

<b>Committee:</b> Development	<b>Date:</b> 31 <sup>st</sup> August 2016	<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> Applications for Planning Permission and Listed Building Consent
<b>Case Officer:</b> Chris Stacey-Kinchin	<b>Ref No:</b> PA/16/00884 + PA/16/00885
	<b>Ward:</b> Lansbury

## 1.0 APPLICATION DETAILS

**Location:** Bromley Hall School, Bromley Hall Road, London, E14 0LF

**Existing Use:** Class D1 (Non-Residential Institution)

**Proposal:** Expansion of existing school to provide 2 FE Primary school and associated nursery, including partial demolition of existing building.

**Drawings and documents:** BHS-LSI-ALL-GND-GA-A31-001000\_A  
 BHS-OUT-EXT-GND-GND-A35-000104-B  
 BHS-LSI-REF-SL-ELV-A31-001005-A  
 BHS-LSI-REF-SL-ELV-A31-001006-A  
 BHS-LSI-REF-SL-ELV-A31-001007-A  
 BHS-LSI-REF-SL-ELV-A31-001105-C  
 BHS-LSI-REF-SL-ELV-A31-001106-C  
 BHS-LSI-REF-SL-ELV-A31-001107-C  
 BHS-LSI-NBL-SL-ELV-A31-001108-E  
 BHS-LSI-REF-GND-GA-A31-001001-A  
 BHS-LSI-REF-GND-GA-A31-001002-A  
 BHS-LSI-REF-GND-GA-A31-001101-C  
 BHS-LSI-NBL-GND-GA-A31-001102-C  
 BHS-LSI-ALL-SL-SEC-A31-001109-C  
 BHS-LSI-REF-RF-GA-A31-001003-A  
 BHS-LSI-REF-RF-GA-A31-001004-A  
 BHS-LSI-REF-RF-GA-A31-001103-C  
 BHS-LSI-NBL-RF-GA-A31-001104-C  
 BHS-GDM-ALL-RF-GA-A72-250010-B  
 BHS-LSI-REF-SL-DET-A31-003105-C  
 BHS-LSI-REF-SL-DET-A31-003101-B  
 BHS-LSI-REF-SL-SKE-A31-002805-A  
 BHS-LSI-REF-SL-SKE-A31-002806-A  
 BHS-LSI-REF-SL-SKE-A31-002807-A  
 BHS-LSI-REF-SL-SKE-A31-002808-A  
 BHS-LSI-REF-SL-SKE-A31-002809-A

BHS-LSI-REF-SL-DET-A31-002801-C  
 BHS-LSI-REF-SL-DET-A31-002800-C  
 BHS-LSI-REF-GRD-DET-A31-002803-A  
 BHS-BYG-SIT-ALL-REP-PLA-000003-A  
 BHS-OUT-EXT-GND-GA-A35-000100-I  
 BHS-OUT-EXT-GND-GA-A35-000101-I  
 BHS-OUT-EXT-GND-SEC-A35-000102-F  
 BHS-OUT-EXT-GND-DET-A35-000605-B  
 BHS-OUT-EXT-GND-GA-A35-000700-B  
 BHS-GDM-ALL-GND-GA-A72-260011-B  
 Design and Access Statement  
 Addendum to Design and Access Statement, Dated  
 05.08.2016  
 Air Quality Statement  
 Ecological Survey Report  
 Conservation Statement  
 Sustainability Energy Assessment Report  
 Flood Risk Assessment  
 Utilities Report  
 Drainage Strategy  
 Land Quality Statement  
 Acoustic Planning Report  
 Planning Statement  
 Site Waste Management Plan  
 Statement of Community Involvement  
 Sustainability Report  
 Transport Statement  
 Transport Assessment Addendum – BHS-BUK-ALL-  
 SIT-REP-TA-000001-A  
 School Travel Plan  
 Arboricultural Impact Assessment  
 Archaeological Desk Based Assessment  
 Scope of Demolition Works – BHS-BUK-ALL-SL-SOW  
 -A31-000001  
 Conservation Considerations - BHS-BUK-ALL-SIT-  
 REP-CON-000001-B  
 Energy Strategy Response - BHS-BUK-ALL-SIT-  
 REP-ES-000001-A

**Applicant:** LBTH Children’s Services  
**Ownership:** London Borough of Tower Hamlets  
**Historic Building:** Existing School Building is Grade II Listed  
**Conservation Area:** None

## **2.0 EXECUTIVE SUMMARY**

- 2.1 This application is reported to the Development Committee as the proposal would result in the partial demolition of a listed building on a site owned by the Council.
- 2.2 This application has been considered against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan 2016 and the National Planning Policy Framework and all other material considerations.
- 2.3 The proposal is for the creation of a new 2FE primary school (420 places) and associated nursery (60 places) (Use Class D1), including the demolition of the 1970s extensions to the existing building, alterations and the internal refurbishment of the Grade II listed existing school building along with the construction of a new single storey building and associated external landscape works.
- 2.4 The creation of a new primary school in this location is considered acceptable given the need for additional primary school places in the Borough in suitable locations such as this and accords with Policy 3.18 of the London Plan (2016), Policy SP07 of the Core Strategy 2010 and Policy DM18 of the Managing Development Document 2013.
- 2.5 The proposed alterations (including partial demolition works) and refurbishment of the existing Grade II listed school building are considered acceptable in design and conservation terms. The proposed new school building is also considered acceptable in design terms and will complement the existing adjacent Grade II listed school building well. The proposed landscaping treatment for the entire site is also considered acceptable. The proposal therefore accords with Policies 7.4, 7.5, 7.6 and 7.8 of the London Plan (2016), Policies SP10 and SP12 of the Core Strategy 2010 and Policies DM24 and DM27 of the Managing Development Document 2013.
- 2.6 Subject to the management of the impacts through the use of conditions and the implementation of a Travel Plan, the proposed school would not unacceptably impact upon the local highway network nor the local public transport network. This would accord with Policies 6.3, 6.9 and 6.13 of the London Plan (2016), Policy SP09 of the Core Strategy 2010 and Policies DM20 and DM22 of the Managing Development Document 2013.
- 2.7 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 2010 and Policy DM25 of the Managing Development Document 2013.
- 2.8 The proposed design and layout is considered acceptable in access terms in accordance with Policy 7.2 of the London Plan (2016), Policy SP10 of the Core Strategy 2010 and Policy DM23 of the Managing Development Document 2013.
- 2.9 The refuse provision on site is considered to be acceptable in accordance with Policy 5.17 of the London Plan (2016), Policy SP05 of the Core Strategy 2010 and Policy DM14 of the Managing Development Document 2013.
- 2.10 Subject to conditions, it is considered that the proposed development does not raise any adverse issues with respect to environmental considerations. This would accord

with Policies 5.2, 5.3, 5.4, 5.7, 5.11, 5.12, 5.21 and 7.14 of the London Plan (2016), Policies SP03, SP04 and SP11 of the Core Strategy 2010 and Policies DM9, DM11, DM29 and DM30 of the Managing Development Document 2013.

