

<b>Committee:</b> Development	<b>Date:</b> 25 <sup>th</sup> November 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Richard Humphreys	<b>Ref No:</b> PA/15/00360
	<b>Ward:</b> Island Gardens

## 1. APPLICATION DETAILS

<b>Location:</b>	Site south west of the junction of Glenworth Avenue and Saunders Ness Road, E14 3EB
<b>Existing Use:</b>	Vacant land & part of Metropolitan Police car park
<b>Proposal:</b>	Construction of a 1,705 GIA sq. m. 3-storey primary school to accommodate 280 pupils and approximately 30 staff.

**Drawing Nos / Documents:**

Drawings:

CWC2-A-L-90-001 REV3  
CWC2-A-L-91-001 REV6,  
CWC2-A-L-91-X01 REV6,  
CWC2-A-L-91-X02 REV6,  
CWC2-A-L-20-001 REV22,  
CWC2-A-L-20-101 REV17,  
CWC2-A-L-20-201 REV17,  
CWC2-A-L-20-301 REV14,  
CWC2-A-L-00-X01 REV7,  
CWC2-A-L-00-X02 REV7,  
CWC2-A-L-00-X10 REV4,  
CWC2-A-L-00-X20 REV1,  
CWC2-A-L-00-X21 REV4,  
CWC2-A-L-00-X22 REV4,  
CWC2-A-L-00-X23 REV2,  
CWC2-A-L-00-X24 REV2,  
CWC2-A-L-00-X25 REV2,  
CWC2-A-L-00-X28 REV2,  
CWC2-A-L-00-X29 REV2,  
CWC2-A-L-00-X30 REV3,  
CWC2-A-C-21-X10 REV2,  
CWC2-A-A-90-X01 REV3,  
L296-E-23-01 P2

Documents:

Design Statement  
Impact Statement  
Community Consultation

Heritage Assessment  
Arboricultural Report  
Ecological Scoping Survey and BREEAM New  
Construction Assessment  
Phase 1 Geo Environmental Assessment Report  
Phase 2 Geo Environmental Assessment Report  
Energy Statement and BREEAM Low Zero Carbon  
Report  
Building Service Engineer's RIBA Stage 2-3 Concept  
Report  
Ground Floor Lighting Strategy Layout  
Flood Risk Assessment  
Transport Assessment (REV D October 2015)

**Applicant:** Canary Wharf College

**Ownership:** Canary Wharf College

**Listed Building:** Christ Church, Manchester Road listed grade II\*  
Christ Church Vicarage locally listed.

**Conservation Area:** Island Gardens Conservation Area abuts the southern  
boundary

## 2. EXECUTIVE SUMMARY

- 2.1 Officers have considered the particular circumstances of this application against the adopted policies in the London Plan 2015, Tower Hamlets Core Strategy 2010, the Council's Managing Development Document 2013, the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the Government's Policy Statement – Planning for Schools Development - DCLG August 2011 and have found that:
- 2.2 The provision of a primary Free School accords with national policy in the NPPF and the Government's 2011 Policy Statement, regional policy in the London Plan and the Council's Local Plan.
- 2.3 The construction of a primary school in this part of the Isle of Dogs is considered acceptable given the need for additional primary school places in this location and accords with Policies 3.16 and 3.18 of the London Plan, Policy SP07 of the Core Strategy 2010 and Policy DM18 of the Managing Development Document 2013.
- 2.4 Subject to the management of impacts through the use of conditions, principally control of school hours and the implementation of a Travel Plan, the proposed school would not unacceptably impact on the public transport network or the highway. This would accord with Policies 3.16, 6.1, 6.3, 6.9 and 6.13 of the London Plan and Policies SP07 and SP09 of the Core Strategy which seek to manage the impact of development on public transport and the highway and apply parking standards.
- 2.5 The proposed design and layout is considered satisfactory within the context of the site. The development would preserve the setting on the adjoining grade II\* listed Church of Christ and St John, the locally listed vicarage, and the character and appearance of the Island Gardens Conservation Area. This would comply with sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, Policies 7.4, 7.6 and 7.8 of the London Plan, Policies SP10 & SP12

of the Core Strategy 2010 and Policies DM24 & DM27 of the Managing Development Document 2013.

- 2.6 Subject to conditions, it is considered that the development would not have an unacceptable impact on the amenity of adjoining residents in terms of noise, overlooking, natural light and construction impacts in accordance with Policy SP10 of the Core Strategy and Policy DM25 of the Managing Development Document that seek to protect the amenity of the borough's residents.
- 2.7 The site is in Flood Zone 3 but is protected by the Thames Barrier and local river wall defences resulting in a low risk of flooding. Floor levels would be set 300 mm above the 1 in 200 modelled flood inundation event. This is consistent with London Plan Policy 5.15 and Core Strategy Policy SP04 to manage flood risk. No objection is raised by the Environment Agency.
- 2.8 The proposed Energy Strategy would result in carbon dioxide reduction in line with the hierarchy in London Plan Policy 5.2 and targets in Core Strategy Policy SP11 and the Managing Development Document Policy DM29.
- 2.9 The site is of moderate biodiversity value. Subject to conditions to secure biodiversity enhancement by the implementation of a landscaping scheme to include soft finishes, green roofs, bird and bat boxes, the development would comply with Core Strategy Policy SP04 and MDD Policy DM11 that seek net biodiversity gains.

### **3. RECOMMENDATION**

- 3.1 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

#### **Conditions**

##### Compliance conditions

1. 3 year time limit.
2. Compliance with plans.
3. Hours of construction 08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday and impact piling 10.00 am to 4.00 pm. No work on Sundays or Bank Holidays.
4. Clearance of vegetation only to be undertaken between September and February inclusive.
5. School teaching hours to start no later than 8.30 am and finish no earlier than 3.55 pm except for after school clubs until 5.00 pm.
6. The roof of the school hall shall not be used for any purpose after 21.00 hours and shall not be used for the playing of music at any time.
7. A car parking space for a disabled motorist, bicycle and child scooter parking shown on the approved drawings to be provided and maintained.
8. Energy strategy to be implemented.
9. Prior to the commencement of the development the developer shall submit a BREEAM pre-assessment to demonstrate how the development has been designed to achieve a 'Very Good' rating.
10. Within 3 months of occupation of the development the developer shall submit a final BREEAM certificate to demonstrate achievement of a 'Very Good' rating.
11. Secured by Design Accreditation to be obtained.

### Pre-commencement

12. Method statement for the identification, safe removal and legal disposal of Japanese knotweed to be agreed by the council.
13. Construction Management Plan to be submitted and implemented
14. Travel Plan to be approved prior to occupation and implemented.
15. Delivery and Servicing Plan to be submitted and implemented.
16. Air Quality Assessment to be submitted.
17. Decontamination.

### Prior to superstructure works

18. Details of facing materials including samples.
19. Detailed design elements including windows, doors, brick features, rainwater goods and security mesh.
20. Landscaping plan to include hard and soft finishes, gates, walls and fences, green roofs, bird and bat boxes and external lighting.
21. Scheme of highway works (Section 278 agreement).

- 3.2 Any other conditions considered necessary by the Corporate Director Development & Renewal.

### **Informatives**

1. Section 278 required.
2. Consecrated ground.
3. Protected species.
4. Metropolitan Police contact details for Secured by Design certification.
5. Access for disabled people.

- 3.2 Any other informative considered necessary by the Corporate Director Development & Renewal.

## **4. SITE AND SURROUNDINGS**

- 4.1 The application site comprises approximately 0.1 hectare of mostly vacant land. It is located in Cubitt Town on the western side of Saunders Ness Road south of the junction with Glenworth Avenue close to Manchester Road, part of the main arterial road running round the Isle of Dogs.
- 4.2 To the west, on the southern corner of Glenworth Avenue / Manchester Road, is the 3-storey Isle of Dogs Police Station that has a rear car park abutting the application site. The application site includes a narrow strip of the Metropolitan Police car park.
- 4.3 To the north, on the opposite corner, St Luke's Church of England Primary School and Nursery is 1 to 2 storeys abutting Glenworth Avenue rising to 4 storeys. St Luke's Primary includes an Early Years Unit and currently has a school role of 342 pupils aged 3-11. 42 of this number are nursery children. The school role is programmed to rise annually to approximately 462 by year 2019 (Source: St. Luke's Senior Admin Officer). School begins at 8.55 am and ends at 3.30 pm. Lunch is from 12.00 – 1.00 (infants) or 12.30 – 1.10 (juniors).
- 4.4 South on the Police Station is the locally listed vicarage of the Church of Christ and

St John. The Church is listed grade II\*.

