if not completed with the appropriate standard of security, will itself be targeted and suffer long term problems that will have an impact on local residents, police and social landlords due to increased cost of 'post fix'.

[Officer Comment: A detailed security management plan alongside necessary conditions and informative would be secured accordingly.]

Historic England (Archaeology)

- 6.14 There are no archaeological requirements.

Transport for London (TfL)

- 6.15 The site is located next to the Blackwall Tunnel Northern Approach which forms part of Transport for London's Road Network (TLRN) and next to Bromley-by-Bow LU station.
- 6.16 TfL have the following comments:
- TfL request the trip generation methodology. The assessment does not take into account free travel for pupils on buses.
 - TfL request a school Travel Plan
 - Information such as number of deliveries, local and strategic routing and restricted site operation hours in terms of on-site deliveries to minimised congestion along the surrounding public highways should be included in the Construction Management Plan.

(Officer Comment: Trip generation methodology has been included in the submitted transport assessment. The applicant has submitted that the proposed ELAM school will assist its students in getting free or reduced fare travel though zip-oyster.

A travel plan and construction management plan in accordance to the above comments will be secured via condition.)

Officers requested further comments from TfL regarding the access to the site and their existing infrastructure. TfL responded as follows:

- The subway is inspected monthly and TfL has advised our Contractor that concerns are being raised about the extent of graffiti and TfL will be monitoring reports to see how often graffiti is highlighted. From a structural point of view the subway is generally in good condition and TfL have no immediate plans for any major revamp. TfL intends to visit this subway in the very near future to see if anything can be done by way of (low cost) cosmetic and lighting improvement. A contribution could be sought towards cosmetic improvements to improve the environment but nothing is currently identified.
- In terms of day to day litter and urine smells etc this falls under Tower Hamlets remit under the Environmental Protection Act.
- TfL do not currently have any committed or funded schemes along the A12 at this location however at grade crossings is something that would be desirable and have been investigated however are difficult to implemented due to traffic speed, volume and also gradients meaning sight lines would be poor.

(Officer Comment: Access to the site is considered in detail in the main body of the report. Officers have not sought planning contributions (s106) towards upgrade works to the subway, or other works as there are not schemes currently identified by TfL and any such works are not considered to be necessary in order for the development to be acceptable)

Internal consultees

LBTH Transportation and Highways

- 6.17 No objection, in principal, to the proposed day time use at this site. However further information is required regarding the proposed community use of the proposed development. Clarification is sought for the proposed hours of operation for this ancillary use.
- 6.18 A detailed community use management plan is required to understand the impact on the local highway network, particularly on-street parking in the locality during the evening.
- 6.19 With regards to pedestrian movement, the report highlights inadequacies with the current underpass adjacent to the site, particularly with regards to lighting. The general pedestrian environment round the site leading to the main access is also poor. No mitigation is proposed for this directly as the applicant argues that is outside their boundary. However, given that this will be major pedestrian link to the site (including evenings associated with the proposed community use), LBTH Highways would expect a financial contribution towards upgrading the current facilities on the underpass and stairs, which should form part of a A106 contribution. The footways adjacent to the site should be dealt with under a S278 agreement, unless the case officer feels this should be covered by S106. It is considered that these improvements are essential in order for the school to function in this location.

- 6.20 LBTH Highways recommend a condition to secure accessible carparking to be retained and maintained for the lifetime of the proposed development, full details of cycle stores and stands, full travel plan, construction management plan and service management plan.

- 6.21 The application will be required to enter into a S278 agreement with the local authority to fund works on the public highway adjacent to the site as required.

(Officer Comment: Although Transport for London have advised that this locality is earmarked for relevant upgrade works, these are unlikely to be undertaken in the near future due to lack of funding. Based on the uncertainties associated with the likely upgrade works for this locality, Transport for London are unable to enter in to a S278 agreement as part of this planning application.

The applicant has submitted an amended Travel Plan and community use plan to address the abovementioned inadequacies.

Necessary conditions in accordance to the above comments will be secured.)

LBTH Biodiversity

- 6.22 The proposed landscaping and long narrow planting beds will contribute to a target in the Local Biodiversity Action Plan (LBAP).

- 6.23 No green roof is neither proposed, nor any other living building element. The inclusion of a biodiverse green roof would contribute to an LBAP target. However, the design of the roof to improve acoustics seems a valid reason not install a green roof in this case.

(Officer Comment: Necessary conditions and informative would be secured accordingly.)

LBTH Environmental Health – Contaminated Land

- 6.24 A detailed scheme to include a desk study report, intrusive investigation to identify potential contamination, site investigation report, risk assessment and proposal for necessary remedial works must be secured via condition.

- 6.25 Remediation works and a verification report must also be secured via condition.

(Officer Comment: the above conditions will be imposed as pre-commencement conditions.)

LBTH Environmental Health – Air Quality

- 6.26 Further modelling for receptors on the eastern side of the roof to determine where it would be appropriate to draw in air to the ventilation system has been undertaken. The assessment showed that the receptors at the eastern edge of the roof would be just below the NO2 annual objective and hence suitable to locate the inlet. They have also clarified that ventilation is to be provided for the whole building, not just the rooms facing the A12 as previously stated. This mitigation is now acceptable. Please include the

provision of whole building mechanical ventilation and the location of the ventilation inlet as a condition, should the application be approved.

(Officer Comment: Necessary conditions and information would be secured accordingly.)

LBTH Environmental Health – Noise and Vibration

- 6.27 A desktop acoustic design review/analysis of the construction that confirms the objective data supplied by the noise consultant is required.

(Officer Comment: A condition will be secured accordingly.)

LBTH Senior Arboricultural Trees Officer

- 6.28 Scheme for trees seems adequate however the use of Sorbus Spp should be substituted with Field Maple as Sorbus Spp fail to establish in prevailing climate.

[Officer Comment: The applicant has submitted amended plans to reflect the recommendation.]

LBTH Energy Efficiency and Sustainability

- 6.29 The energy/sustainability proposals do not meet policy requirements (DM29 on carbon reduction on BREEAM Excellent), and the documents simply states that the policy requirements are not achievable 'given the available funding from EFA'.

- 6.30 The submitted scheme in its current form would not be supported as it is not policy compliant and only targeting a 3.5% CO₂ emission reduction and BREEAM Very Good, whereas policy requirements are 45% reduction in CO₂ emissions and BREEAM Excellent rating.