### **3.0 RECOMMENDATION**

3.1 That the Committee resolve to **GRANT** planning permission and listed building consent subject to:

- a) That the Corporate Director of Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:
- b) Any direction made by the Secretary of State in the event that the 20<sup>th</sup> Century Society maintains their objection to the proposal.

### **3.2 Conditions on planning permission**

1. Time limit
2. Development to be built in accordance with the approved plans (*compliance*)
3. Construction management plan (*pre-commencement*)
4. Details of agreed adoption, monitoring and maintenance of the drainage and suds features (*pre-commencement*)
5. Details of foundations and services with respect to tree roots (*pre-commencement*)
6. Contaminated land site investigation report (*pre-commencement*) and remediation details (*pre-occupation*)
7. Amended air quality report (*pre-commencement*)
8. Method for the protection of trees (*pre-commencement*)
9. Further design details for new building (*prior to superstructure*)
10. Landscaping, boundary treatments and biodiversity enhancements (*prior to superstructure*)
11. Scheme of highways improvements (S.278) (*prior to superstructure*)
12. Details of plant and machinery (*pre-occupation*)
13. Travel plan (*pre-occupation*)
14. Delivery and servicing plan (*pre-occupation*)
15. BREEAM certificates (*post-occupation*)
16. Post completion noise testing (*post-occupation*)
17. Cycle parking (*compliance*)
18. External lighting (*compliance*)
19. Site vegetation clearance works (*compliance*)
20. Refuse (*compliance*)

### **3.3 Informatives on planning permission**

1. Thames Water minimum flow rates and pressures

### **3.4 Conditions on listed building consent**

1. Time limit
2. Development to be built in accordance with the approved plans (*compliance*)
3. Further details for the existing building (*pre-commencement*)
4. Method for works to existing boundary wall (*pre-commencement*)

## **4.0 LOCATION AND PROPOSAL DETAILS**

### **Site and Surroundings**

- 4.1 The application site relates to a large rectangular plot of land approximately 0.7 hectares in size sited in between Lochnager Street (to the north) and Leven Road (to the south), to the east of Bromley Hall Road and the Blackwall Tunnel Northern Approach road (A12) and to the west of a number of warehouses which sit directly adjacent to Bow Creek.
- 4.2 The site currently comprises of the existing school building (which is Grade II listed) and playground which cover the southern portion of the site (approximately 0.45 hectares) and a timber merchants which covers the northern portion of the site (approximately 0.25 hectares). The site does not sit within any designated conservation areas.
- 4.3 The surrounding area to the north and east of the site is predominantly industrial in nature, however the surrounding area to the south and west of the site is predominantly residential in nature. It should be noted that the site and its immediate surroundings form a part of the Ailsa Street site allocation which seeks to see a comprehensive mixed use scheme on the site comprising of housing, a primary school and other compatible uses, including employment floor space.
- 4.4 The application site originally housed a school for children aged 5 to 16 with physical disabilities and more recently housed a pupil referral unit, however the site has been vacant for a number of years since the pupil referral unit vacated the site, and has since fallen into a poor state of repair with squatters taking up residence for a period of time.
- 4.6 The site sits within both flood zone 3 and an archaeological priority area and also features a number of trees within its curtilage. The site has a PTAL rating of 1b indicating a poor level of public transport accessibility and is located within controlled parking zone B3 which is in operation between 8:30am to 5:30pm Monday to Friday with residents parking bays.

### **Proposal**

- 4.7 The applicant seeks full planning permission and listed building consent for the partial demolition and refurbishment of the existing Grade II listed school building and the erection of a new school building to provide a new 2FE primary school (420 places) and associated nursery (60 places).
- 4.8 The portions of the existing Grade II listed school building which are to be demolished are later additions constructed at the eastern end of the building in the 1970s. The remaining portions of the existing building are to be retained and refurbished and will house 10 classrooms for years 2-6 as well as kitchen and dining facilities, the main hall, office and admin facilities and SEN facilities.
- 4.9 A new single storey building to the east of the existing Grade II listed school building is proposed which will house 6 classrooms for nursery, reception and year 1 pupils as well as a studio space. An external covered walkway will connect the new single storey building to the existing Grade II listed school building.

- 4.10 In addition to the above it is also proposed to entirely re-landscape the site and introduce new boundary treatments to the north side of the site.

### **Relevant Planning History**

- 4.11 PA/02/00808 – Change of use from school to office accommodation (B1) and storage (B8). (Permission granted 07/08/2002)

## **5.0 POLICY FRAMEWORK**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

- 5.2 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:

### **5.3 Government Planning Policy**

National Planning Policy Framework 2012  
National Planning Practice Guidance

### **5.4 London Plan 2016**

- 3.16 – Protection and enhancement of social infrastructure
- 3.18 – Education facilities
- 3.19 – Sports facilities
- 5.2 – Minimising carbon dioxide emissions
- 5.3 – Sustainable design and construction
- 5.4 – Retrofitting
- 5.7 – Renewable energy
- 5.11 – Green roofs and development site environs
- 5.12 – Flood risk management
- 5.13 – Sustainable drainage
- 5.17 – Waste capacity
- 5.21 – Contaminated land
- 6.3 – Assessing effects of development on transport capacity
- 6.9 – Cycling
- 6.13 – Parking
- 7.1 – Lifetime neighbourhoods
- 7.2 – An inclusive environment
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.5 – Public realm
- 7.6 – Architecture
- 7.8 – Heritage assets and archaeology
- 7.9 – Heritage-led regeneration
- 7.14 – Improving air quality
- 7.15 – Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 – Biodiversity and access to nature
- 7.21 – Trees and woodlands

## 5.5 **Core Strategy 2010**

- SP03 – Creating healthy and liveable neighbourhoods
- SP04 – Creating a green and blue grid
- SP05 – Dealing with waste
- SP07 – Improving education and skills
- SP09 – Creating attractive and safe streets and spaces
- SP10 – Creating distinct and durable places
- SP11 – Working towards a zero-carbon borough
- SP12 – Delivering placemaking

## 5.6 **Managing Development Document 2013**

- DM8 – Community infrastructure
- DM9 – Improving air quality
- DM11 – Living buildings & biodiversity
- DM13 – Sustainable drainage
- DM14 – Managing waste
- DM18 – Delivering schools and early learning
- DM20 – Supporting a sustainable transport network
- DM22 – Parking
- DM23 – Streets and the public realm
- 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 and development and storage of hazardous substances

## 5.7 **Supplementary Planning Documents**

None

## 6.0 **CONSULTATION RESPONSE**

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

### **20<sup>th</sup> Century Society**

6.3 The 20<sup>th</sup> Century Society objected to the initial proposals due to concerns with the proposals for the refurbishment of the existing Grade II listed building and the lack of detail submitted.