- 4.5 South of the site on Saunders Ness Road is a terrace of 1980's part 2 part 3 storey dwelling houses with the upper floors recessed from the front façades. To the east, on the opposite side of Saunders Ness Road and in Caledonia Wharf, Empire Wharf Road and Grosvenor Wharf Road that run towards the River Thames, are 3-storey terraced houses again 1980's.
- 4.6 George Green's School is sited 200 m. to south between Saunders Ness Road and Manchester Road. George Green's is a coeducational secondary school and sixth form administered by the Council. The school role is 1,150 pupils aged 11-18 (Ofstead Report 2013). Registration is from 8.45 am. Lunch is from 12.40 – 1.30 pm. Closing registration is between 3.10 – 3.20 pm.



Figure 1. Site context

- 4.7 Seven trees within the grounds of Christ Church and the Vicarage, and four trees adjoining houses on Saunders Ness Road, are protected by Tree Preservation Orders.
- 4.8 The application site is largely overgrown with low shrubs. It contains eleven trees and shrubs that range in height from 0.5 m. to 15 m. The three tallest trees at 14 m. and 15 m are all Sycamores. The site contains no TPO trees. Within the site is a small brick chimney / kiln (akin to a lighthouse) that is of no heritage value. The perimeter comprises low brick and concrete walls and wood and mesh fencing. There is a brick wall to the Police car park approximately 3 m. high. There is vehicular access from Glenworth Avenue and a pedestrian access from Saunders Ness Road. Both roads are subjected to a 20 mph speed limit.
- 4.9 The Island Gardens Conservation Area abuts the site's southern boundary. The

application site lies outside the designated area.

- 4.10 Manchester Road, the A1206, is part of the Transport for London Road Network (TRLN). Other roads in the vicinity are borough roads. A cycle lane runs along parts of Saunders Ness to towards the Greenwich Foot Tunnel.
- 4.11 Bus routes Nos. D3 & D7 run along Manchester Road in both directions. Island Gardens DLR Station lies some 450 m. to the south west on Manchester Road. The site has a PTAL index 2 'Poor.'
- 4.12 The site is within Controlled Parking Z D2 operating from 8.30 am to 5.30 pm Monday to Friday with residents and Pay and Display parking bays. Adjacent to the entrance to St. Luke's Primary School the northern side of Glenworth Avenue is marked "No stopping Mon-Fri 8.00 – 9.30 am 3.00- 4.30 pm."
- 4.13 The site lies in the Environment Agency's Flood Zone 3 (High Probability) with >1 in 100-year annual probability of river flooding and >1 in 200-year annual probability from tidal sources but is defended by local defences and the Thames barrier to 1 in a 1,000 year probability (Low Risk).

## 5. MATERIAL PLANNING HISTORY

- 5.1 The following development has been permitted at the application site.

Application Ref	Application Type	Description of Development
PA/63/00269	Full	Erection of a temporary structural engineering works and offices at the north east corner of the site
PA/82/00428	Full	Development of a community garden
PA/98/00833	Outline	Erection of 8 three storey town houses.
PA/00/00742	Full	Erection of 8 three storey town houses.
PA/01/01024	Full	Erection of 8 three storey town houses. (Revisions to approved scheme dated 2nd March 2001 PA/00/00742).
PA/12/01646	Full	Erection of 8 three storey town houses. NB. Although a lawful development certificate has not been applied for, it is understood this permission has been implemented by a statutory start and is extant.

- 5.2 On 11<sup>th</sup> October 2011, Ref. PA/11/02092, planning permission was granted for the extension of St. Luke's Primary School from one form to two form entry by the erection of a 4- storey annex and relocation of temporary classrooms. Details were approved on 5<sup>th</sup> March 2013. Ref. PA/12/02990. This granted consent for the school to expand up to 462 pupils. The extension has been constructed and the school is half way through this expansion aiming to reach capacity in 2019.
- 5.3 Initial proposals for the CWC2 school were subject to pre-application advice in 2015 (Ref. PF/15/00010). Key advice provided was:
- The site is not allocated for school provision but the principle of an education use is considered acceptable. Given existing civic and community uses in the vicinity (two schools, a church and police station), the proposed school could be

- compatible with the predominantly residential context.
  - To comply with development plan policy, the application should justify siting a school in this location; refer to the need for primary school places on the Isle of Dogs and accessibility by public transport.
  - Opportunities for out-of-hours use of the school hall by the wider community should be explored.
  - The design should introduce brick elevations, better articulation of fenestration and definition of boundaries.
  - By omitting windows on the southern elevation and siting the hall opposite St. Luke's Primary School, the scheme avoids overlooking housing to the south and locates the element likely to generate most noise furthest from these nearest noise sensitive receptors. Given the modest height and mass, the proposal would not unduly impact on the daylight and sunlight conditions of nearby residents.
  - The proposal should provide 1 cycle parking space for every 10 members of staff and students – 28 spaces. A Transport Statement should address cumulative impact of the proposed school with George Green's and St. Luke's schools on the local highway network. A framework Travel Plan should be submitted. The funding of traffic calming measures of Saunders Ness Road may be required.
  - The development should achieve 50% CO2 emissions reductions above 2010 Building Regulations, BREEAM excellent and Department for Education standards.
- 5.4 On 31<sup>st</sup> August 2016, planning permission Ref. PA/15/01556 was granted to Canary Wharf College for the temporary siting for 1 academic year until 31 August 2016, of 2 No. modular units at the south east junction of Thames Circle & Westferry Road for educational use of 40 primary school students.

## **6. PROPOSAL**

- 6.1 Application is made for full planning permission to construct a 1,705 sq. m. primary school to accommodate approximately 280 pupils and 30 staff.
- 6.2 The scheme would provide a second campus for Canary Wharf College (CWC), a Free School established in 2011 as part of the Government's Free School Initiative operating in the former Docklands Settlement Centre, No. 197 East Ferry Road E14.
- 6.3 A Free School in England is a type of Academy, a non-profit-making, independent, State-funded school which is free to attend but which is not controlled by a Local Authority. They are subject to the same School Admissions Code as all other State-funded schools and set their own curriculum and admissions criteria. Free Schools offer a broad and balanced curriculum and are subject to the same Ofsted inspections as all other maintained schools and are expected to comply with standard performance measures. The application project is being financed through the Government's Education Funding Agency which has established a budget and a programme for delivery.
- 6.4 As itemised as paragraph 5.4 above, CWC is currently operating a temporary overflow school for 40 pupils from 2 portacabins sited at the south east junction of Thames Circle & Westferry Road. It is understood that all the children attending live on the Isle of Dogs.
- 6.5 The proposed roll of 280 students equates to a 2 form entry. There would be 20 students and 2 staff members in each class. There would be 16 class rooms, a



school hall, a central resource area and offices for the Principle, Senior Management and staff ancillary rooms and storage. It is proposed that initially there would be 140 pupils rising to 280 by year 2020. Pupils would be aged 4 to 11 years.

- 6.6 School hours would be from 8.30 am to 3.55 pm with options for after school clubs until 5 pm. It is understood that at the existing CWC school in East Ferry Road between one-third and one-half of all pupils stay for an extended day activity.
- 6.7 The layout proposes that a 2-storey tall school hall and library is positioned on the corner of Saunders Ness Road and Glenworth Avenue with 3-storey class rooms extending on a north - south axis beyond. The class rooms and the hall would be two distinct elements which would allow the building dual function as a place of learning and a place for community use.
- 6.8 This produces an L shaped layout with an outdoor play area alongside Saunders Ness Road where children would also congregate in the mornings before the school bell. There would also be an outdoor play area on the roof of the school hall facing St Luke's Primary School. There would be a secure site entrance on Saunders Ness Road and a disabled parking bay accessed by a sliding gate within the perimeter fence with the formation of a new crossover. There would be initially storage for 24 bicycles and 40 child scooters. The building would be accessible by the disabled.
- 6.9 Along the northern boundary, the building would be set back from Glenworth Avenue by around 1 m. separated from the back edge of pavement by a landscaped strip.
- 6.10 Refuse storage would be provided to the rear between the Police Station car park and the rear garden of No. 91 Saunders Ness Road accessed from a service way that would run parallel to the car park exiting onto Glenworth Avenue.

## **7. LEGAL & POLICY FRAMEWORK**

- 7.1 The Council in determining this application has the following main statutory duties to perform:
  - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);
  - To have regard to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990);
  - In considering whether to grant planning permission for development which affects the setting of a listed building, to have special regard to the desirability of preserving the setting (Section 66 (1) Planning (Listed Building and Conservation Areas) Act 1990)
  - Pay special attention to the desirability of preserving or enhancing the character or appearance of the adjoining Island Gardens Conservation Area (Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).
- 7.2 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application.