(Officer Comment: A revised Outline Energy and Sustainability Strategy has been submitted which targets a 10% CO₂ emission reduction compared to Part L Building Regulations 2013)

LBTH Surface Water Run Off - SUDS

- 6.31 A condition to secure a strategy which demonstrates how any SUDs and/or attenuation features will be suitable maintained for the lifetime of the development is recommended.

(Officer Comment: Necessary conditions will be secured accordingly.)

LBTH Waste Management

- 6.32 No waste management documentation enclosed other than a site waste management plan. Applicant needs to demonstrate understanding of waste management, where waste will be stored and how this will be managed on site, post construction.

(Officer Comment: Necessary conditions will be secured accordingly.)

7 LOCAL REPRESENTATION

- 7.1 A total of 93 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. Site notices were displayed and the application was advertised in the local press.

No of individual responses: 24 Objecting: 22 Supporting: 2
No of petitions received: 0

- 7.2 The applicant also held a public consultation exhibition prior to submission of the application.

Objections to the application

- 7.3 24 objections towards the application proposal have been received out of which 18 raise material planning issues which are outlined below -

- Increase in unauthorised parking and access in Maltings Close.
- Given the close proximity the site to the residents of Maltings Close, assurance is sought that any disturbance and inconvenience during construction phase is to be kept at minimum and no access to Maltings Close if blocked.
- Access into the site is not fit for purpose and the increase usage as a result of the proposal is likely to have adverse impacts on its condition and future usability.
- Lack of consultation undertaken by the applicant
- Increase in anti-social behaviour in the immediately surrounding area.
- Negative Impact on amenity of the residents of Maltings Close during the construction phase
- Inappropriate height of the proposed building.

- 7.4 The issues raised in objection to the scheme would be fully addressed in the Design, Amenity, Housing sections of the Material Planning Considerations section of this report:

8 MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application are as follows:

- Land use
- Design
- Amenity
- Transport, access and servicing
- Environmental considerations
- Sustainability and Energy efficiency
- Health considerations
- Planning Obligations
- Equalities considerations

Land use

- 8.2 The application site in its current form is 0.2 hectares of vacant site that is located to the east of A12, west of Maltings Close, to the south of railway track and to the north of Twelvetrees Crescent. The site has pedestrian access directly off the A12 and via Twelvetrees Crescent and Maltings Close and Vehicular access directly of Maltings Close.
- 8.3 Prior to the grant of planning permission PA/03/01581 in 2004, the subject site was occupied by Optima Print (formerly known as Norkon Press) which eventually became an unviable business due to the technological advances in the printing industry. The grant of planning permission in 2004 for primarily for commercial (use class B1) purposes. However, pursuant to the grant of planning permission, no building works were implemented causing the planning permission to lapse.
- 8.4 The site has remained vacant for over 16 years and prior to this it contained commercial/ light industrial land uses.
- 8.5 The area immediately surrounding the site comprises a mix of land uses including residential, car parking, and a new secondary school. There are also lapsed planning permission for a new town centre to the north and hotel to the south. The general area is considered to be in transition.
- 8.6 The proposal is for a four storey further education school (Use Class D1) specialising in industry level music and arts courses for 16-19 year olds. The subject further education school is the East London Arts and Music School (ELAM) operates a temporary facility in Pitchford Street and is seeking to re-locate on permanent basis to the application site.
- 8.7 The multi-purpose hall is also available for hire as a large space for semi-professional clubs or similar and wider community 3rd party lettings. This will include hiring to other close-by school and community groups serving an ancillary purpose of community use. After school activities will occur between 15:40 and 18:00. Typically, the college would have five performances a year which will go on until 10pm at the latest.
- 8.8 Similar to the multi-purpose hall, the music studio will also be available for hire for smaller groups from both the local area and interested members of the community.
- 8.9 The proposed school will not comprise any playground areas. This is due to the further education facility being akin to a sixth form college, and includes a café and common room facilities located on first floor. The proposed café would be classified as a functioning business however this element of the proposal is considered to be an ancillary use to the school.

Principal of School

- 8.10 Given the site history, the proposed D1 use of the subject site is not considered to result in loss of employment space or jobs. This section will focus on the land use implications of the proposed educational use.
- 8.11 The NPPF states that:

“The Government attaches a great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and the 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 give work with school promoters to identify and resolve key planning issues before applications are submitted.”*

- 8.12 Furthermore, Policy Statement – planning for schools development clearly states that:

“there should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.”

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

- 8.14 London Plan Policy 3.18, part A, sets out that the Mayor will support the provision of education facilities 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. Part D, sets out that proposals for 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 and obligations. Finally, London Plan Policy 3.18, part E, sets out that, development proposal which maximise the extended or multiple use of educational facilities for community or recreational use should be encouraged.

- 8.15 Part 4, of the strategic policy SP07 of the Core Strategy 2010, seeks to support the growth and expansion of further and higher education facilities in the borough.

- 8.16 Policy DM19 in the Managing Development Document details the borough’s approach supporting the provision of new further and higher education facilities within the borough by the means of following criteria:

- they are in or at the edge of town centres*
- they will not result in an over-concentration of education facilities within the town centre*
- there is a local need for the facility*
- additional information to ensure the quality of the facility, such as certification and registration details, are provided by the applicant.*

- 8.17 The subject site does not fall in Bromley-by-Bow North East Quadrant site allocation 7 as identified in the Managing Development Document or the Bromley-by-Bow Town Centre site allocation as identified in the London Legacy Development Corporation Local Plan, within the Bromley-by-Bow Masterplan 2011. It is noted that the subject site is allocated for commercial uses which has been afforded little weight. The adopted LBTH Local Plan is more recent and does not contain any specific land-use designations in relation to this site.