*Amended details have been submitted by the applicant which at the time of writing this report, the 20<sup>th</sup> Century Society had not yet provided any further comments on. Any additional comments will be presented in an update report.*

### **LBTH Biodiversity**

6.4 Consideration should be given to retaining/replacing both or one of the ponds, and

the introduction of a green roof. Conditions requiring further details of biodiversity enhancements and the clearing of the site should be imposed.

**Canal and River Trust**

6.5 No objection.

**LBTH Design and Conservation**

6.6 The reuse of the existing building for its original purpose is to be welcomed and the amended proposals for both the existing and new building can be supported.

**LBTH Energy Efficiency Unit**

6.7 No comments received.

**Environment Agency**

6.8 No objection subject to adequate evacuation arrangements.

**LBTH Environmental Health – Air Quality**

6.9 The air quality officer objects on the basis that the submitted air quality report does not use baseline conditions that are realistic for this area.

**LBTH Environmental Health – Contaminated Land**

6.10 No objection subject to a condition being imposed.

**LBTH Environmental Health – Noise and Vibration**

6.11 No comments received.

**LBTH Environmental Health – Smell and Pollution**

6.12 No comments received.

**LBTH Planning Policy**

6.13 No comments received.

**Historic England**

6.14 The proposals show that the boundary walls to the school's southern and northern boundary are to be reduced in height / removed altogether, and the proposal should be amended to retain these walls. The proposal seeks to introduce solar panels on the existing building and these should be removed. The material palette of the window cills in the existing building should be retained.

**Historic England Archaeology**

6.15 No objection.

**London Borough of Newham**

6.16 No comments received.



### **LBTH School Development Advisor**

- 6.17 Concerns raised about cars making 'U-turn' manoeuvres at the A12/Lochnager Street junction.

### **LBTH Tree Officer**

- 6.18 No objection subject to a number of conditions being imposed in the event planning permission is granted.

### **LBTH Sustainable Urban Drainage Officer**

- 6.19 The submitted flood risk assessment and drainage strategy are considered acceptable. Further details of the agreed adoption, monitoring and maintenance of the drainage and SUDS features should be conditioned in the event planning permission is granted.

### **Thames Water**

- 6.20 No objection subject to an informative being imposed.

### **TFL**

- 6.21 No objection subject to conditions being imposed requiring a delivery and servicing plan and a constructions logistics plan. Cycle parking should be provided at London Plan standards.

### **LBTH Transportation and Highways**

- 6.22 Some concerns raised regarding the potential trip generation of the proposed school, however it was considered that a robust travel plan could mitigate any such adverse impacts on the public highway network. A delivery and servicing management plan and construction management plan should be conditioned and the applicant should enter into a S.278 agreement to enable improvements to the adjacent highway to be made.

### **LBTH Waste Policy & Development**

- 6.23 No comments received.

## **7.0 LOCAL REPRESENTATION**

- 7.1 A total of 155 letters were sent to neighbours and interested parties. A site notice was also displayed on site and the application was advertised in 'East End Life'.

- 7.2 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses:	Objecting: 0 Supporting: 0
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No of petition responses:	Objecting: 0 Supporting: 0
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## **8.0 MATERIAL PLANNING CONSIDERATIONS**

8.1 This application has been assessed against all relevant policies under the following report headings:

1. Land Use
2. Design, Heritage & Conservation
3. Transportation & Highways
4. Amenity
5. Access
6. Refuse
7. Environmental Considerations

### **Land Use**

- 8.2 The proposed development does not result in any change of use on this site, however through the partial demolition of the existing school building and the erection of a new school building results in a net gain of 273sqm of D1 floor space.
- 8.3 Policy 3.18 of the London Plan (2016) states that development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Furthermore those proposals which address the current and projected shortage of primary school places will be particularly encouraged.
- 8.4 The Council's Core Strategy policy SP07 (2) seeks to increase the provision of both primary and secondary education facilities to meet an increasing population.
- 8.5 The Council's Managing Development Document policy DM18 supports the development of schools or children's centres or extensions to existing schools or children's centres in appropriate locations.
- 8.6 The application site has been vacant for a number of years since the previous pupil referral unit vacated the site a number of years ago. The site sits within the Ailsa Street site allocation which seeks to see a comprehensive mixed use scheme on the site comprising of housing, a primary school and other compatible uses, including employment floor space. LBTH children's services have also identified this area as being in need of further primary school places to meet demand and this proposal would contribute towards planning to meet the growth in need for school places.
- 8.7 Considering the above, officers conclude that the proposed development can be supported in land use terms, as it can be seen to be in accordance with the relevant policies as set out above

### **Design, Heritage & Conservation**

- 8.8 The application proposes to demolish the later 1970s additions to the Grade II listed school building which are located at the eastern end of the building and refurbish the remaining portions of the Grade II listed school building. A new single storey building is to be erected to the east of the existing building, and the site completely re-landscaped along with the addition of new boundary treatments along the northern side of the site.

- 8.9 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires decision makers determining planning applications that would affect a listed building or its setting to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
- 8.10 Policies 7.4, 7.5, 7.6 & 7.8 of the London Plan (2016) seek to ensure that proposed buildings and spaces are of a high architectural quality and relate well to their surroundings. Where proposals affect the setting of heritage assets, they should be sympathetic to their form, scale, materials and architectural detailing. Policy 7.9 states that the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration.
- 8.11 The Council’s Core Strategy policy SP10 seeks to ensure that proposals promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. Policy SP10(2) seeks to protect and enhance heritage assets such as statutory listed buildings and their settings and encourages and supports development that preserves and enhances the heritage value of the immediate and surrounding environment and wider setting.
- 8.12 The Council’s Managing Development Document policies DM24 and DM27 seek to ensure that development will be designed to the highest quality standards, incorporating principles of good design. Development is also required to protect and enhance the borough’s heritage assets, their setting and their significance as key elements of developing the sense of place of the borough’s distinctive ‘Places’.
- 8.13 As part of the proposed development it is envisaged to demolish the later 1970s additions to the Grade II listed school building which are located at the eastern end of the building to make way for the new building. Whilst the applicant considers that these portions of the existing building have no architectural significance, and the 20<sup>th</sup> Century nor LBTH conservation officers objected to the loss of these portions of the existing building, Historic England did raise some concern over the loss of these portions of the existing building, however they did on balance consider that the merits of the site’s revitalisation as a result of the proposed scheme are such that the demolition of these structures can be justified. As such the demolition of these portions of the existing Grade II listed school building can be considered acceptable.
- 8.14 The existing school building is currently in a poor state of repair and was placed on the ‘Heritage at Risk’ register in 2013 and will be extensively refurbished as part of this proposal. The proposed refurbishment includes modifications to the existing building in order to bring it up to modern standards, which will include: additional insulation; the incorporation of a warm roof as well as solar reflective glazing on the glazed corridors; the installation of mechanical ventilation; the refurbishment of the existing classrooms; and replacement windows and doors. The proposals for the refurbishment of the existing building have been significantly amended since the initial submission of the application to take into account concerns raised by the Council’s conservation officer, Historic England and the 20<sup>th</sup> Century Society. The proposed refurbishment of the existing building is broadly welcomed by officers as it will reinstate an educational use for the building and will significantly improve the condition of this building and remove it from the ‘Heritage at Risk’ register in the process. It is considered as though the final scheme addresses in the main the initial comments received by the Council’s conservation officer (who is now in support of the proposals), Historic England, and the 20<sup>th</sup> Century Society (at the time of writing no

further comments have yet been received) and it is considered the applicant is taking a sensitive approach to the restoration of this building which respects its original character, and retain original features where possible. A number of further details have been requested, to be secured by condition, in order to ensure that the refurbishment is undertaken to the highest of standards.