### 7.3 The London Plan 2015

- 3.16 Protection and enhancement of social infrastructure
- 3.18 Education facilities
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.11 Green roofs and development site environs
- 5.12 Flood Risk Management
- 5.13 Sustainable drainage
- 5.21 Contaminated land
- 6.1 Strategic approach (Integrating transport and development)
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.2 An Inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

### 7.4 Tower Hamlets Core Strategy 2010

- SP01 Refocusing on our town centres
- SP03 Creating healthy and liveable neighbourhoods
- SP04 Creating a Green and Blue Grid
- SP07 Improving education and skills
- SP10 Creating distinct and durable places
- SP11 Energy and Sustainability
- SP12 Delivering Place making
- SP13 Planning Obligations
- Annex 2 Programme of delivery

### 7.5 Tower Hamlets Managing Development Document 2013

- DM9 Improving air quality
- DM11 Living Buildings and Biodiversity
- DM13 Sustainable Drainage
- DM14 Managing Waste
- DM18 Delivering schools and early learning
- DM20 Supporting a Sustainable Transport Network
- DM22 Parking
- DM24 Place Sensitive Design
- DM25 Amenity
- DM27 Heritage and the historic environment
- DM29 Achieving a Zero-Carbon borough and addressing Climate Change
- DM30 Contaminated Land & Hazardous substances

### 7.6 Other material considerations

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance

Policy Statement – Planning for Schools Development - DCLG August 2011  
Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice - Building Research Establishment 2011  
Island Gardens Conservation Area Appraisal & Management Guidelines 2007  
Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets – Historic England 2015  
Guidance on preparing energy assessments – GLA April 2015  
Sustainable Design and Construction SPG GLA 2014  
Tower Hamlets Planning Obligations SPD 2012 & Draft SPD 2015

## **8. CONSULTATION**

- 8.1 The following organisations and council departments have been consulted. Responses are summarised below. Full representations are available to view in the case file. The views of officers within the Directorate of Development and Renewal are generally expressed within Section 9 of this report 'Material planning considerations' but where appropriate comment is made in response to specific issues raised by the consultation process.

### **External**

#### Environment Agency

- 8.2 No objection. The Flood Risk Assessment states that the finished floor levels will be set 300 mm above the 1 in 200 modelled flood inundation event.

#### Metropolitan Police Crime Prevention Design Advisor

- 8.3 The boundary treatment between this development and the Isle of Dogs Police Station has been agreed. The ground floor has a zoned alarm to accommodate community use but does not extend to the first floor library. If the library is to be used by the community, recommends that the zoned alarm is extended and additional access control is installed to protect areas of the school not available for community use. The plans show IT rich environments on the ground floor increasing the risk of burglary. Recommends that all IT equipment be located above ground floor. Additional security should be used to secure IT equipment. The external staircases give easy access to the upper floors. As these areas lack natural surveillance recommends 'Secured by Design' standards are used for the external doors, and that the alarm system covers the doors as well as the internal areas.
- 8.4 Advises the applicant has not consulted the Police and requests that Secured by Design certification be made a condition of any planning permission.

*(Officer comment. A condition is recommended that Secured by Design certification is obtained from the Police).*

#### Thames Water

- 8.5 No objection regarding water infrastructure capacity.

#### Transport for London (TfL)

- 8.6 No objection but comments:

- The applicant proposes cycle parking in line with the LBTH standards which sets out “1 space per 10 pupils and 1 space per 10 staff”. As TfL are promoting a modal shift to increase cycling, TfL recommends that cycle provision be in line with the London Standards 2015 which outline “1 space per 8 students and 1 space per 8 staff, with one space per 100 students for short stay parking.”
- Content with the proposed Travel Plan.
- The catchment for active travel journeys is acceptable and TfL are pleased to see no increase in car parking.

#### Education Funding Agency (EFA)

- 8.7 The Isle of Dogs is an area of population growth with a number of high density residential sites which will increase the demand for school places. The borough’s basic need assessment is currently predicting a ‘moderate’ shortfall from 2015/16, with a ‘high’ basic need shortfall from 2017/18. The need for places is substantially higher on the Isle of Dogs. Tower Hamlets Head of School Development stated in the June 2015 Local Authority admissions forum that 1,000 additional primary places are needed within Tower Hamlets in the next seven years, many specifically on the Isle of Dogs.
- 8.8 The Isle of Dogs is a difficult area to secure school sites. There is a continuing demand for residential development sites, prices are high and the number of potential sites very limited.

#### Background to property purchase

- 8.9 The EFA, with Jones Lang Lasalle, and Canary Wharf Trust undertook a detailed search for a site since 2011 using the following property search criteria:
- Location within Isle of Dogs relative to future residential developments.
  - Site available within our required timescales.
  - Ability to meet area requirements for a 2FE primary school.
  - Likelihood of obtain planning approval for a primary school.
  - That the on-going service/maintenance costs offer good value.
  - Technical risks associated with any redevelopment.
  - Access to external play areas and open space.
  - Good pedestrian access for local children to be able to walk to school.
  - Local transport links and connections to the site.
  - Proximity to Canary Wharf College 1, as the two schools will share certain services and resources.
- 8.10 We searched the Vacant Property Bulletin. Nothing suitable was found in terms of size or location. The EFA also met with the local authority to determine if any local authority owned buildings were available and suitable, none were identified. The site search process to identify and secure the site involved:
1. Researching online tools
  2. Review with in-house teams:
    - Offices / Industrial / Residential Development and Investment / Out of town Retail
    - Healthcare / Student Housing

- Planning and Development / Corporate Solutions / Government and Infrastructure
- 3. Inspection of Search Area, Drive, Walk around
- 4. Contacted three local agents: Glenny LLP, Cherryman & Strettons
- 5. Research external property consultants: DTZ, Knight Frank, Savills, CBRE
- 6. Contacted specialist D1 (Education) agents: Bernard Gordon, Alex Martin, Savoy Stewart, Clarges, Somers Property Group, D1space.co.uk
- 7. Posted requirement on Estate Agents Clearing House
- 8. Contacted local parties for potential availability/leads:
  - NHS (Estates Officer, website/surplus property list)
  - Local Authority (Estates Officer, website/surplus property list, Site Specific Allocation DPDs)
  - Local education (any existing schools/colleges/universities in the area)
  - Department for Education (Surplus Properties Register)
  - Corporate websites (e.g. Telereal Trillium, Mapeley, LaSalle Investment Management)
  - Homes & Communities Agency (Land Development and Disposal Plan)
  - Metropolitan Police / Fire Service

8.11 The application site was identified as suitable in accordance with the search criteria above. It was not on the market as the owner had obtained planning permission for a residential development and planned to build it out. Two parcels of adjoining land had to be purchased, freehold, from the Consolidated General Investment Corporation SA and the Metropolitan Police. The Police station is underutilised and the loss of the parking places will not impact on the operational effectiveness of the station (area marked in green on the diagram below). The inclusion of the Metropolitan Police parcel allows the school to have external play space at ground level; reduces the plot density ratio; and the building line to be set back from Saunders Ness Road.