- 8.18 The proposal is for the creation of a new East London Arts and Music school (use class D1) which is a further education facility that operates as a 'Free School'. Policy advises that the location of new further education schools will be guided by the criteria listed above. This provides a positive approach to the development of 'free schools' ensuring that they are located where they can be easily accessed and that they provide a high quality teaching environment.
- 8.19 This site is located within a PTAL level 5 and is therefore well serviced by public transport. The proposed development is therefore considered to be in an accessible location and is thus considered to accord with Policy SP07 of the Core Strategy 2010. It is however acknowledged that access to the site is constrained due to poor quality crossings over the A12. Although the local infrastructure such as staircases and subways are structurally sound and sufficient to cope with the additional users generated by the proposed development.
- 8.20 The site is also located within an area that is very much in transition. It is noted that there is not a specific site allocations within the adopted local plan and therefore in principal, the proposed development is considered to be appropriate despite the land to the east being predominantly residential. The site is also not located in a town centre, however it is at the edge of a town centre, pursuant to Local Plan Policy DM19..
- 8.21 The need for a new further education facility offering technical and specialised industry level courses for 16-19 year olds is apparent as the college is already operational in temporary accommodation. The proposed ELAM facility is funded by the Education Funding Agency as part of the Government's free school programme.
- 8.22 It is noted that the Bromley-by-Bow area comprises of a secondary school that is in close proximity to the subject site.. . The nature of the proposed school is considered to be unique and specialised in the creative industries and no such schools are located in the Bromley-by-Bow area. As such, no over-concentration of further education facilities will occur in this area.
- 8.23 ELAM as a further education facility has been established by a small group of leading figures from the industry and education sections and it already operates in Pitchford Street on temporary basis. The proposal seeks permission for purpose-built facility which will create a permanent home at the subject site where officers are satisfied with the quality of the facility meaning young people in the borough will continue to benefit from its education.
- 8.24 The principal of an education use accords with the policy given there is an expansion of an existing education facility and it meets the relevant policy tests, and meets local need. Furthermore, it accords with national policy which also encourages educational uses.
- 8.25 In conclusion, it is considered that the proposed development is in accordance with Policy SP07 of the Core Strategy (2010), DM18 in the Managing Development Document (2013) and policy 3.18 of the London Plan (2011). These policies support the improvement and expansion of existing educational facilities in accessible locations and support the maximisation of

sites in educational use through the co-location and clustering of community or recreational services.

Community Uses

- 8.26 The proposal seeks to provide a multi-function hall and music studios with an intention to allow local community groups and semi-professional groups to use these spaces outside of core school hours. The principal of shared facilities and co-location is promoted by policy SP07 of the Core Strategy 2010.
- 8.27 Pursuant to the Managing Development Document policy DM8 which supports new health, leisure and community facilities located in or at the edge of town centres where local need can be demonstrated. The proposed after school uses of the multi-functional and hall and music studios would provide community facility catering youth facilities, creative spaces, community halls and/ or a meeting place for the local area and foster any up-coming semi-professional local talent.
- 8.28 In land use terms, the principle of the above use would be ancillary to the primary use as an education facility. The nature of the proposed community uses that form part of the proposed ELAM facility is considered to be acceptable and would accord with Policies SP07 and DM8.

Conclusion

- 8.49 In conclusion, officers are confident that the proposed ELAM further education facility at the subject site would be highly desirable in land use terms as it would make efficient use of a brownfield site that is located in an area that is very much in transition. Furthermore, a further education facility that caters for ancillary community uses would contribute towards a community centred neighbourhood that is in line with the broad objectives of planning policies at national, regional and local levels.

Design

- 8.50 The National Planning Policy Framework attaches great importance to the design of the built environment. In accordance with paragraph 58 of the NPPF, new developments should:
- function well and add to the overall quality of the area,
 - establish a strong sense of place, creating attractive and comfortable places to live,
 - respond to local character and history, and reflect the identity of local surroundings and materials,
 - create safe and accessible environments, and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 8.51 Chapter 7 of the London Plan places an emphasis on robust design in new development. The most relevant sections are set out below:
- Policy 7.1 seeks creation of distinct, liveable neighbourhoods and requires new buildings to interface with surrounding land, improve

access to social and community infrastructure, local shops and public transport. The character, legibility, permeability and accessibility of neighbourhoods should be reinforced.

- Policy 7.2 seeks creation of an inclusive environment catering to the needs of all sections of the population, while policy 7.3 requires development to reduce the opportunities for criminal behaviour and to contribute to a sense of safety and security.
- Policy 7.4 requires development to respect local character - this should be achieved by a high quality design response informed by the surrounding historic environment and which has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Development should be human in scale, ensuring that buildings have a positive relationship with street level activity.
- Policy 7.5 the public realm should be secure, accessible, inclusive, and legible. Opportunities for greening should be maximised.
- Policy 7.6 specifies that in terms of assessing the architecture of a development as a whole the development should make a positive contribution to a coherent public realm, streetscape and wider townscape. It should incorporate the highest quality materials and design appropriate to the site's context.

- 8.52 The Council's policy SP10 sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Further guidance is provided through policy DM24 of the Managing Development Document. Policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces. The place making policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.

Site layout

- 8.53 The proposal represents an innovative scheme to enable the delivery of a specialised further education facility offering industry level courses in the creative industry. The proposal involves in a four-storey building comprising of a general rectangular layout to complement the general shape of the subject site.
- 8.54 The application site will be enclosed by a 2.4m high barbican fence and the proposed four storey building will front onto the A12 with the rear elevation to face the residential estate located along Maltings Close. The main building entrance is centrally located along the front elevation in order for ready accessibility directly off the A12 staircase via a gate.
- 8.55 Servicing and vehicular access onto the site will be located at the south eastern corner of the site and will be directly off Maltings Close via Twelvvetrees Crescent. The proposed secure cycle parking, disabled parking spaces and site servicing area will be located to the south east of the building and will be accessed directly off Maltings Close via a gate. The site will

comprise of 28 x visitor cycle parking spaces to be located at the north western corner of the site. The site will comprise of vehicular accessibility to the front entrance area along the southern property boundary.

- 8.56 No impacts on the usability of the existing public passageway which runs parallel to the site on its southern side is anticipated as it will continue providing access from the A12 to Maltings Close. The site will comprise of a gated outdoor corridor that will run along the northern property boundary. Access into this corridor is limited to plant access and repair/maintenance works.
- 8.57 With respect to the internal layout, the proposed ground floor will comprise of a reception entrance lobby located past the main entrance and all of the proposed music studios and control room separated by a lobby area. This level will also comprise of a break out area situated quite centrally within the floor.
- 8.58 The first floor area will comprise a café/ common room which will occupy 177m², general classroom space, editing studio, small practice rooms and a green room to the multi-function hall which extends to the upper storeys.
- 8.59 The second floor area will comprise staff offices, staff room, 2 x boardrooms, general classroom and media studios and a small communications rooms. A large section of this floor will be allocated to the upper level of multi-function hall.
- 8.60 The third floor will solely comprise of the upper storey of the multi-function hall. The proposed multi-function hall will comprise of a theatre style layout vertically extending in a gradient form across three storeys. Access to the hall will be located on all three upper floors.
- 8.61 The proposed roof will host an external plant and PV panels on the eastern half of the roof.
- 8.62 An internal staircase and the primary lift core will be located at the north western corner of the building. Servicing area of the building will be located at the rear (eastern) end and will be facilitated with a separate staircase and a goods lift. Utility provisions (male and female toilets) will be located on all floors.
- 8.63 The proposed site layout is considered to encourage an active relationship with the A12, promotes robust on-site external and internal accessibility. The proposed internal layout comfortably separates the staff areas and pupil areas and is considered encompass adequate provision of common room / break out area.
- 8.64 The primary educational use of the building is considered to be well separated from the day-to-day servicing areas and no conflicting interference is anticipated.
- 8.65 In summary, the proposed layout is considered to have good design merits and responds well to the challenges of facilitating a further education facility on a vacant site that is bounded by key network links, land in transitioning uses and residential uses.