- 8.15 The existing site is currently in a poor state of repair and is overgrown. The existing boundary wall (which is a significant feature of the site) is also in a poor state of repair and is currently structurally unsound. The entire site is to be completely re-landscaped, featuring a mixture of concrete block paving, tarmac surface and timber decking, and officers consider that the proposed landscaping scheme is acceptable in both its relationship with the existing listed building and the quality of environment that it will offer for future pupils of this school. Further details of the exact materials to be used across the site will be conditioned to ensure that they are an appropriate standard. Whilst the initial proposal sought to make a number of amendments to the existing boundary wall, this element of the proposal has been amended on the advice of the Council's conservation officer, Historic England and the 20<sup>th</sup> Century Society. The majority of the existing boundary wall is now to be retained and refurbished, bar a small portion of the wall being lost on the northern side of the site to allow for classrooms to easily access the new playground, and this approach is considered acceptable by officers. A condition requiring a method statement for the refurbishment of the existing boundary wall will be imposed to ensure that these works are carried out to an acceptable standard.
- 8.16 It is proposed to construct a new single storey building to the east of the existing Grade II listed school building. The proposed building will measure 30m in width, 22.5m in depth and 5.6m in height (inclusive of the 1.8m high roof lanterns) and is of a contemporary appearance. The appearance of the new building takes its inspiration from the existing Grade II listed school building, in particular its chimney structure and roof lanterns, and incorporates similarly angled roof lights on its roof which will provide additional natural light to the classrooms below, uses a dark blue brick (to match that used on the existing chimney structure), and makes further reference to the existing chimney's fluted design through employing a fluted band around the top of the building, as well as other detailed design elements which reference the existing building. The new building will be linked to the existing building by covered timber 'pergola style' walkways and also features canopies of a similar design on its south and east elevations. Officers consider that the new building is of a high architectural quality and responds well to the adjacent Grade II listed school building and will provide a high quality environment for future pupils and as such can be considered to be acceptable in design terms. As the detailing of the proposed new building is considered critical to the overall final quality of the proposed building, a condition requiring details of the proposed materials and design details will be imposed.
- 8.17 Considering the above, and having given special regard to the desirability of preservation of the building, its setting and any special historic or architectural features, officers conclude that the proposed development is acceptable in design and heritage terms, and can therefore be seen to be in accordance with the relevant policies as set out above.

### **Transportation & Highways**

- 8.18 The application proposes to modify the existing main entrance to Bromley Hall Road and introduce new entrances to both Leven Road and Lochnagar Street (with the latter coming into use at a later date once the adjacent site has been developed). It is

also proposed to incorporate cycle parking, scooter parking and disabled car parking within the scheme.

- 8.19 Policy 6.3 of the London Plan (2016) states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed and that development should not adversely affect safety on the transport network. Policy 6.9 states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum cycle parking standards which are set out in a table which forms a part of policy 6.13.
- 8.20 The Council's Core Strategy policy SP09 (3) seeks to ensure that all new development does not have an adverse impact upon the capacity of the road network.
- 8.21 The Council's Managing Development Document policy DM20 (2) states that development must be able to demonstrate that it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network. Policy DM22 (1 & 4) both state that development will be required to comply with the Council's minimum parking standards in order to ensure suitable provision for cyclists, however it should be noted that these standards have now been superseded by the parking standards set out within the recently adopted London Plan (2016), which this application is being assessed against.
- 8.22 Bromley Hall Road and the portion of Leven Road which runs along the southern boundary of the site are both two way streets, however the portion of Leven Road beyond this point is one way only in a northbound direction. As such no through routes are available for vehicles entering Lochnager Street from the west (A12 or Zetland Street), and therefore all traffic entering from the west has to turn on local roads in order to exit. The nearest bus stops to the site are located on the A12, approximately 200m north of the site, and on Zetland Street, approximately 200m west of the site. Langdon Park DLR station also sits approximately 600m to the west of the site. A pedestrian subway is located under the A12 just north of the A12/Lochnager Street junction, and pelican crossing facilities are also available at the A12/Lochnager Street junction.
- 8.23 The applicant has submitted a transport assessment with the application which outlines the likely impacts of the proposed school. The nearby Manorfield primary school has been used as a baseline as it is similar in size and nature to the proposed school at Bromley Hall Road. Using the figures obtained from Manorfield primary's travel plan, it is anticipated that the majority of pupils travelling to the school will do so on foot. This assumption is further backed up by the fact that the applicant's (LBTH Children's Services) proposed pupil catchment for the school is very local with the majority of potential pupils residing within 1km of the proposed school (primarily to the south of the site). Given the above, the number of vehicular trips anticipated to be created by the school are relatively low with a maximum of 28 peak hour car trips by full occupation.
- 8.24 To ensure that the anticipated car trips are kept to a minimum and do not adversely impact upon the local highway network a robust travel plan will be implemented which will seek to promote a car share programme, a breakfast club to reduce AM peak traffic, after school activities to stagger PM peak traffic, a walking bus, and sustainable travel information packs for pupils as well as other initiatives. Both LBTH transport and highways officers and TFL have reviewed this document, and whilst they do have some concerns over the potential trip generation of the proposal they

are of the opinion that a robust travel plan which adopts measures to reduce car trips as far as possible and encourages the use of walking, cycling and public transport, can mitigate any potential adverse impacts of the proposed school upon the local highway network.