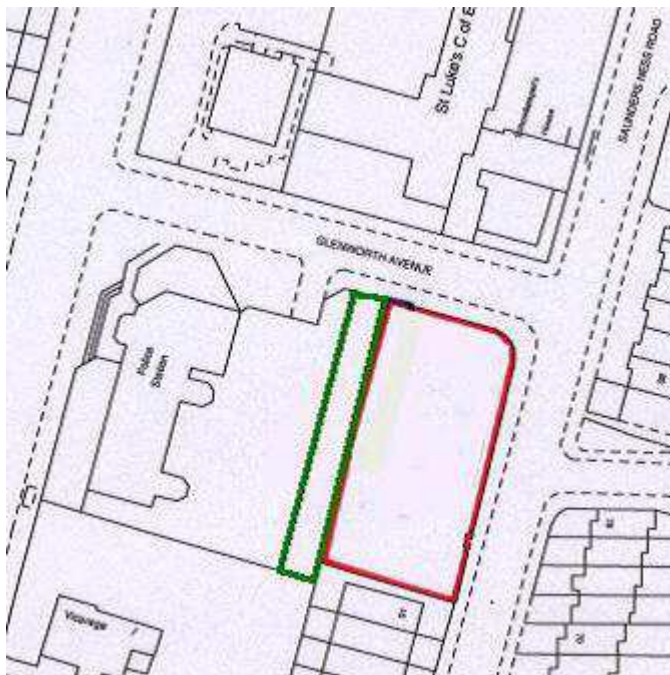


Figure 2. Sites acquired by CWC

### Public transport infrastructure

- 8.12 The site is well placed within the catchment area of the school. It is close to an expanding secondary school and to good public transport links. Island Gardens DLR station is approximately 350 m. away and Millwall Park and Mudchute Park are within close walking distance.
- 8.13 The site is in a predominantly residential area and within 200 m. of two existing schools; St. Luke's Church of England School and George Green's School with a combined capacity of approximately 1,400 pupils. Canary Wharf College 2 will have 280 pupils which represents a 20% increase in pupil numbers in the area (approximately 1,680 pupils).
- 8.14 The majority of the school catchment area is likely to be local and walking or cycling / scooter travel will represent the largest mode share. Car ownership is low within the Isle of Dogs which reduces the likelihood of high private vehicle use. The existing CWC school is currently five times oversubscribed and admissions are allocated by proximity to the site. Walking will be the main mode of transport.
- 8.15 A School Travel Plan will be used to manage the arrival and departure of pupils and staff to and from the site to avoid congestion within the local area both from vehicle, public transport and pedestrian trips. The school already has different start times away from the two surrounding schools which will help provide increased capacity on the road, public transport and footways. The Travel Plan will be regularly monitored and adopted from the outset by Canary Wharf College 2 to help form travel habit amongst pupils and staff and it is expected the number of pupils and staff walking and cycling to and from the school would increase through the implementation of the Travel Plan.

### **Internal**

#### Transportation and Highways

- 8.16 Parking: Welcomes the proposed disabled parking bay. The number of cycle spaces should comply with London Plan 2015 standards. The provision of child scooter spaces is welcomed.
- 8.17 Servicing: Servicing would be from Glenworth Avenue but no information has been provided about the frequency and size of the servicing vehicle.
- 8.18 The critical condition to ensure the new school is acceptable in highways terms is, as proposed, to stagger the school start and end times with St Luke's. This should ensure the cumulative impact of vehicles generated by the two sites is not severe.
- 8.19 The submitted revised Transport Statement sets out the existing and proposed start and finish times for St Luke's and the Canary Wharf College 2 (CWC2) respectively. In the AM, classes would begin at 8:30 am at CWC2 compared with 8:55 am at St Luke's. This would give ample time for parents/chaperones that have driven children to the school to largely dissipate ahead of arrivals for St Luke's. A parking survey carried out for the planning application for the St Luke's expansion (PA/11/02092) showed the majority of vehicles dropping off children at the school arrived after 8:45 and had left by 9:00 am. It would be reasonable to apply this distribution of vehicles arriving and departing to those generated by CWC2. This gives comfort that there will be minimal overlap between vehicle activity related to the schools at the start of the day.

- 8.20 Similar arguments apply to the end of school day 'peak' although there is more time between the end of classes at the schools. St Luke's classes finish at 3:30 pm and would finish at 3:55 pm at CWC2. In addition, there would be range of after school activities at CWC2 until 5:00 pm which may 'spread' the vehicular impact. The 2011 parking survey for the St Luke's expansion showed that outside the ten minutes either side of the then 3:10 pm finish time, there was minimal demand for on-street vehicle parking. Applying this distribution to vehicles generated by CWC2, it is likely that vehicles collecting children would arrive from 3:45, well after the St Luke's PM 'peak' has subsided.
- 8.21 The revised Transport Statement shows there is ample on-street parking capacity to accommodate the expected number of vehicle movements generated by the final number of 280 pupils at CWC2. Extrapolated from the mode share at the CWC1 site on East Ferry Road where 10% children travel by car, it is estimated that 28 vehicles would be generated by the new school at the start and end of day.
- 8.22 Regarding alternate modes, the catchment area for primary schools is typical localised and, as at CWC1, the majority of the pupils would be based on the Isle of Dogs. This would minimise car travel to the site, and promote sustainable modes, particularly walking and cycling. To this end, a School Travel Plan is essential. The school should be required to fulfil obligations to achieve STARS accreditation - the system used by the Council and across London to monitor and review the effectiveness of School Travel Plans.
- 8.23 The lack of staff car parking and potential impact for this to take place on street is not a concern and is in line with the Council's policies on staff car parking. Opportunities for staff to park will be limited as there are no on-site car parking spaces and on-street spaces are restricted to permit holders only. There would be good quality cycle parking on site, as well as shower and changing facilities to support staff wishing to cycle. While the PTAL of the site is relatively low, this underplays the wide range of destinations that can be reached using the nearby DLR.
- 8.24 With the following conditions, the school operation should be acceptable in transport terms:
- Travel Plan to be approved prior to occupation and implemented. The level of cycle parking should be increased should occupancy of stands be over 80%. This will be monitored via the travel plan.
  - CWC and St Luke's school hours to be staggered.
  - A Construction Management Plan to be approved prior to commencement.
  - A Delivery and Servicing Plan to be submitted and implemented.
  - No development should start until Highways has approved in writing a scheme of highway improvements necessary to serve the development (Section 278 agreement).

*(Officer comment: Appropriate conditions are recommended).*

#### Environmental Health

- 8.25 Contaminated land: Recommends a condition to secure a site investigation to identify ground contamination and any necessary mitigation measures.

Air Quality. An Air Quality Assessment should be carried out to check that the site is suitable for the proposed use.

*(Officer comment: Appropriate conditions are recommended).*

#### Education Development Team

- 8.26 The local authority has no involvement in the proposal that is being put forward by the Government's Department for Education and the Education Funding Agency on behalf of Canary Wharf College. The close proximity to St Luke's Primary School is noted. CWC should be required to stagger the times of the beginning and end of the school day with the times operated at St Luke's to help minimise the impact of the increased number of children attending school in this location.

#### Biodiversity Officer

- 8.27 The site is covered in scrub that undoubtedly supports nesting birds, scattered trees and small areas of ruderal vegetation. These are common habitats of only moderate biodiversity value and their loss (assuming no bat roosts are present) would constitute a small negative impact on biodiversity. The Ecology Report states that the site has low potential for foraging and roosting bats and that there is no need for further bat survey. It is usual where there is low potential for bat roosts to require an emergence survey, or at least to undertake the removal of features where roosts are possible in such a way that bats will not be harmed if they are present.
- 8.28 Core Strategy Policy SP04 and MDD Policy DM11 seek net biodiversity gains from new development in line with the Local Biodiversity Action Plan. Requirements would best be met by providing a bio-diverse green roof. To offset the loss of existing habitat and ensure overall biodiversity gains, ground level planting should be undertaken together with provision of bat boxes and bird nesting boxes.
- 8.29 The invasive Japanese knotweed occurs on the site and should be subject to conditions. Recommends conditions:
- To secure details of biodiversity enhancements to include bio-diverse roofs, landscaping, bat boxes and bird nesting boxes
  - Clearance of vegetation shall only be undertaken between September and February inclusive.
  - Prior to any site clearance, a method statement for the identification, safe removal and legal disposal of Japanese knotweed from the site shall be agreed by the Council.

*(Officer comment: Appropriate conditions are recommended).*

#### Energy Efficiency Unit

- 8.30 The proposals are anticipated to be policy compliant through energy efficiency measures and integration of a 100 m<sup>2</sup> PV array. The applicant's intention to achieve BREEAM 'Very Good' is noted. MDD Policy DM29 seeks BREEAM 'Excellent' for all schemes and this should be the target unless there is a valid justification provided. Based on the site constraints identified by the applicant and detailed within the submitted BREEAM estimator, we are happy with a 'Very Good' rating in this instance as the applicant is achieving the 'Outstanding' level for Energy – ENE 01.



- 8.31 Recommends a two part condition which requires submission of the BREEAM design stage assessment and then the certificate to demonstrate achievement of an 'Very Good' rating.

*(Officer comment: Appropriate conditions are recommended).*

## **LOCAL REPRESENTATION**

### **Community involvement by the Applicant**

- 8.32 A public consultation on the proposal was held in the Canary Wharf College, East Ferry Road from 3 pm to 7 pm on 29<sup>th</sup> January 2015. Representatives of the College, the Project Manager, Contractor and Architect attended. The display included location plans, site and floor plans, elevations, sections, and a 1:100 scale model. Around 70 people attended. Feedback Forms were completed by 34 residents of the E14 postcode and 3 from outside the local area. 36 respondents were in favour of the proposal and 1 expressed concern. Material comments may be summarised as:

- There is a high need for primary schools on the Isle of Dogs giving the rapidly growing residential community.
- A good looking well designed school that would make good use of a limited, long derelict site.
- Design looks very practical but too much render. Brick facings more appealing (*Officer comment: the design has been revised to propose brick facings*).
- Earlier start / finish times would not cause safety issues for children attending Canary Wharf College or St Luke's nor congestion to local residents.
- Joint use of the hall as community space is a good idea given the closure of Calder's Wharf.
- Good location for the playground so children can play in the sun but the area is limited.
- The sites is well located, easily accessible on foot and close enough to bus services and the DLR to encourage people to use public transport although there is some concern about traffic additional to that generated by St Luke's.