Height, scale and massing

- 8.66 The prevailing building height in the local area is four to six storeys however it is also to be noted that this area is very much in transition. With recently approved planning permission for a nine storey development on land located to the south of the subject site and upto a 19 storey development at land to the north, the proposed 4 storey building height is considered to be a modest approach.
- 8.67 The proposal seeks to adopt a very simple massing arrangement comprising of geometric forms that complements the general site shape and maximises the site area. The proposed building will cover approximately 75% of the total site area.
- 8.68 Having considered the proposed internal layout, the upper storeys (first, second and third floor) which comprises of a large multi-function hall which extend vertically on a steady gradient across three floors. It is noted that the third floor is primarily occupied by top segment of the multi-function hall resulting in an angular plane roof.
- 8.69 The proposed roof height recedes towards Maltings Close resulting in a prominent, tall front elevation. The subject site also comprises a series of ground level changes from east to west by approximately 1.2m. This factor also assists in giving the proposed building a prominent frontage.
- 8.70 The proposed building roof will be angular and recedes towards its rear elevation. This feature fosters a prominent architectural element and an iconic presence when approaching the subject site whilst traveling on then A12.
- 8.71 The proposed 4 storey scale with a receding height along the rear elevation is considered to be modest and sympathetic given the close proximity to the residences along Maltings Close. The proposed building height is considered to complement the existing environment and is unlikely to impede the proposed future development in the local area.
- 8.72 Given the subject site and the application proposal fronts on to the A12, the proposed height, massing and scale of the development is not considered to have any undue impacts on the functionality of the A12. Although the proposed building is considered to be iconic in terms of its architectural style, it is not considered to be visually dominant.
- 8.73 In summary, the design of the proposed development would be appropriate in terms of layout, height and scale and would relate well to the surrounding streets, the existing buildings, proposed future development and their layout and townscape. It is considered that the proposal would be sensitive to and would enhance the local character and setting of the development, in accordance with policy DM24 of the MDD 2013.

Safety and security

- 8.74 The proposal has given high level consideration to security measures given the development is for an education facility.
- 8.75 The subject site already consists of a 3.5m high concrete post and panel style fence along the northern boundary and the proposal seeks to provide a 2.4m

high barbican fence along the eastern, western and southern boundary which will essentially foster an enclosed site. The proposed 2.4m height is considered to appropriate to remediate any unwanted fence climbing.

- 8.76 The proposal will include the provision of security gates that will be designed as part of the barbican fence along the site frontage providing on-site access off the A12 and along the rear to providing vehicular access on site off Maltings Close. The proposed vehicular access gates which will primarily be used for disabled parking will be locked during operational hours limiting frontal site access only.
- 8.77 Given that majority of the building frontage is glazed with a reception located at the front of the building, this will provide excellent views of key access point onto the site and into the building.
- 8.78 The proposal also seeks to externally illuminate the proposed development. Details of illumination levels and an overall lighting assessment will be secured via condition.
- 8.79 However, the Metropolitan Police have highlighted preference for a some security upgrades in this locality. These upgrades include external lighting measures, minimal pinch points, secure and robust servicing areas and 24hours CCTV monitoring. This is considered to address concerns raised in objections to the proposals. As such, a security management plan outlining detailed security provisions and measures to be implemented will be secured via condition.
- 8.80 With the benefit of further details that will follow with the submission, it is considered the scheme can ensure the safety and security of in line with the requirements of Policy DM 23 of the MDD.

Materials and Appearance

- 8.81 The proposed building comprises a maximum of three materials in each elevation. Majority of the ground floor forms a solid stone base to the building with a light weight metal cladding and curtain walling above. The overall colour schedule of the proposed building is neutral grey.
- 8.82 Majority of the front elevation will be glazed to provide a light, permeable frontage to the building. The top element of the front elevation will comprise of white polycarbonate cladding which is considered to complement light airy front façade.
- 8.83 The proposed building will be encased in standing seam metal cladding along the northern, southern and eastern sides. This will also comprises of various aluminium thermally broken windows on the north, south and east facades.
- 8.84 The proposed design and materials are considered to be good quality and although no concerns have been raised by the LBTH Design and Conservation Officer regarding the proposed building appearance, material details including material samples will be secured via condition.

Landscaping

- 8.85 The proposed landscaping along the site frontage (western boundary) and along the rear end of the site (eastern boundary) provides a softer approach to the prevailing hard concrete appearance of the site and the surrounding locality.
- 8.86 The level of landscaping proposed as part of the development is considered to be appropriate and acceptable however, finer details of landscape specification including tree species will be secured via condition.

Signage

- 8.87 The proposed building will comprise of “ELAM” signage on its northern and southern elevation. From a design point of view, there are no objections to this provision as it outlines the use and purpose of the proposed development.
- 8.88 The application in its current form does not include full signage design details and therefore this requirement would be secured via condition.

Conclusion

- 8.89 Overall and in line with policies, officers consider the scheme to be of good quality in general architectural and urban design terms. The scheme would respond well to the challenges of facilitating the new college at this urban site and the proposed design of the development would be supported subject to necessary conditions to secure quality materials. The overall response to access and inclusion would also be broadly supported.
- 8.90 To conclude, the proposed development is acceptable in terms of design, scale and appearance. As such, the scheme is in line with policies 7.1 and 7.6 of the LP (2011), Policy SP10 of the adopted CS (2010), and policies DM24 and DM26 of the MDD (2013), which seek to ensure buildings are of a high quality design and suitably located. Furthermore, the scheme is considered to deliver high quality design, enhancing the street scene and local context and would accord with government guidance as set out in the NPPF, policies 7.8 and 7.9 of the Mayor's LP (2011), Policy SP10 of the adopted CS (2010), and policies DM23 and DM24 of the MDD (2013), which seek to ensure an acceptable standard of design.

Amenity

- 8.91 In line with the principles of the National Planning Policy Framework, the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants, as well as to protect the amenity of the surrounding public realm with regard to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.