- 8.25 It is envisaged that an average of 2 service/delivery trips will take place each day, all of which can be catered for onsite with the exception of refuse collection (see refuse section of this report). In order to minimise any disruption caused by service/delivery trips, all such movements will be organised to occur outside of the school peak hours. A full service/delivery plan will be required by condition prior to occupation of the site.
- 8.26 London Plan (2016) FALP cycle parking standards require this development to provide a minimum of 8 staff cycle parking spaces and 60 student cycle parking spaces. The applicant is providing a total of 10 covered staff cycle parking spaces which are located in a secure location visible from the main office, and a total of 18 covered student cycle parking spaces with passive provision for a further 42 covered student cycle parking spaces, also within a secure location within the site. In addition to the above the applicant is also providing child scooter parking for pupils. The rationale behind not providing 60 student cycle parking spaces up front is due to the age of the pupils who will attend the school as children do not start cycling proficiency until the age of 11 (the last year in school). As child scooter parking (which is more popular which children of this age) is to be provided, and the travel plan includes a provision to review the number of cycle/scooter parking spaces annually to ensure that there are sufficient spaces for users, officers are content that the proposal offers an acceptable level of cycle/scooter parking.
- 8.27 The proposed development includes the provision of 2 accessible car parking spaces, and no further car parking provision on site is proposed. Officers consider this provision acceptable as it is policy compliant and provides the proposed spaces in a suitable and convenient location on site adjacent to the main entrance for the school.
- 8.28 In order to understand the potential impacts upon the highway network during the construction phase of the proposal and how they will be mitigated against, the submission of a Construction Management Plan will be conditioned.
- 8.29 Considering the above, and subject to the necessary conditions, officers conclude that the proposed development is acceptable in highways terms, and therefore can be seen to be in accordance with the relevant policies as set out above.

### **Amenity**

- 8.30 Officers have assessed the amenity implications of the proposal, including the proposed use of the site, the alterations to the existing building, and the construction of a new single storey building.
- 8.31 According to paragraph 17 of the NPPF local planning authorities should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.32 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that all development protects the amenity of surrounding building occupiers.
- 8.33 The Council's Managing Development Document policy DM25 states that development should seek to protect, and where possible improve, the amenity of

surrounding existing and future residents and building occupants by not creating unacceptable levels of noise, vibration, artificial light, odour, fume or dust pollution during the construction and life of the development.

- 8.34 The proposed development is for the creation of a 2FE primary school (420 places) and associated nursery (60 places). The site has previously housed a school for children aged 5 to 16 with physical disabilities and more recently a pupil referral unit. Considering that the site was last in use for educational purposes, officers do not consider as though the principle of the development (i.e. the proposed use of the site as a primary school) raises any additional amenity concerns, especially considering that school uses are generally considered compatible within residential areas.
- 8.35 Whilst the exact hours of the school day for both the primary school and nursery have not yet been decided, it is proposed that the school will open at 7am for the breakfast club and close at 6pm after all after-school activities have finished. It is not proposed to open the school on evenings or weekends except in exceptional circumstances. Given the limited hours of use of the site, which are primarily limited to the daytime, officers do not consider that residents of nearby houses will be subject to noise disturbances during unsociable hours.
- 8.36 Officers do not consider that the alterations proposed to the existing school building, including its partial demolition, internal alterations and minor external alterations raise any amenity concerns and are therefore acceptable in amenity terms.
- 8.37 The new single storey building which is to accommodate the nursery is to be sited in the south east corner of the site and will measure 30m in width, 22.5m in depth and 5.6m in height (inclusive of the 1.8m high roof lanterns). Given the fact that the new single storey building sits behind a boundary wall which is 2.1m in height and is sited approximately 20m from the nearest residential property officers do not consider the erection of this building raises any additional amenity concerns.
- 8.38 Details of external lighting on the site have been submitted and have been reviewed by officers. None of the external lighting proposed will illuminate areas beyond the boundary of the site and the proposed lighting will only be fully on during the hours of 6am to 6pm on weekdays, with lighting on the site during 6pm and 11pm and at weekends dimmed to 50%, and lighting between 11pm and 6am dimmed down to 25% to act as security lighting. Officers consider this approach acceptable and therefore do not consider that this will raise any additional amenity concerns.
- 8.39 The proposal is likely to feature mechanical plant, however the accompanying acoustic report stipulates that the proposed plant noise limits will be set 10dB below the measured background noise levels which is considered an acceptable approach in order to ensure that surrounding residents and building occupiers are not adversely affected by noise pollution. A condition requesting full details of any proposed mechanical plant and post completion testing to ensure that any proposed plant noise does not exceed the above limits will be imposed in the event that permission is granted.
- 8.40 In order to protect the amenity of future users of the proposed school measures to minimise the levels of noise experienced internally will be undertaken. The applicant has submitted an acoustic report which demonstrates that the expected internal noise levels will be below the maximum noise limits as specified within BB93. As such officers consider that the proposal will create an internal environment that is suitable for teaching.

- 8.41 In order to ensure that the proposed development does not cause significant adverse impacts upon the surrounding residents and building occupiers during its construction phase, a condition will be imposed requiring the submission of a construction management plan in the event that permission is granted.
- 8.42 Considering the above, officers conclude that the proposed development is acceptable in amenity terms, and therefore can be seen to be in accordance with the relevant policies as set out above.

### **Access**

- 8.43 The applicant has provided details on how the proposed school has been designed with inclusivity in mind. These details are outlined within section 4 of the design and access statement.
- 8.44 Policy 7.2 of the London Plan (2016) seeks to ensure that development demonstrates how it has incorporated the principles of inclusive design, including the specific needs of older and disabled people.
- 8.45 The Council's Core Strategy policy SP10 (4) seeks to ensure that development promotes good design principles to create buildings that are accessible, flexible and adaptable to change.
- 8.46 The Council's Managing Development Document policy DM23 (1) states that development should be should be easily accessible for all people by incorporating the principles of inclusive design.
- 8.47 The proposed development has been designed with inclusivity in mind and features level thresholds throughout, external walkways at no more than 1:21 gradients and new accessible WC's throughout. As the entire school is a single storey structure no vertical circulation is required.
- 8.48 2 accessible car parking spaces are to be provided adjacent to the main entrance of the building, with access from these spaces to the main entrance of the school featuring level access which is welcomed by officers.
- 8.49 Considering the above, officers conclude that the proposed development is acceptable in access terms, and can therefore be seen to be in accordance with the relevant policies as set out above.

### **Refuse**

- 8.50 A refuse store has been located adjacent to the servicing entrance to the site on Bromley Hall Road.
- 8.51 Policy 5.17 of the London Plan (2016) states that all developments should plan for waste management, and should minimise waste and achieve a high level of performance with respect to reuse and recycling.
- 8.52 The Council's Core Strategy policy SP05 (1) states that the Council will ensure that development implements the waste management hierarchy of reduce, reuse and recycle by ensuring that building users reduce and manage their waste effectively.
- 8.53 The Council's Managing Development Document policy DM14 (2) states that development should demonstrate how it will provide appropriate storage facilities for



residual waste and recycling as a component element to implement the waste management hierarchy of reduce, reuse and recycle.