### **Representations following statutory publicity**

- 8.33 The application has been publicised by site notices and advertisement in East End Life. 269 neighbouring properties have been individually notified and invited to comment. Re-consultation has been undertaken following the submission of revised plans and supporting documents.

No of individual responses:	303	Objecting: 40	Supporting: 263
No of petitions received:	2	39 & 13 signatures objecting	

- 8.34 Material grounds of support may be summarised as:

- The school is desperately needed. There are not enough schools in E14. The population has increased significantly in the last decade and is now seeing unprecedented growth. A school is the best use for this site.
- The site is not ideal but there is no option but to build this school.
- For families to stay and work in the area, to create settled communities and for young children not to be bussed off the Island this school has to be built.

- The proposal would put long derelict land to good use for the whole community rather than adding to an already exploding housing population.
- The school and its management has already proved itself with their first school on East Ferry Road which had an ‘*Outstanding*’ Ofsted Inspection.
- The school would offer at least 30 full time jobs.
- The school would bring much needed finance for education into the Island.
- Small children are currently being educated in temporary accommodation and it would be unfair for them not to give them a proper school.

8.35 Additionally, 247 pro-forma representations (234 from the E14 postcode and 13 from E1, E3, E9, E16, SE9, SE15, SE16, IG11 & RM17) supporting the proposal have been received making the following statement:

*“There is a desperate need for additional, high quality schooling to be made to all in the area. Canary Wharf College have a strong and positive track record in education, community inclusivity and managing their impact on transport infrastructure. The zero car policy for existing staff has been successful for years and is a good example which the parent body follow.”*

8.36 Material grounds of objection may be summarised as:

- The site is too small to accommodate 280 pupils and 30 staff. The adjacent St Luke’s Primary School has over 300 pupils, rising to 480 in 2019, and 66 staff. The combined total of 760 pupils and 96 staff would overwhelm this quiet residential area. George Green’s School is 100 m. away with 1,200 children. This would result in excess of 2,000 children leaving and arriving each school day in a small area.
- Excess provision of school places in Island Gardens ward. The Council’s Core Strategy has not identified this area as requiring increased capacity.
- The transport infrastructure cannot support the additional movement of pupils, parents and staff. The extra traffic generated by parents dropping off and collecting their children by car with very limited waiting areas will be disruptive and dangerous particularly between 8.30 am to 9.00 am exacerbating that from St Luke’s.
- Saunders Ness Road forms part of the Tower Hamlets Cycle Network used to access the Greenwich Foot Tunnel and is already unidirectional with cars parked on both sides allowing only one vehicle to pass.
- Little outside space to accommodate children whilst they wait to enter or exit the school.
- The play space is too small for 280 children.
- No car parking for the 30 staff with only one designated (accessible) car parking space proposed.
- The current use of Saunders Ness Road by buses and driving instructors will endanger pupils.
- Whilst more school places are needed on the Isle of Dogs, cramming a 3-storey primary school into a compact residential site is wrong. There are many more suitable brownfield sites in the area - Westferry Printers & Forge House, Westferry Road.
- The permitted scheme for eight 3-storey town houses with basement parking is preferable and less potentially dangerous.
- The site is ‘greenfield’ not ‘brownfield’ land previously used a small public park. It is consecrated ground. The Island is overcrowded with buildings and green areas should not be lost.
- The shape and size of the building is out of character with surrounding

properties. The design is brutal, stark, unattractive and intimidating. A quickly-considered, squared-off pile of masonry with minimalist and characterless window frames. Sparse, uniformly cold, undistinguished and bland.

- Greenwich council is planning a cruise ship terminal within 200 m. which will increase the risk of respiratory problems for children at this location due to air quality issues caused by the terminal, additional traffic and moored vessels.
- When CWC made an application to the Education Funding Agency they were presented with a very limited number of sites. The site is less than ideal due to its proximity to St Luke's C of E School. Had the Education Funding Agency put children, their education and the wellbeing of the community at the centre of decision-making, there could have been a very different conclusion about the site for the school.
- Excess provision of Christian faith places that does not provide for the local demographics.
- No demonstrated need for a community space or library.
- The 3D representations are inconsistent with other details.
- The refuse area and vehicular access should not be located adjacent to residential property.

8.37 The two petitions have been submitted by the Saunders Ness Empire and Grosvenor Association and oppose another school in the community resulting in three schools in Saunders Ness Road with more traffic, noise, children and disruption. A separate letter by an officer of the Association raises objection due to:

- Damage to adjacent houses and a main sewer by pile driving.
- Unacceptable impact on the amenity of neighbours in terms of light, overshadowing, loss of privacy, increased sense of enclosure, noise and disturbance.
- Breach of European Convention on Human Rights – the right of a person to enjoy their home peacefully.
- Height, scale, bulk and design unacceptable given the surroundings. Contrary to policies to achieve high quality buildings sensitive to the Island Gardens Conservation Area.
- Highway safety given the number of children.
- Loss of housing land.
- The community hall and library is unnecessary given existing facilities on the Island and its use in the evening and weekends would increase noise and nuisance.

## **9. PLANNING CONSIDERATIONS**

9.1 The main planning issues raised by this application are:

1. Land use
2. Highways & Transport
3. Heritage assets & design
4. Amenity of neighbours
5. Flood Risk
6. Biodiversity & Ecology
7. Energy
8. Contaminated land
9. Air quality
10. Consecrated ground
11. Community Infrastructure Levy and Planning Obligations

12. Other Local Finance Considerations
13. Human Rights
14. Equalities Act

## Land Use

### National policy

- 9.2 NPPF Section 8 concerns ‘Promoting healthy communities.’ Paragraph 70 requires local authorities to plan positively for the provision and use of shared space, and community facilities to enhance the sustainability of communities and residential environments. Referring to schools Paragraph 72 states:

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

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

- 9.3 The DCLG Policy Statement – ‘Planning for schools development’ August 2011 sets out the Government’s commitment to support the development of state-funded schools and their delivery through the planning system. It explains that the Government is committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. State-funded schools include Academies and free schools, as well as local authority maintained schools.
- 9.4 The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. The Statement explains that creating free schools remains one of the Government’s flagship policies, enabling parents, teachers, charities and faith organisations to use their new freedoms to establish state-funded schools and make a real difference in their communities. By increasing both the number of school places and the choice of state-funded schools, educational standards can be raised and so transform children’s lives by helping them to reach their full potential.
- 9.5 The Government views the creation and development of state-funded schools strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations. All parties are expected to work together proactively to help plan for state-school development and to shape strong planning applications to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, “yes”.
- 9.6 The Statement explains that the Government believes the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply:

- *“There should be a presumption in favour of the development of state-funded schools, as expressed in the NPPF.*
- *Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.*
- *Local authorities should make full use of their planning powers to support state-funded schools applications.*
- *A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.”*

#### Development Plan designations

- 9.7 The site lies within the Isle of Dogs Opportunity Area identified at Table 2.4 of the London Plan 2015. On the Tower Hamlets Local Plan Adopted Policies Map the site is unallocated but shown within a Flood Risk Area and the Thames Policy Area. The Island Gardens Conservation Area is shown abutting the southern boundary of the application site and Saunders Ness Road is shown as part of the Tower Hamlets Cycle Network.

#### The London Plan 2015

- 9.8 The London Plan highlights the need to plan for continued growth (Page 40). This means planning for:
- *“Substantial population growth – ensuring London has the homes, jobs, services infrastructure a growing and ever more diverse population requires. This means making the best use of land that is currently vacant or under-used, particularly in east London where the greatest potential exists.*
  - *Ensuring London has the schools and other facilities needed by a growing number of younger people.”*
- 9.9 London Plan Policy 3.16 ‘*Protection and enhancement of social infrastructure*’ says London requires additional social infrastructure to meet the needs of its growing and diverse population. Social infrastructure is defined as including schools. Development proposals which provide high quality social infrastructure should be supported in the light of local and strategic needs assessments. Wherever possible, as proposed by CWC, the multiple-use of premises is encouraged. Boroughs are required to ensure that adequate social infrastructure provision is made to support new developments and particularly important in areas of major new development such as the Isle of Dogs.
- 9.10 London Plan Policy 3.18 ‘*Education facilities*’ strongly supports the provision of schools including free schools. Development proposals that address current and projected shortage of primary school places are particularly encouraged. In particular, the Plan requires that proposals for new schools, including free schools, should be given positive consideration and only refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and cannot be addressed through planning conditions or obligations. Proposals for multiple-use of educational facilities for community use are encouraged.