Sense of Enclosure / Outlook and Loss of Privacy

- 8.92 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and

that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people.

- 8.93 The subject site fronts on the A12 along its western elevation, to the north lies the railway tracks and to the south is a temporary car parking site along Twelvetreets Crescent where a permission for a 8 storey hotel development. However, there is a 4 to 7 storey residential building blocks located to the east of the subject site along Maltings Close. No. 1 Maltings Close is a 4 storey residential building block which fronts on to the proposed rear elevation of ELAM.
- 8.94 The proposed education facility does not comprise of any residential accommodation. Given the technical nature of the proposed education facility, the building has been designed to cater for high quality internal acoustic environment therefore resulting in minimal number of windows along the northern, eastern and southern facades.
- 8.95 It is noted that majority of the front elevation will be glazed, however given that the proposed building fronts on to the A12, no direct overlooking into habitable rooms or loss of privacy is anticipated. The same is true for the northern and southern elevations do comprise several double glazed aluminium windows, in that there is no direct overlooking or loss of privacy is . It is however noted that the land to the south of Twelvetreets Crescent has been granted planning permission (ref: PA/11/00485) for an 8 storey hotel development, however the separation distance is over 20m which is considered to be an acceptable degree of separation in this instance.
- 8.96 With respect to the proposed western building elevation which fronts along the Maltings Close residential estate, it is noted that the total separation distance is less than 18m. The rear elevation is staggered comprising a total of 6 aluminium windows along the upper floors of the building and 2 aluminium windows located on the rear core which extends out from the proposed building line. Although, this layout places the 2 windows located on the core closest to the residences along Maltings Close, these windows serve the rear servicing stairwell, therefore no loss of privacy or undue overlooking is anticipated.
- 8.97 The rear section upper levels of the building primarily comprise of music studios and general classrooms. The proposed 6 windows along the rear building elevation serve these technical rooms and teaching spaces. Given that these spaces are non-residential spaces that are separated from Maltings Close by approximately 17m, no undue levels of direct overlooking is anticipated resulting in loss of privacy of the Maltings Close Residents.
- 8.98 Whilst in this instance, the rear core which extends out from the proposed building line and the overall rear elevation falls short of the ideal separation distance of 18m, it is considered to be acceptable on balance given the central urban character of the site where high density development is deemed to be appropriate. Officers are of the opinion that this proposal would not

lead to significant impact in terms of overlooking and loss of privacy to existing buildings around the site.

Daylight and sunlight

- 8.99 Policy SP10 of the Core Strategy and policy DM25 of the MDD seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential development.
- 8.100 The objective of the Council's Policy DM4 is to ensure that new development does not adversely affect the amenity of existing neighbouring occupiers as a result of the loss of Daylight and Sunlight caused by a proposed development. Whilst it is perfectly reasonable for a degree of flexibility to be applied to reflect specific site conditions and the urban nature of this part of the Borough, the key issue remains whether the proposed development will result in a material loss of the amenity enjoyed by neighbouring residents.
- 8.101 The subject site is surrounded by the A12 to the west, an existing carpark to the south, railway tracks to the north and four to seven storey residential building blocks along Maltings Close to the east. Therefore consideration is only given to the impacts on daylight and sunlight distribution to the residential properties located to the east of the subject site.
- 8.102 The proposed development is for a maximum 4 storey education facility that comprises of an flat roof on an angular plane which recedes towards it rear (east) elevation. As such, majority of the building bulk is located along its western elevation which fronts on to the A12.
- 8.103 Having considered the site orientation, land to the immediate north of the subject site is likely to incur majority of the impact in terms of daylight/sunlight. Given that the land to the north comprises of railway tracks, this is considered to be acceptable. However, it is also anticipated that there will be some impact on the daylight and sunlight distribution for the 4 storey residential building block located at no.1 Maltings Close. On balance of the separation distance between the subject site and the building at no. 1 Maltings Close, and the overall building height of the proposed development, any impacts on daylight and sunlight distribution is not considered to be unduly detrimental.
- 8.104 Furthermore, given that the proposed building will be a maximum of 4 storeys with a receding height along the rear elevation, no undue overshadowing on no.1 Maltings Close is anticipated. Additionally, the residential dwellings fronting on Maltings Close are anticipated to continue benefiting from afternoon sunlight given that these dwellings are west facing. The proposed development is therefore not considered to have any unduly detrimental impacts on the residential properties located along Maltings Close to the east.

Internal daylight and sunlight within the proposed development

- 8.105 The proposed building has been designed to foster a specialist further education facility facilitating an arena for music and arts. Having considered the nature of the school, provision of minimal openings along the building façades is considered to be acceptable.

- 8.106 The proposed layout enables the building to benefit from both morning and afternoon sunlight. The proposed windows along the rear elevation will enable reasonable daylight and sunlight distribution, particular during the morning period. The proposed front (western) elevation is considerably glazed on all floor levels which will provide ample daylight and sunlight distribution, in particularly, during the afternoon periods. The level of access to daylight and sunlight incorporated into the building design is considered to be acceptable and promotes good quality teaching accommodation.

Transport, Access and Highways

- 8.107 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 8.108 London Plan policies 6.1 and 6.3 seek to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. The Core Strategy policies SP08 and SP09 together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.109 Policy DM20 of the Council's Managing Development Document reinforces the need to demonstrate that developments would be properly integrated with the transport network and would have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.

Access

- 8.110 The site has a reasonably good accessibility to public transport with a PTAL rating of 5 (in the range 1 to 6 where 1 is low and 6 is excellent). The subject site fronts on the A12 and is bounded by Twelvetreves Crescent to the south and a private residential estate road Maltings Close to the north, which is served by a number of bus routes and the Bromley by Bow Underground Station located just over 60m to the north-west. The subject site is therefore considered to be easily accessible by public transport.
- 8.111 The proposal seeks to provide a permanent home for ELAM which is currently operating on temporary basis at Pitchford Street. The proposed development comprises of a new further education facility with a maximum capacity of 300 places for students per year and 40 members of the staff.
- 8.112 It is considered that the proposed location for ELAM is likely to generate similar travel patterns as the existing facility. Existing travel patterns suggest

that 100% of students and staff will travel sustainably i.e. not by car. It is anticipated that the majority of staff, pupils and visitors will be arriving and departing via the Bromley-by-Bow London Underground Station.