- 8.54 The application proposes for refuse vehicles to collect waste from the site on Bromley Hall School as such vehicles would be too large to be accommodated on site. At collection times bins will be wheeled out from the adjacent bin store to the refuse vehicle and then placed back in the store once emptied.
- 8.55 LBTH waste officers have been consulted with on this application and have not objected to the proposed waste strategy for this site. Officers consider that the refuse store is located in an appropriate location on site and is of a suitable size for such a proposal. Further details of the waste strategy for the site will need to be provided within a service/delivery plan which will be secured by condition.
- 8.56 Considering the above, and subject to the necessary conditions, officers conclude that the proposed development is acceptable in refuse terms, and therefore can be seen to be in accordance with the relevant policies as set out above.

## **Environmental Considerations**

### Air Quality

- 8.57 Policy 7.14 of the London Plan (2016) seeks to ensure that development minimises increased exposure to existing poor air quality and is at least 'air quality neutral' and does not lead to further deterioration of existing poor air quality.
- 8.58 The Council's Core Strategy SP03 seeks to ensure that development addresses the impact of air pollution in the Borough by minimising and mitigating the impacts of air pollution and managing and improving air quality wherever possible.
- 8.59 The Council's Managing Development Document policy DM9 states that applications for development will be required to submit details outlining practices to prevent or reduce associated air pollution during construction or demolition.
- 8.60 The applicant has submitted an Air Quality Assessment which concludes that as there are no adverse air quality impacts associated with the proposed development, no further mitigation measures in order to improve air quality and reduce air pollution are required. This document has been reviewed by LBTH Air Quality officers who are concerned that the submitted document does not use baseline conditions that are appropriate to this site. At the time of writing this report further information has been submitted which is hoped will overcome these concerns and comments from LBTH Air Quality officers will be presented in the update report.
- 8.61 Considering the above, and subject to the further information submitted being accepted by LBTH Air Quality officers, officers conclude that the proposed development is acceptable in terms of air quality, and therefore can be seen to be in accordance with the relevant policies as set out above.

### Biodiversity

- 8.62 Policy 5.11 of the London Plan (2016) seeks to ensure that development proposals are designed to include roof, wall and site planting, especially green roofs and walls where feasible.

- 8.63 The Council's Core Strategy SP04 seeks to ensure that development protects and enhances biodiversity value through the design of open spaces and buildings.
- 8.64 The Council's Managing Development Document policy DM11 states that development will be required to provide elements of a 'living building' and that existing elements of biodiversity value should be protected or replaced within the development and additional habitat provision made to increase biodiversity value.
- 8.65 The existing site will be cleared which involves the removal of the two existing ponds on site which is considered regrettable by the Council's biodiversity officer. The proposal does however include a large list of biodiversity enhancements that could be included within the proposed landscaping, including: nectar-rich flowers for pollinators; bat boxes; nest boxes for sparrows and swifts; loggeries; and insect hotels, all of which would contribute to LBAP (Local Biodiversity Action Plan) targets. The Council's biodiversity officer has also recommended the inclusion of a green roof on the new building, however the applicant has stated that this would not be possible in this instance as it would increase the overall height of the new building, something which would not be supported in heritage terms due to its impact upon the adjacent listed building.
- 8.66 Subject to a condition which will require the submission of full details of biodiversity mitigation and enhancements on site, including exploring options for either retaining or replacing at least one of the existing ponds, or providing suitable alternative biodiversity mitigation and enhancements if this is not possible, and a condition requiring that the removal of existing trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive, the Council's biodiversity officer is content to support the scheme.
- 8.67 Considering the above, and subject to the necessary conditions, officers conclude that the proposed development is acceptable in terms of biodiversity, and therefore can be seen to be in accordance with the relevant policies as set out above.

#### Contaminated Land

- 8.68 Policy 5.21 of the London Plan (2016) seeks to ensure that appropriate measures are taken to ensure that development on previously contaminated land does not activate or spread contamination.
- 8.69 The Council's Managing Development Document policy DM30 states that where development is proposed on contaminated land or potentially contaminated land, a site investigation will be required and remediation proposals agreed to deal with the contamination.
- 8.70 The site lies in an area which is considered to be potentially contaminated. The applicant has submitted a land quality statement which identifies the extent to which the site is contaminated, although this does conclude that further tests on the land are still required. In order to ensure that the necessary works are undertaken and the site made safe a condition will be imposed requesting further details on the remediation of the site based on the advice of a LBTH Contaminated Land officer.
- 8.71 Considering the above, and subject to the necessary conditions officers conclude that the proposed development is acceptable in terms of contaminated land, and therefore can be seen to be in accordance with the relevant policies as set out above.

### Energy and Sustainability

- 8.72 Policies 5.2, 5.3, 5.4 and 5.7 of the London Plan (2016) seek to ensure that development proposals make the fullest contribution to minimising carbon dioxide emissions, demonstrate that sustainable design standards are integral to the proposal, bring existing buildings up to current standards and integrate on-site renewable energy generation, where feasible.
- 8.73 The Council's Core Strategy SP11 seeks to ensure that carbon emission are reduced in non-domestic buildings by supporting non-domestic developments that promote the use of renewable energy technologies and reducing the carbon emissions of all public buildings in the Borough.
- 8.74 The Council's Managing Development Document policy DM29 states that all development will be required to be accompanied by an Energy Assessment to demonstrate its compliance with the Borough's carbon reduction targets and will also need to demonstrate that climate change mitigation measures are maximised within development.
- 8.75 The applicant has submitted a sustainability statement which details the measures taken by the applicant to ensure that the proposal has been designed with sustainability in mind. The applicant is targeting a BREEAM 'very good' rating for the proposed works to the existing building, which given the fact that this building is Grade II listed (which constrains the works possible to it) is considered acceptable. The applicant is also targeting a BREEAM 'excellent' rating for the new building which is compliant with the requirements of policy DM29 and is thus considered acceptable. A condition requiring the submission of the relevant final certificates within a set period of occupation will be imposed.
- 8.76 The submitted sustainability energy assessment outlines the measures that are being taken in order for the proposal to contribute towards the Council's sustainability goals. This includes: improved fabric insulation; improved air tightness; high efficiency fans; high efficiency heat recovery heating plant; heat recovery on ventilation systems; daylight control of the lighting in the teaching areas; and 48m<sup>2</sup> of roof mounted PV's. This will ensure that the new build carbon saving goes beyond Part L 2013 building regulations through the combination of energy efficient design and renewable technologies, achieving a 47.5% reduction on this baseline, which exceeds the policy requirement of 45%.
- 8.77 Considering the above, and subject to the necessary conditions, officers conclude that the proposed development is acceptable in energy and sustainability terms, and therefore can be seen to be in accordance with the relevant policies as set out above.

### Flood Risk

- 8.78 Policy 5.12 of the London Plan (2016) seeks to ensure that development proposals comply with the flood risk assessment and management requirements set out in the NPPF and the associated technical guidance on flood risk over the lifetime of the development.
- 8.79 The Council's Core Strategy SP04 (5) seeks to ensure that all new development is safe and passes the exception test and does not increase the risk and impact of flooding.