## The Local Plan

- 9.11 Tower Hamlets Core Strategy Strategic Objective 17 is *“To improve education, skills and training in the borough...”* The Core Strategy Programme of Delivery confirms the *‘critical’* priority for 8FE of primary school provision in the borough by 2020 through expansion or new provision.
- 9.12 The Core Strategy Vision for Cubitt Town (SP12 Annex) promotes a residential waterside place set around a thriving mixed use town centre at Crossharbour. Priorities include ensuring new development strengthen the relationship between Cubitt Town and its waterways. Principals of development include focusing development in the north of Cubitt Town on identified development sites, while housing types suitable for families should be promoted in the south of Cubitt Town and around Millwall Park.
- 9.13 Core Strategy Policy SP07.2 seeks to increase provision of both primary and secondary schools in the borough to meet an increasing population, with Cubitt Town / Millwall identified amongst areas of search for the delivery of a new primary school. Policy SP07.3c supports the co-location and clustering of services, particularly the use of schools after hours.
- 9.14 The Council’s Managing Development Document Policy DM18 – *‘Delivering schools and early learning’* supports the development of schools on identified sites or where a need has been demonstrated and the location is appropriate in terms of accessibility within its catchment. Paragraph 18.5 confirms that the borough’s existing schools are not able to meet identified future demands.
- 9.15 There is an extant permission Ref. PA/12/01646 for the redevelopment of the majority of the site to provide eight dwellinghouses. The land is not allocated for residential purposes in the development plan and the proposed school does not involve loss of designated housing land. The current application should be determined on its individual planning merits in accordance with the development plan not on the basis of a competing need for housing.
- 9.16 The majority of the site is vacant, the former use as a community garden having long ceased. The use of a small strip of the Police car park would not impact on the operational effectiveness of the station.
- 9.17 In principle, the location is considered to accord with national, regional and local planning policy for schools, as does the use of the school hall for community purposes. In land use terms no objection is raised.

## **Highways & Transport**

### NPPF

- 9.18 Paragraph 30 says local planning authorities should support a pattern of development that facilitates the use of sustainable modes of transport. Paragraph 32 requires all developments generating significant amounts of movement to be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
- *“the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for*

- *major transport infrastructure;*
    - *safe and suitable access to the site can be achieved for all people.”*
- 9.19 Development should only be refused on transport grounds where the residual cumulative impacts of development are severe.
- 9.20 NPPF Paragraph 34 advises that decisions should ensure developments that generate significant movement are located where the need to travel will be minimized and the use of sustainable transport modes can be maximized.

#### The London Plan

- 9.21 London Plan Policy 3.16 *‘Protection and enhancement of social infrastructure’* says facilities should be accessible to all sections of the community and located within easy reach by walking, cycling and public transport.
- 9.22 The London Plan’s strategic approach (Policy 6.1) is to co-ordinate land use and transport planning. Policy 6.3 *‘Assessing development effects on transport capacity’* requires that the impacts of development proposals on transport capacity and the transport network should be fully assessed at both corridor and local levels. Policy 6.9 *‘Cycling’* requires secure long stay cycle parking. Table 6.3 sets a minimum cycle parking standard - 1 space for 8 staff and students and short stay 1 space per 100 students (42 spaces at CWC2). Policy 6.13 *‘Parking’* says the maximum car parking standards in Table 6.2 should be the basis for considering planning applications. There is no car parking standard for schools. For workplaces, one designated space is required for a disabled motorist.

#### The Local Plan

- 9.23 Core Strategy Policy SP07.3a *‘Improving Education and skills’* requires primary schools to be integrated into local movement routes, the neighbourhood they serve and be easy to access on foot or by bicycle. Core Strategy Policy SP08.3b. supports growth in the Isle of Dogs by working in partnership to improve bus connections to and through the area and improve pedestrian and cycling routes to existing transport interchanges including Island Gardens.
- 9.24 MDD Policy DM20 *‘Supporting a sustainable transport network’* requires development to be integrated with the transport network without unacceptable impacts on capacity. Policy DM22 *‘Parking’* requires development to comply with cycle and car parking standards in Appendix 2. Car parking will only be considered if supported by a Transport Assessment and a Travel Plan. Cycle parking should be 1/10 staff or students i.e. 32 spaces.
- 9.25 Existing and proposed school hours are:
- St Luke’s Primary School begins at 8.55 am and ends at 3.30 pm.
  - George Green’s School registration from 8.45 to 9.00 am closing registration from 3.10 pm– 3.20 pm.
  - CWC from 8.30 am to 3.55 pm
- 9.26 Officers’ main concern has been assessing the impact of locating a further primary school adjacent to St Luke’s Primary School in relation to traffic impact on the surrounding highway network. Local residents have similar concerns.



- 9.27 Site inspection confirms that George Green's School is sufficiently distant from the application site and St. Luke's not to interfere with traffic and parking conditions.
- 9.28 As the Council's Strategic Transport / Highways Dep't explains at paragraphs 8.18 to 8.24 above, it is estimated that CWC2 would generate 28 vehicle trips during the morning and afternoon peaks. It is considered that subject to the staggering of school hours at St. Luke's and the CWC2 acceptable traffic and car parking conditions on the highway would ensure, On site car and cycle parking standards would be met.
- 9.29 It is considered that the proposal is consistent with the NPPF and transport policy in the London Plan and the Council's Local Plan and that cumulative transport impacts would not be sufficient to warrant withholding planning permission.

### 9.30 **Heritage Assets & Design**

- 9.31 Statutory tests for the assessment of planning applications affecting the setting of listed buildings and conservation areas are set out at paragraph 7.1 above. The special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas also applies to development adjoining a conservation area which is the case here.

#### NPPF

- 9.32 The NPPF is the key policy document at national level relevant to the assessment of individual planning applications. Chapters relevant to heritage, design and appearance are Chapter 7 '*Requiring good design*' and Chapter 12 '*Conserving and Enhancing the Historic Environment.*'
- 9.33 Chapter 7 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness.
- 9.34 Chapter 12 relates to the implications of development for the historic environment and provides assessment principles. It also identifies the way in which any impacts should be considered, and how they should be balanced with the public benefits of a scheme.
- 9.35 The effect of a development on heritage assets may be positive, neutral or harmful. Where a decision maker considers there is harm, the NPPF requires decision makers to distinguish between '*Substantial*' or '*Less than substantial*' harm. If a proposal will lead to substantial harm to or total loss of significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. To amount to substantial harm there would have to be such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced.
- 9.36 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

### The London Plan

- 9.37 The London Plan 2015 addresses the principles of good design and preserving or enhancing heritage assets. Policy 7.4 '*Local Character*' requires development to have regard to the pattern and grain of existing streets and spaces, make a positive contribution to the character of a place to influence the future character of an area, and be informed by the surrounding historic environment. Policy 7.6 emphasise the provision of high quality architecture. Policy 7.8 requires development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

### The Local Plan

- 9.38 Core Strategy Policy SP10 seeks to protect and enhance the borough's heritage assets and to preserve or enhance the wider built heritage and historic environment. It promotes a borough of well-designed places that retain and respect the features that contribute to each places heritage, character and local distinctiveness.
- 9.39 These principles are followed in the MDD and Policy DM24 '*Place-sensitive design*' requires developments to be built to the highest quality standards, incorporating principles of good design. This includes being sensitive to and enhancing the local character and setting of a development, and use of high quality materials.
- 9.40 MDD Policy DM27 deals with '*Heritage and the Historic Environment.*' Policy DM27 1 requires development to protect and enhance the borough's heritage assets, their setting and their significance. Policy DM27 2 says that development within a heritage asset should not adversely impact on character, fabric or identity. Scale, form, details and materials should be appropriate to the local context and should better reveal the significance of the heritage asset.
- 9.41 In this case, the relevant designated heritage assets are the adjoining Island Gardens Conservation Area and the Church of Christ and St John listed grade II\*. The church was built between 1852-54 to serve Cubitt's estate. It is stock brick laid in Flemish bond with Portland stone dressings and slate roofs. The locally listed vicarage located between the application site and the church is a non-designated heritage asset.
- 9.42 The Island Gardens Conservation Area was designated in March 1971. It is focused on Island Gardens which is included in Historic England's Register of Historic Parks and Gardens. Island Gardens were developed to protect the axial views across the river of the Royal Naval College and the Queen's House in Greenwich. The importance of these views has secured the park's inclusion in the Buffer Zone of the UNESCO Maritime Greenwich World Heritage Site.
- 9.43 The Island Gardens Conservation Area Appraisal and Management Guidelines notes that the majority of building heights in the area vary between 3 & 4 storeys; this is also true of the area to its north where the application site is located. The document states that the Christ Church spire provides a prominent landmark which should be protected.
- 9.44 The majority of buildings within the Conservation Area are residential, constructed during the late 1970s and early 1980s and are of varying character and materials. Island Gardens itself has changed very little, still providing an open and green focus for the area. Dotted throughout the Conservation Area are a small number of listed

buildings, the only significant grouping being located south of the application site - the Church of Christ and St John and the former Waterman's Arms public house (now the Great Eastern) listed grade II.