- 8.113 Pursuant to the Transport Assessment submitted by the applicant, the subject site can be accessed via an existing underpass and the A12 crossover staircase which is located to the immediate west of the site that is along the front building elevation. It is however acknowledged that currently the pedestrian experience is poor, but improved lighting and upgrades are anticipated to deliver improvements in the area.
- 8.114 Students/staff would generally arrive between 08:00 until 08:45 and depart at 18:00 when school concludes for the day. The main building entrance is located centrally along the front building façade providing ready access into the school building from the A12 staircase and underpass. It is submitted by the applicant that at the end of the teaching day, staff would be in attendance outside when the students leave the campus to ensure their safe and timely dispersal.
- 8.115 In terms of wheelchair access the site is constrained. Step-free diagrams show the site relies on ramped access via the underpass to the south of the site to cross the A12. There are a projects in the wider area in the pipeline (albeit not committed), such as Bromley By Bow station improvements, and possible improved crossings over the A12 which in time would improve the wheelchair access, however in the interim a School Travel Plan provides pragmatic approach to ensure reasonable adaptations are in place to cater for all disabled staff and pupils. This will be secured by condition to ensure it is implemented effectively and updated annually.
- 8.116 Whilst sustainable travel modes are supported by council, there is concern relating to the existing quality of on-site access given that this is limited to the underpass and the A12 staircase. The pedestrian environment appraisal which forms part of the submitted Transport Statement outlines poor quality environments experienced in the existing underpass in particular. Additionally, pursuant to objections received towards the application proposal, it is noted that the existing A12 staircase, although TfL has confirmed it is structurally sound. Cosmetically these environs are in a poor condition which is likely to worsen as a consequence of increasing pedestrian usage as a result of the proposed further education facility. A s278 agreement between the Highways Authority provides an appropriate mechanism to deliver such improvement works where required by the Highways Authority. An informative has been suggested pursuant of a s278 agreement.
- 8.117 Additionally, given that the school also comprises of extra-curricular activities outside of the core school operation hours between 3.15pm and 5.30pm. The school hall will also be available for 3rd party hire during these after school hours. A detailed school management plan and community use management plan will be secured via condition to ensure safe and efficient arrival and departure from the premises.
- 8.118 The proposed development seeks to provide external lighting which will also assist in improving the pedestrian environment on site, in the immediately surrounding access including the underpass to the station.

Transport and Impact on Highways

- 8.119 In accordance with policy DM20 of the MDD, the application has been accompanied by a Transport Statement comprising of a general trip generation assessment based on the existing ELAM school in Pitchford Street prepared by Robert West Consulting, which has been reviewed by the Council's Highways Department and TfL.
- 8.120 The subject site in its current form is vacant and the proposed development is anticipated to generate a low level of traffic as a result of two on-site disabled bays and vehicular trips associated with deliveries, servicing and refuse. The application proposal submits that one servicing related trip will occur per day.
- 8.121 The application is considered to have negligible impacts on the prevailing highway network capacity in the general locality.
- 8.122 The LBTH Highways Officer raises no concerns relating to the proposed school use of the education facility. With respect to the comments received from TfL requesting a school travel plan and a construction management plan comprising number of deliveries to site for each phase, local and strategic routing, hours of operations and details of tall plant, this requirement will be secured via condition.
- 8.123 Relevant servicing, disabled parking, cycle parking and refuse storage would be provided on-site at the eastern end of the site. The proposal in this instance is for a car-free development.
- 8.124 In general, it is considered that the redevelopment of the site including the new school is significant and subject to conditions would not cause an adverse impact on the borough's highways. As the development would be car free, any impact may well be on the footway, cycleway and public transport. In line with the recommendation of the Council's Highways Officer, the Draft Travel Plan submitted with the application would be secured through a condition. Subject to other highways conditions, the LBTH Transportation and Highways team raises no objections to the proposed development.

Car parking

- 8.125 Policy DM22 sets out the Council's parking standards in new developments. The application site falls mainly within PTAL 5 and is thus reasonably well serviced and accessed by public transport. The proposal seeks to provide a car-free education facility which is acceptable by the LBTH Highways Officer and will be secured via condition.
- 8.126 The proposal provides two disabled parking spaces that will be accessed via the rear access located off Maltings Close.
- 8.127 Pursuant to the representations received towards the application proposal, one of the key areas of concern is the increase in authorised parking within Maltings Close which is a private residential estate, and subject to its own private management regime. Given that visitor, staff and pupils are committed to arriving by sustainable transport modes, the incidents of illegal parking is anticipated to be minimal and should be capable of being dealt with as illegal parking currently is in Malting Close. If necessary the applicant is prepared to erect additional signage to make it clear Maltings Close is private property. It

is also noted that public highways in the immediate vicinity such as Gillender Street and Davies Street both consist of parking restrictions by way of double-yellow line on street.

- 8.128 The trip generation assessment undertaken by the applicant for the existing ELAM school submits that 100% of its staff and student utilise sustainable travel modes and this is anticipated to continue at the proposed location given the reasonably good public transport accessibility rating. Whilst this is accepted for the primary education use of the proposed facility, there is limited information submitted regarding the proposed ancillary community uses which are to be undertaken outside of core school hours.
- 8.129 Given the lack of detail regarding the proposed community uses, a detailed community management use plan outlining hours of operation, anticipated attendees and staff on site and overall functionality of the site will be secured via condition. Additionally, installation of appropriate signage to ensure that there are no incremental impacts on the prevailing authorised parking issue along Maltings Close will also be secured via condition.

Cycle parking

- 8.130 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for residential development. In accordance with these standards, the application proposes 42 secure spaces for this development to be located to the east of the site abutting the proposed building. Additionally, the proposal also seems to provide 28 cycle parking stands to be along the front area of the site for visitors. In terms of policy requirements, the proposed scheme for cycle parking associated with the education facility is considered to be acceptable.
- 8.131 The application in its current form is supported with full details of cycle stores and types of cycle stands, however this requirement will be secured via condition.

Servicing and refuse collection

- 8.132 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new developments, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards.
- 8.133 The proposal would include the provision of refuse and recyclables storage areas at the south eastern corner of the site adjacent to the proposed vehicular access. This area of the site would be accessed via the rear gate off Maltings Close which is lockable enabling a secure location. The proposal is supported with a site waste management plan however no waste management strategy is outlined. The proposals have been reviewed by the Council's Waste Policy and Development Officer and whilst no immediate concerns have been raised, a detailed waste management strategy is required.
- 8.134 The Highways officer has advised that the proposals for servicing the development are acceptable. A condition requiring a Delivery & Service Plan should be secured in the permission. Further conditions would be as follows: The development authorised by this permission shall not be occupied until the

scheme of highway improvements necessary to serve this development have been completed in accordance with the Council's approval and have been certified in writing as complete by or on behalf of the Council (as local planning authority and highway authority) unless alternative arrangements have been approved in writing by the Council (as local planning authority and highway authority).