- 8.80 As part of the applicant's submission, a flood risk assessment was submitted. This document assesses the risk of flooding on site and measures that will be taken to ensure the safe evacuation of building users in the event of a flood. This document has been reviewed by the Environment Agency who did not have any objections to the proposed development. Officers have also assessed the submitted flood risk assessment and are content that a safe means of access/egress to higher ground has been incorporated into the proposal (in the form of an access gate in the north east corner of the site at the junction of Lochnager Street/Ailsa Street).
- 8.81 Considering the above, officers conclude that the proposed development is acceptable in flood risk terms, and therefore can be seen to be in accordance with the relevant policies as set out above.

## **9.0 HUMAN RIGHTS CONSIDERATIONS**

- 9.1 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:
- 9.2 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".
- 9.3 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.
- 9.4 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.
- 9.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.6 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.

## **10.0 EQUALITIES ACT CONSIDERATIONS**

10.1 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.

## **11.0 FINANCIAL CONSIDERATIONS**

### Localism Act (amendment to S70(2) of the TCPA 1990)

11.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the 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.

11.2 Section 70(4) defines “local finance consideration” as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

11.3 In this context “grants” might include New Homes Bonus. This is not applicable to this application.

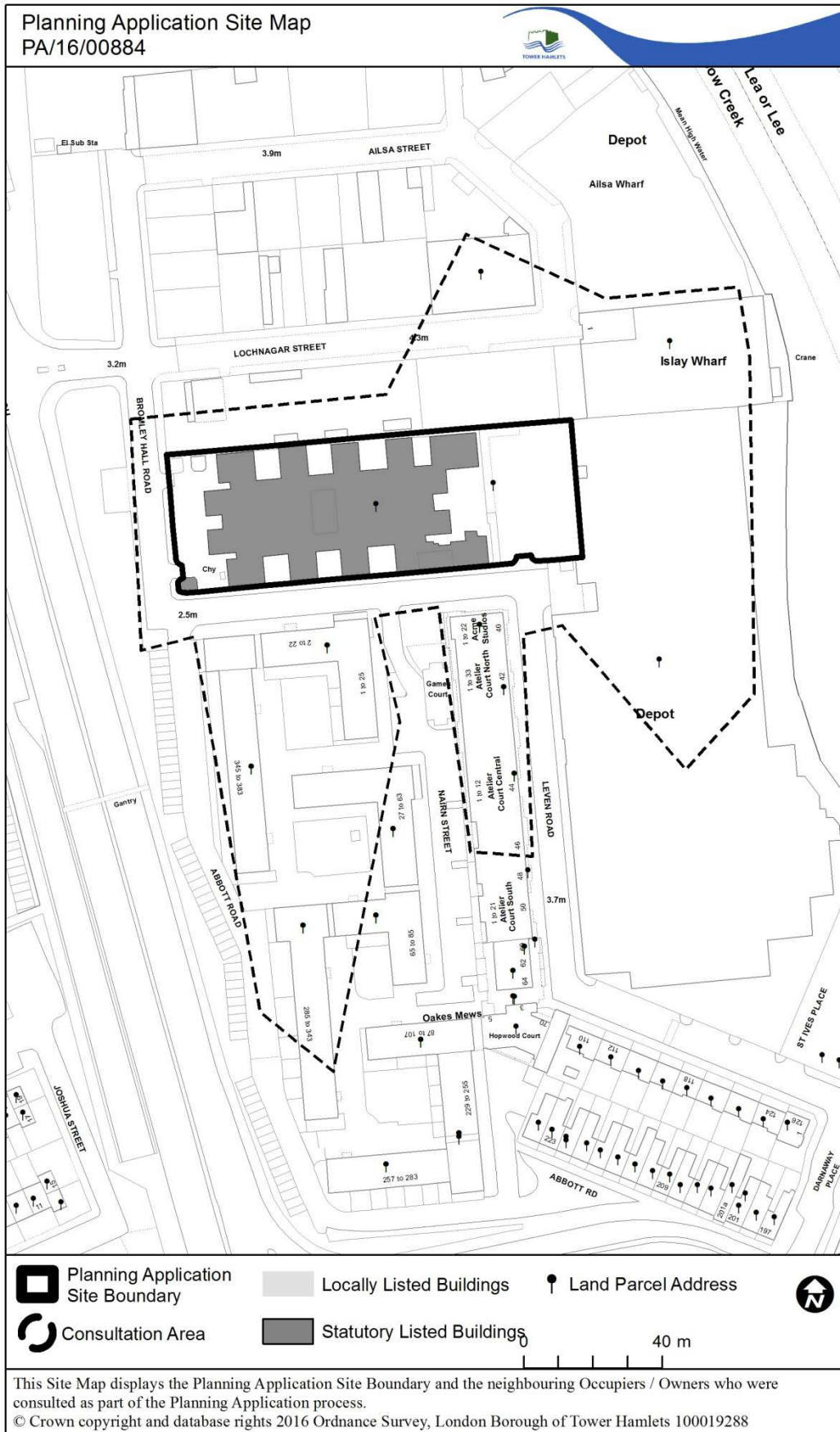
11.4 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 however proposals for D1 uses (non-residential institutions) are not liable for Mayoral CIL.

11.5 The Borough’s Community Infrastructure Levy came into force from 1st April 2015. Again, the proposal would not be liable for Borough CIL as proposals for D1 uses (non-residential institutions) do not attract CIL payments.

## **12.0 CONCLUSION**

- 12.1 All other relevant policies and considerations have been taken into account. Planning permission and Listed Building Consent should be GRANTED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report.