- 9.45 Historic England advises that the setting of a heritage asset can be broadly categorised as having the potential to enhance or harm the significance of the asset through the principle of development alone; through the scale, prominence, proximity or placement of development; or through its detailed design.

### Analysis

- 9.46 The proposed building would be 3-storey (11.55 metres to the top of the parapet) where it abuts the 1980's terraced 3-storey houses on Saunders Ness Road to the south. The terrace (which is within the Conservation Area) has a reasonably consistent building line, and the main part of the school would be set back from this by around 2 m. The 2-storey tall school hall and library on the corner with Glenworth Avenue would project forward from it by around 2 m.
- 9.47 The proposed height massing would accord with the surrounding context closely following the 3-storey residential development to the south and east, the 3-storey Police Station to the west and St Luke's Primary School at 2-4 storeys.
- 9.48 Along the northern boundary, the building would be set back from Glenworth Avenue by around 1 m. Although more than half of the ground floor frontage would be formed of solid masonry; recessed brick features would provide some relief and visual interest.



**Figure 3. Saunders Ness Road elevation**

- 9.49 The proposals broadly reflect the layout of St Luke's Primary School on the opposite side of the Glenworth Avenue, where the main building is also set back from the road and at the street corner a building is positioned further forward.
- 9.50 As the site is undeveloped at present, the spire of Christ Church is visible from Saunders Ness Road and the proposed development would partially obscure it from view. However, this would arise from the extant permission for housing (PA/12/01646).
- 9.51 Important views of the listed church include those looking north-west along Manchester Road, from within the conservation area. In these, the church would be visible alongside the locally listed vicarage, with the application site located behind.

The proposed school would be located some 35 m. from Christ Church and 25 m. from the vicarage with Nos. 83-91 Saunders Ness Road intervening in views from within the church grounds. Given the scale of the proposed school, its distance from the church and the presence of mature trees, the proposal would have a negligible (if any) impact on these views. Overall, it is considered the proposal would preserve the setting of nearby heritage assets including the character and appearance of the conservation area.

- 9.52 The proposed use of brick as the predominant facing material (buff coloured on a dark brick plinth and red brick feature panels) would complement the character of the surroundings, including the adjacent conservation area. Some texture would be introduced to the facades through the use of recessed brick detailing, and the plans indicate that some depth would be achieved by deep window reveals.
- 9.53 The elevations would be organised so that windows (polyester coated aluminium) would be grouped to create a vertical emphasis. This would establish a rhythm that would complement the residential character of many of the surrounding streets.
- 9.54 It is recommended that the precise nature of the façade materials and detailed design elements are reserved by conditions to ensure that a high quality finish is achieved. This includes further details of a security mesh used to enclose the external stairs and the rainwater pipes, both of which would be prominent features of the building.
- 9.55 The site is not in an archaeological priority area and the submitted Heritage Assessment finds no evidence that the site might contain important archaeological remains.
- 9.56 Some limited planting is proposed along the northern and eastern boundaries. It is recommended that the precise nature be controlled by condition. The recommended condition also requires details of the proposed boundary treatments. The design of this would be particularly important along the eastern boundary where the fencing would have an impact on the appearance of the street and care should be taken to avoid an inappropriately defensive appearance.

### **Amenity of neighbours**

- 9.57 Core Strategy Policy SP10 '*Creating Distinct and Durable Places*' & MDD Policy DM25 '*Amenity*' require development to protect the amenity of adjoining development.
- 9.58 Schools are compatible within residential areas. The proposed playground on the roof of the school hall would face St Luke's Primary School and cause no harm to the school. It would be diagonally opposite the residential terrace Nos. 80-90 Saunders Ness Road (18 m. at its closest) and provided with is 1.725 m. high perimeter walls and glazed screens to prevent overlooking and limit noise. The houses Nos. 83-91 Saunders Ness Road on the west side of the road, would not be affected by the roof top playground and would be separated from the ground level playground by a 2.6 m. high brick wall, the parking bay for the disabled and a bicycle storage area. The houses Nos. 70-78 Saunders Ness Road on the far side of the road would be 20 m. from the ground level playground. Due to a combination of limited day time use, distance and the provision of screening walls and glazed screens, it is considered that residential amenity would be not be unacceptably impacted by the two playgrounds.

- 9.59 The school would be set off the boundary with No. 91 Saunders Ness Road by between 2 m. and 1.8 m. At the rear the school building would project 7.0 m. beyond the rear of the adjoining house and be positioned 3.0 m off the boundary. Whilst the application is not supported by a Daylight and Sunlight Study, the proposed layout would not result in any material conflict with the Building Research Establishments initial 45 degree test. Both the front and rear of No. 91 are otherwise unobstructed and satisfactory natural light would be maintained with no unacceptable sense of enclosure.
- 9.60 No. 91 Saunders Ness Road would not be overlooked from the school. The school classrooms would be separated from houses Nos. 70-78 Saunders Ness Road by 18.6 m. This relationship is normal across roads in the borough, meets the Council's separation standard and considered adequate to preserve residential privacy.
- 9.61 MDD Policy DM25 also stipulates that residents should not be exposed to unacceptable levels of noise, vibration, artificial light, odour, fumes or dust pollution during the construction or life of the development. It is recommended that the construction process is managed by a Construction Management Plan and conditions limiting construction hours and piling.
- 9.62 In summary, it is considered the development is consistent with Core Strategy Policy SP10 and MDD Policy DM25 and that a satisfactory standard of amenity would ensue for surrounding existing residents.

#### **Flood risk**

- 9.63 Susceptibility of land to flooding is a material planning consideration. The Government looks to local planning authorities to apply a risk-based approach to their decisions on development control through a sequential test. This is reflected in London Plan Policy 5.15 '*Flood Risk Management*' and Core Strategy Policy SP04 5 within '*Creating a Green and Blue Grid*.'
- 9.64 The site lies in the Environment Agency's Flood Zone 3 (High Probability) with >1 in 100-year annual probability of river flooding and >1 in 200-year annual probability from tidal sources but is defended by local defences and the Thames barrier that reduce the probability to 1 in a 1,000 years. No land in Tower Hamlets is excluded from development in the Council's sequential test. The finished floor levels would be set 300 mm above the 1 in 200 modelled flood inundation event. The Environment Agency has no objection to a grant of planning permission.

#### **Biodiversity and ecology**

- 9.65 Core Strategy SP04 concerns '*Creating a green and blue grid*.' Among the means of achieving this, the policy promotes and supports new development that incorporates measures to green the built environment including green roofs whilst ensuring that development protects and enhances areas of biodiversity value. MDD Policy DM11 concerns '*Living buildings and biodiversity*' and requires developments to provide elements of a '*living buildings*.' This is explained to mean living roofs, walls, terraces or other building greening techniques. Policy DM11-2 requires existing elements of biodiversity value be retained or replaced by developments.
- 9.66 The site is contains scrub and eleven trees and shrubs that range in height from 0.5 m. to 15 m. The three tallest trees at 14 m. and 15 m are all Sycamores. . No trees are subject to a TPO and non are considered worthy of protection. This environment undoubtedly supports nesting birds but is a common habitat of only moderate

biodiversity value. Its loss would constitute a small negative impact on biodiversity. Protected trees within the church grounds are sufficiently distant to be unaffected.