- 8.135 Further conditions required would be for a Construction Management Plan approved prior to commencement of development.
- 8.136 Subject to conditions, it is considered that the proposal includes adequate facilities for the storage of waste refuse and recyclables, in accordance with Policy SP05 of the Council's adopted Core Strategy (2010) and Policy DM14 of the Managing Development Document (2013). These policies require planning applications to be considered in light of the adequacy and ease of access to the development for waste collection and the adequacy of storage space for waste given the frequency of waste collections.

Environmental considerations

Noise

- 8.137 Policy 7.15 of the London Plan (2011) sets out guidance in relation to noise for new developments and in terms of local policies and policies SP03 and SP10 of the Core Strategy (2010) & policy DM25 of the Managing Development Document (2013) seek to minimise the adverse effects of noise.
- 8.138 The application has been supplemented by a Noise Impact Assessment Report and Noise Exposure Assessment and Vibration Survey Report by Clement Acoustics. It is acknowledged that the scheme involve many noise inducing uses, such as a music school comprising of various music studios and multi-function hall to be used post school hours. The report concludes that sound insulation performances for the eastern facade of the development that is located closest to the nearest residential receptor have been determined and if these sound insulation performance specifications are achieved, noise intrusion would be controlled to acceptable levels as they are classified to be low.
- 8.139 However, officers are of the opinion that a further report would be required to make a more thorough assessment of the noise level as a result of all the uses proposed on site.
- 8.140 The Council's Environmental Health Officer has reviewed the report and has also advised that a desktop review/analysis of the construction that confirms the objective data that is supplied by the noise consultant.
- 8.141 Given the local context and other major developments that have been approved in the nearby area, with habitable rooms facing busy main roads and location of existing schools, it is considered that the officer's concerns and issues of noise and vibration could be addressed by mitigation measures secured through a condition.
- 8.142 As such and on balance, subject to conditions, it is considered that the proposed development would adequately protect the existing residential occupiers along Maltings Close and future residential occupiers from undue

noise disturbance, in accordance with Policy SP10 (4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013). It is also recommended that a condition be attached which requires the applicant to submit further details of the noise and vibration impact of the development to ensure that appropriate mitigation measures are taken to deliver a scheme which would seek to reduce or manage noise from all noise emanating uses on site.

Air Quality

- 8.143 Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Policies SP02 and SP10 of the Core Strategy and Policy DM9 of the Managing Development Document (2013) seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 8.144 The Council's Air Quality Officer initially stated that the submitted air quality assessment shows that the NO₂ level at the site in the opening year is predicted to considerably exceed the annual NO₂ objective at all receptors modelled. Further modelling for receptors on the eastern side of the roof to determine where it would be appropriate to draw in air to the ventilation system has been undertaken. The assessment showed that the receptors at the eastern edge of the roof would be below the NO₂ annual objective and hence suitable to locate the inlet. They have also clarified that ventilation is to be provided for the whole building, not just the rooms facing the A12 as previously stated. This mitigation is now considered to be acceptable subject to including the provision of whole building mechanical ventilation and the location of the ventilation inlet as a condition, should the application be approved
- 8.145 The demolition/construction assessment is accepted by Officers as addressing concerns of local residents provided the mitigation measures stated in the report are instigated at the development. A construction/demolition dust management plan detailing how the potential air quality effects will be controlled and mitigated in line with the 'The Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance 2014' and the 'Tower Hamlets Code of Construction practice' has been requested and would be secured via condition.' This would be a requirement prior to the commencement of the development.
- 8.146 Furthermore, the assessment predicts that the NO₂ objective will be exceeded at the ground floor of blocks A & B in the opening year. Therefore, school classrooms' mitigation would be required such as mechanical ventilation and non-opening windows; these should be used for all facades exceeding or approaching the air quality objective. If mechanical ventilation is used, the location of the air inlet vent must be carefully considered in relation to the location of the stack, and must be approved by LBTH. This would also be secured by condition.

Land Contamination

- 8.147 The policy context is set by the National Planning Policy Framework (2012) and Policy DM30 of the Council's adopted Managing Development Document

(2013). Specifically, Policy DM30 requires suitable site investigation and remediation schemes to be secured and agreed for development proposals on contaminated land or potentially contaminated land.

- 8.148 The current application is accompanied by a Desktop Contaminated Land Assessment Report, which has been reviewed by the LBTH Environmental Health (Contaminated Land) Officer. The officer has not raised any objections to the proposals subject to the inclusion of a condition to secure a scheme to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed. In addition, the LBTH Environmental Health Officer recommends the inclusion of a further condition to require the necessary remediation works to be carried out in full and to require the submission for approval of a verification report on completion of the remediation works.

Flood Risk

- 8.176 The application site falls in Flood Zone 1 and is under a hectare in area. Environment Agency (EA) has not provided any comments towards this application. The main flood risk has been identified as the management of surface water run-off.
- 8.177 LBTH Sustainable Urban Drainage Systems Officer generally welcomes the proposal however has recommended a condition in order to secure a strategy demonstrating utilisation of relevant sustainable urban drainage systems and/or attenuation features to be maintained for the lifetime of the development. This will be secured via a condition.

Thames Water

- 8.178 Thames Water has recommended that conditions are imposed to secure a drainage strategy to ensure that sufficient capacity is made available to cope with the new development.

Utilities Infrastructure

- 8.178 Furthermore, another condition should be imposed to ensure that an impact study of the existing water supply infrastructure is provided to ensure that the water supply infrastructure has sufficient capacity to cope additional demand. Thames Water has also recommended a third condition for a piling method statement to ensure that piling works do not impact on local underground water utility infrastructure.