13.0 SITE MAP



## APPENDIX 1 – PROPOSED PLANS



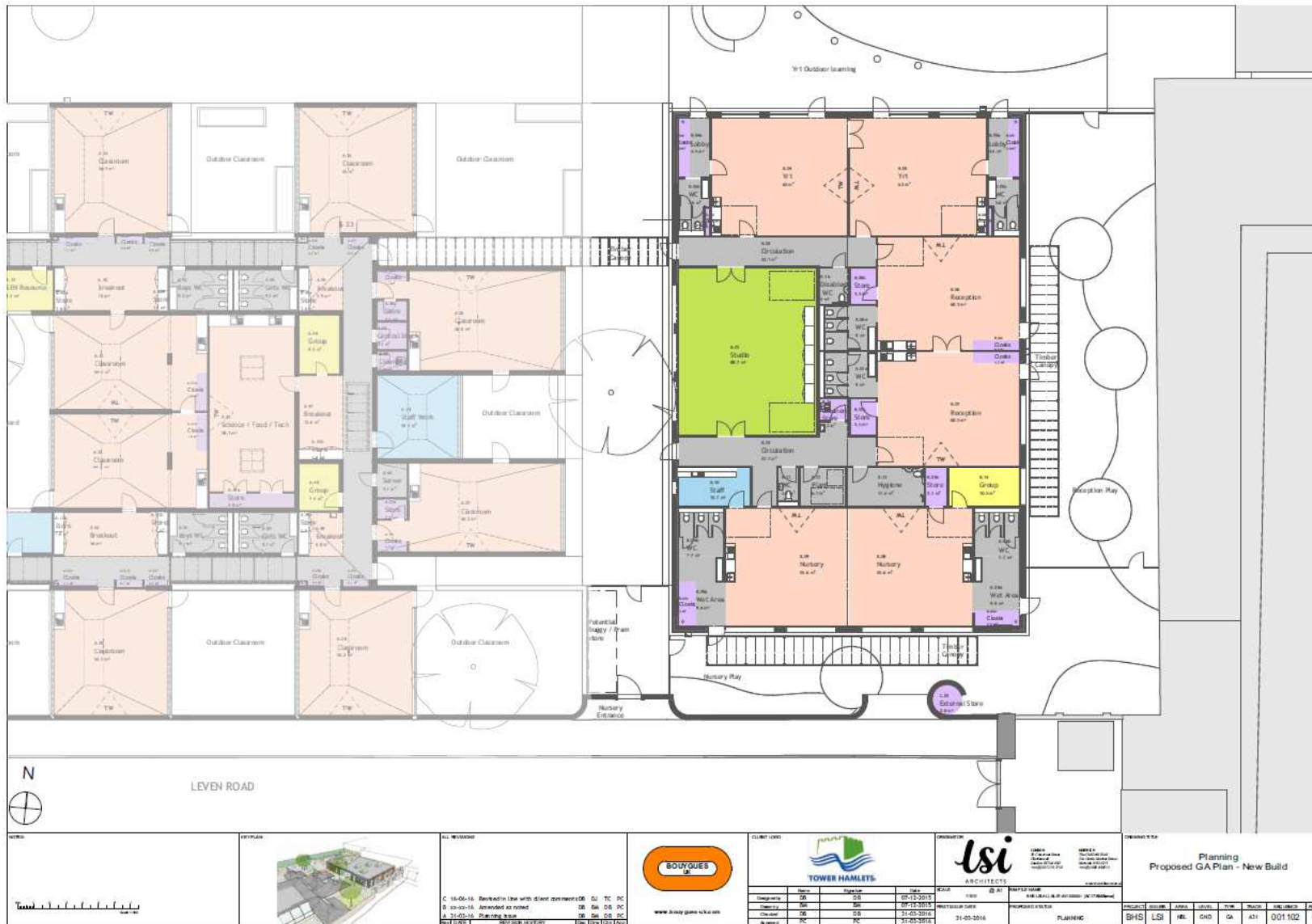
CGI of proposed new building



# Proposed ground floor plan of refurbished building



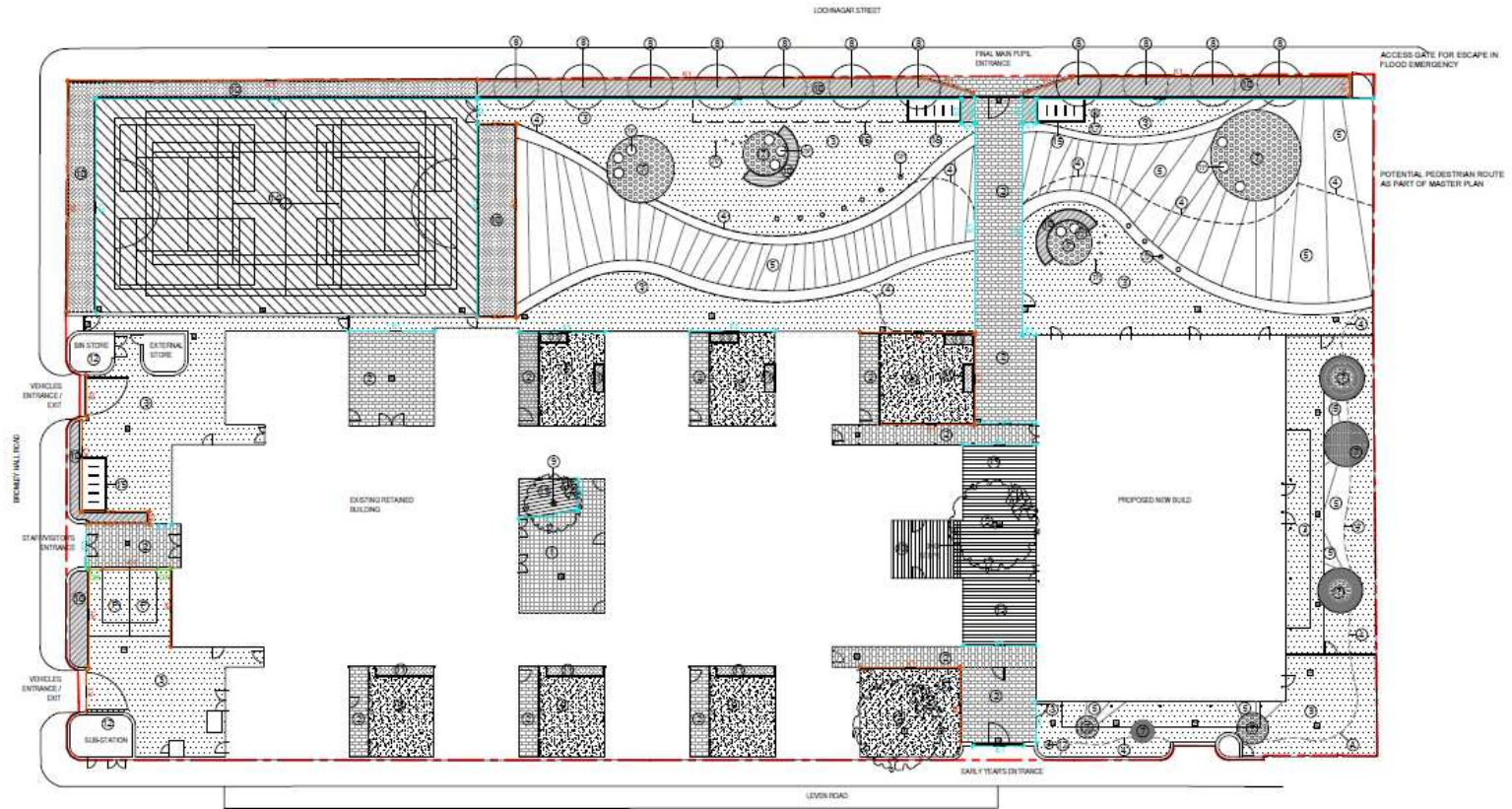
# Proposed ground floor plan of new building



# Proposed landscaping plan



## 12.0 EXTERNAL LANDSCAPE DETAILS



PROPOSED LANDSCAPE PLAN BY LANDSCAPE ARCHITECT OUTERSPACE

13042 BROMLEY HALL SCHOOL

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