- 9.67 Core Strategy Policy SP04 and MDD Policy DM11 seek net biodiversity gains from new development in line with the Local Biodiversity Action Plan. To mitigate the loss of existing habitat, it is considered that requirements would best be met by providing a bio-diverse green roof, although the scope for this is limited due to a proposed PV array that is intended to be installed on the roof of the classroom building. Bat boxes and bird nesting boxes could also be provided. Ground level planting would be undertaken along Glenworth Avenue. The extent of this would be limited due to the footprint of the building. Planting boxes would be installed along Saunders Ness Road but would be of limited biodiversity value.
- 9.68 The invasive Japanese knotweed is reported to occur on the site. The submitted Ecology Report has found no evidence of bats or other protected species.
- 9.69 On balance, it is considered the proposal would accord with the Local Plan's biodiversity policies. This is subject to conditions being applied to any planning permission to secure the provision of green roofs, landscaping, bat boxes and bird nesting boxes, site clearance of vegetation being undertaken only between September and February inclusive (outside bird nesting season) and the prior approval of a method statement to identify and secure the safe removal and legal disposal of Japanese knotweed. An informative concerning protected species is also recommended.

## **Energy**

- 9.70 The NPPF encourages developments to incorporate renewable energy and to promote energy efficiency.
- 9.71 London Plan 2015 Chapter 5 deals with London's response to climate change and seeks to achieve an overall reduction in carbon dioxide emissions of 60% below 1990 levels by 2025 (Policy 5.1).
- 9.72 London Plan Policy 5.2 sets out the Mayor's energy hierarchy to:
- Be lean: Use Less Energy
  - Be clean: Supply Energy Efficiently
  - Be Green: Use Renewable Energy
- 9.73 LP Policy 5.2 requires major development, both residential and non-domestic, to achieve a minimum improvement in CO2 emissions 40% above Part L of the Building Regulations 2010 in years 2013-2016. From 2016 non-domestic development should accord with Part L of the 2013 Building Regulations and be zero carbon from 2019.
- 9.74 Tower Hamlets Core Strategy Strategic Objective SO3 seeks to incorporate the principle of sustainable development including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Core Strategy Policy SP11 reiterates the Mayor's CO2 reduction targets and requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation. MDD Policy DM29 reiterates the London Plan targets and requires non-residential development to comply with forthcoming Building Regulations in 2016.

- 9.75 In April 2015, the GLA released new guidance '*Greater London Authority guidance on preparing energy assessments*' which says the Mayor will adopt a flat carbon dioxide improvement target beyond Part L 2013 of 35% to both residential and non-residential development.
- 9.76 The scheme proposes a centralised condensing gas-fired space heating plant and a photovoltaic array (100 m<sup>2</sup>) mounted on the classroom roof. The Council's Energy Efficiency Unit advises that the proposals are anticipated to be policy compliant. The proposal has the ability to meet the necessary energy credits required to meet BREEAM 'Very Good'.

### **Contaminated land**

- 9.77 From 1883 the site was part of W. Cubitt and Co Factory, the largest of the then riverside plots containing saw mills, timber wharves, a cement factory, pottery and several large brickfields. It later became part of the grounds of Christ Church School that was demolished in the early 1960's. After that it became part of a community garden.
- 9.78 The current proposal involves building and hard surfaces on much of the site which would create a barrier for potential pollutant linkages relating to contact with arsenic and metals which may be present in the soil but won't mitigate against ground gas which could enter the building or mobile contamination which could be leached into groundwater. A strip of landscaping would be provided along the Glenworth Avenue frontage.
- 9.79 Environmental Protection advises that a site investigation is required to identify any contamination and any contaminated land should be treated and made safe before development. A condition requiring a contamination report and the implementation of any necessary mitigation measure is recommended in accordance with Policy DM30 of the Managing Development Document.

### **Air quality**

- 9.80 The borough is designated an Air Quality Management Area and the Council produced an Air Quality Action Plan in 2003. The Plan addresses air pollution by promoting public transport, reducing the reliance on cars and by promoting the use of sustainable design and construction methods. NPPF paragraph 124 requires planning decisions to ensure that new development in Air Quality Management Areas is consistent with the local air quality plan.
- 9.81 London Plan Policy 7.14 requires development proposals to minimise exposure to poor air quality and address local problems, to promote sustainable design and construction and be at least air quality neutral. Core Strategy Policy SP03 adopts similar themes. MDD Policy DM9 requires major development proposals to submit an Air Quality Assessment demonstrating how it will prevent or reduce air pollution during construction or demolition.
- 9.82 During the construction phase activities could generate dust emissions. A recommended condition requiring the approval of a Construction Management Plan would ensure that mitigation measures are in place.
- 9.83 Once the development is operational, it would result in changes to traffic on the local road network that would give rise to minor impacts on air quality. The application is not supported by an Air Quality Assessment. It is recommended that an assessment



is submitted and approved prior to the commencement of the development to ensure that satisfactory conditions would ensue and the proposal is compliant with development plan policy with conditions below the benchmarks specified in the GLA's Sustainable Design and Construction SPD 2014. It is considered that a potential cruise ship terminal in Greenwich would materially impact on air quality on the Isle of Dogs.

### **Consecrated ground**

- 9.84 It has been suggested that the site might be consecrated. The site is not a designated burial ground and there is no evidence from historical maps that the land was so used. The Vicar of Christ Church has replied to consultation and makes no suggestion that the application site is consecrated.
- 9.85 Development of consecrated land is not a planning matter. However, it is recommended that an informative be applied to any planning permission recommending liaison with the Chancellor of the local diocese and the Ministry of Justice to determine whether the site is consecrated or if human remains are believed to be buried.

### **Community Infrastructure Levy and Planning Obligations**

- 9.86 Schools are not chargeable development for either the Mayoral or the borough's CIL. The Tower Hamlets Planning Obligations SPD 2012 & the Draft SPD 2015 apply to commercial and residential developments not schools.
- 9.87 Should the development be permitted, planning obligations necessary to enable the development to proceed could be secured by enforceable conditions applied to the permission regulating school hours and community use of the school hall. Necessary improvement works to the highway could be secured by an agreement under section 278 of the Highways Act and a condition is recommended requiring such an agreement to be executed.

### **Other Local Finance Considerations**

- 9.88 As noted above, Section 70(2) of the Planning Act provides that in dealing with a planning application a local planning authority shall have regard to:
- The provisions of the development plan, so far as material to the application;
  - Any local finance considerations, so far as material to the application; and
  - Any other material consideration.
- 9.89 Section 70(4) defines "*local finance consideration*" as including: "*A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown.*"
- 9.90 A Free School in England is a non-profit-making, independent, state-funded school which is free to attend. Free Schools are governed by non-profit charitable trusts that sign funding agreements with the Secretary of State. To set up a Free School, founding groups submit applications to the Department for Education. Groups include those run by parents, education charities and religious groups. On-going funding is on an equivalent basis with other locally controlled state maintained schools, although additional start-up grants to establish the schools are also paid.
- 9.91 The Education Act 2011 gave rise to the Academy/Free School Presumption;

Government advice which clarified that any local authority in need of a new school must in most circumstances seek proposals for an Academy or Free School, with a traditional community school only being allowed if no suitable Free School or academy is proposed. In July 2015 the advice was renamed the Free School Presumption reflecting the fact that the newly elected Government regarded all new academies established after May 2015 as Free Schools.

- 9.92 The CWC application project is being financed through the Government's Education Funding Agency which has established a budget and a programme for delivery of the project.

### **Human Rights Act 1998**

- 9.93 Objection has been raised that the proposal breaches the European Convention on Human Rights – the right of a person to enjoy their home peacefully. The following are highlighted to Members.

- 9.94 Section 6 of the Act prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are 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*".

- 9.95 This report itemises the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the local planning authority. Invitations have been made to enable local people to attend and address the Development Committee.

- 9.96 Were Members to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights would be legitimate and justified.

- 9.97 Both public and private interests are to be taken into account in the exercise of the local planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must consider the balance to be struck between individual rights and the wider public interest.

- 9.98 The Act takes into account any interference with private property rights to ensure that the interference is proportionate and in the public interest. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered and it is considered that any interference with Article 8 rights (by

virtue of any adverse impact on the amenity of homes) is in accordance with law and necessary in a democratic society in the interests of the economic well-being of the country including the education of children.

### **Equalities Act 2010**

9.99 The Equalities Act provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex 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. The Committee must be mindful of this duty when determining all planning applications. In particular the Committee must pay due regard to the need to:

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.100 Free schools are expected to operate an inclusive, fair and transparent admissions policy. The CWC proposal is for a non-denominational, mixed sex primary school which will improve the choice of schools and number of primary school places within the borough. As such it is considered that any impact in terms of fostering relations and advancing equality with regard to sex, race, religion and belief would be positive.

9.101 The building would be provided with an accessible entrance for disabled people. In addition, the proposal includes lift provision allowing all levels of the school to be accessible by persons with a disability requiring use of a wheelchair or persons with less mobility.

## **10. CONCLUSION**

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

# Site Plan