Energy and Sustainability

- 8.179 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the LBTH Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

- 8.180 The overall CO2 emission reductions considered achievable for the development are approximately 10% improvement over the requirements of the Building Regulations Approved Document Part L2A 2013.
- 8.181 The Managing Development Document Policy DM29 includes the requirement to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. The current proposal is therefore short of this policy requirement as it equates to a 28% reduction in CO2 emissions above Building Regulations Approved Document Part L2A 2010 which is equivalent to 10% compared to 2013 building regulations
- 8.182 Furthermore, Policy 29 of the Development Management Document also 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 non-residential developments to achieve a BREEAM excellent rating. The Outline Energy and Sustainability Statement identifies that the proposal will achieve a BREEAM Very Good and is supported with a pre-assessment which generally outlines how this will be supported.
- 8.183 There are a number of site and budget constraints which impact of the proposed development ability to properly satisfy policy DM29. These include ground remediation cost and measures, the location of the A12 and Network Rail tracks create high level of air borne pollutants hence the building is to be fully mechanically vented. Also noise mitigation - the A12 creates 78db of noise on the western boundary, with a train line on the northern boundary. The buildings external walls need achieve a noise reduction of between 52db (lower walls) -45db (upper walls). A concrete transfer slab is also needed to allow for the recording studio to be located on the ground floor, helping to reduce noise impact on noise sensitive areas.
- 8.184 It is however noted that the proposed development includes an array of photovoltaic cells to be located on the building roof. Despite this the proposal in its current form has a shortfall in the reduction of CO2 emissions and but, on balance, given the wider public benefits, the proposed development is considered to accord with the Managing Development Document Policy DM29.
- 8.185 The submission of pre-assessments to demonstrate that the requirements of Policy DM29 are deliverable should be conditioned from prior to commencement. The submissions of BREEAM certificates should also be conditioned post completion.

Planning obligations

- 8.186 Officers do not consider that there are any appropriate planning obligations to secure in this case, and the borough and the Mayor of London's Community Infrastructure Levy is not payable for education uses. Planning obligations may be used to mitigate the impact of the development or to control certain aspects of the development, such as affordable housing. The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;

- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

8.187 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

Human Rights Considerations

8.188 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:

8.189 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".

8.190 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.

8.191 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights is legitimate and justified. 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. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interests.

8.192 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.

- 8.193 The balance to be struck between individual rights and the wider public interest has been carefully considered and it is not considered that the adverse amenity impacts are acceptable or that the potential interference with the rights of surrounding property owners is necessary or proportionate in this instance.

Equalities Act Considerations

- 8.194 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 8.195 The proposed development includes a new four storey further education facility which specialises in the creative industry. Hence, the equalities impacts associated with the development are material. This scheme would provide additional social infrastructure aimed at meeting the needs of a young people.

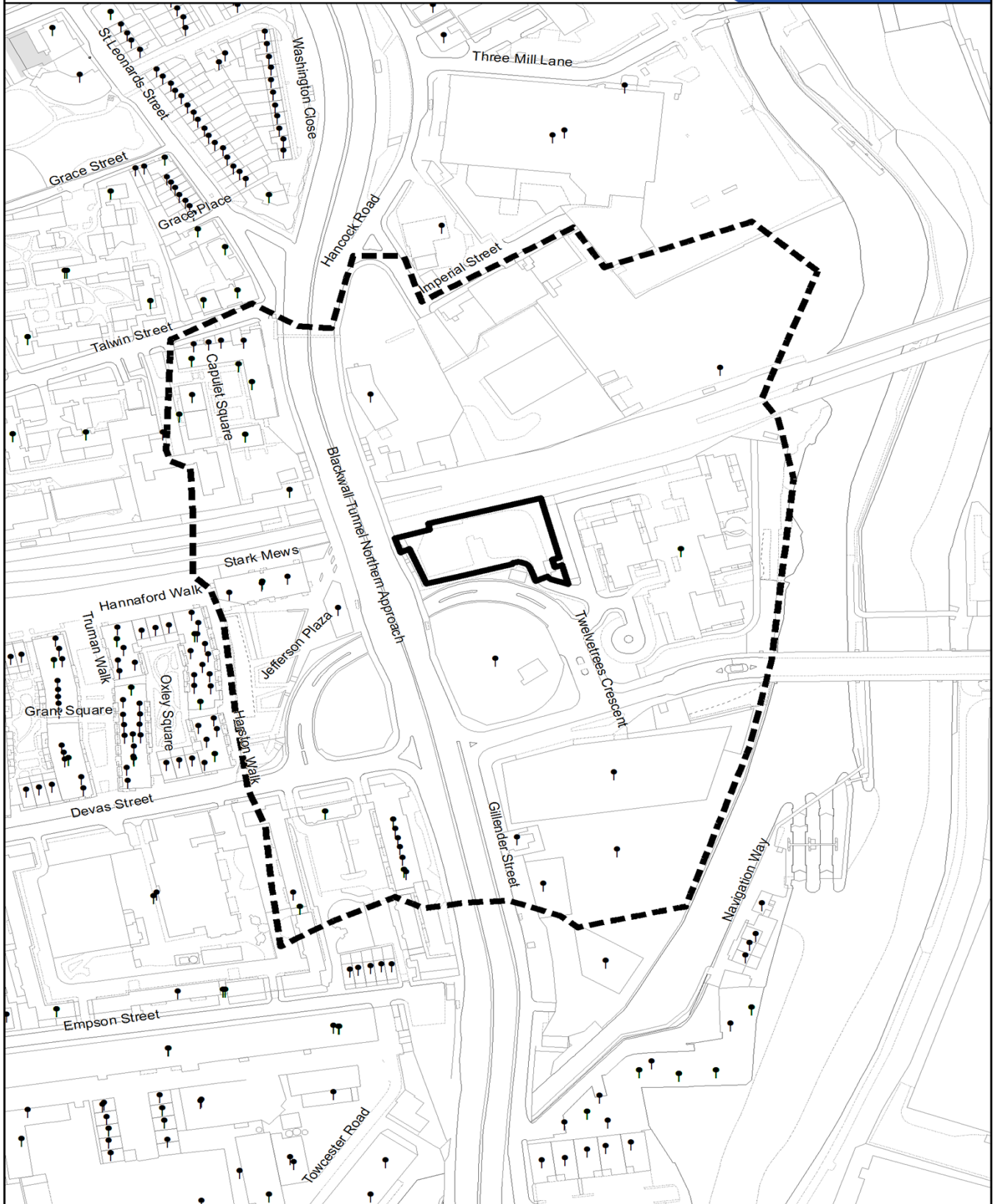
- 8.196 This proposal has sought to ensure that the needs of disabled students and teachers are taken into account.

- 8.197 This additional education facility would serve to support community wellbeing and promote social cohesion.

9 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 EXECUTIVE SUMMARY and MATERIAL PLANNING CONSIDERATIONS sections and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map PA/15/01470



Planning Application
Site Boundary



Locally Listed Buildings



Land Parcel Address



Consultation Area



Statutory Listed Buildings

0 30 m
Scale bar



1:2,928

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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