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**Reserved Matters Application**

<b>Reference</b>	PA/19/00766
<b>Site</b>	Former News International Site, 1 Virginia Street, London, E98 1XY
<b>Ward</b>	St Katherine's and Wapping
<b>Proposal</b>	Application for the approval of reserved matters for Plot E of London Dock to provide a secondary school with six forms of entry and a sixth form, a basement, public realm and school play space facilities, parking and associated highways works pursuant to Condition 3 of planning permission PA/19/00764, related to the provision of details of the appearance, landscaping, layout, scale and mix of the school.
<b>Summary Recommendation</b>	Approval of Reserved Matters subject to conditions
<b>Applicant</b>	London Borough Tower Hamlets
<b>Architect/agent</b>	Lichfields
<b>Case Officer</b>	Katie Cooke
<b>Key dates</b>	Application validated 08/04/2019 1 <sup>st</sup> round of consultation ended on 23/05/2019 2 <sup>nd</sup> round of consultation ended on 30/12/2019 3 <sup>rd</sup> round of consultation ended on 30/01/2020

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**EXECUTIVE SUMMARY**

The principle of development was established by the hybrid application for the site known as the London Dock (ref PA/13/01276). This application established a number of parameters for the development of the site and was split into six separate plots. Plot E, to which the application relates, was granted in outline and provided for a new school.

The hybrid permission has been subject to a number of variations, most recently PA/19/00764 which was granted on 20 November 19 and now sets out the baseline parameters for the development of Plot E.

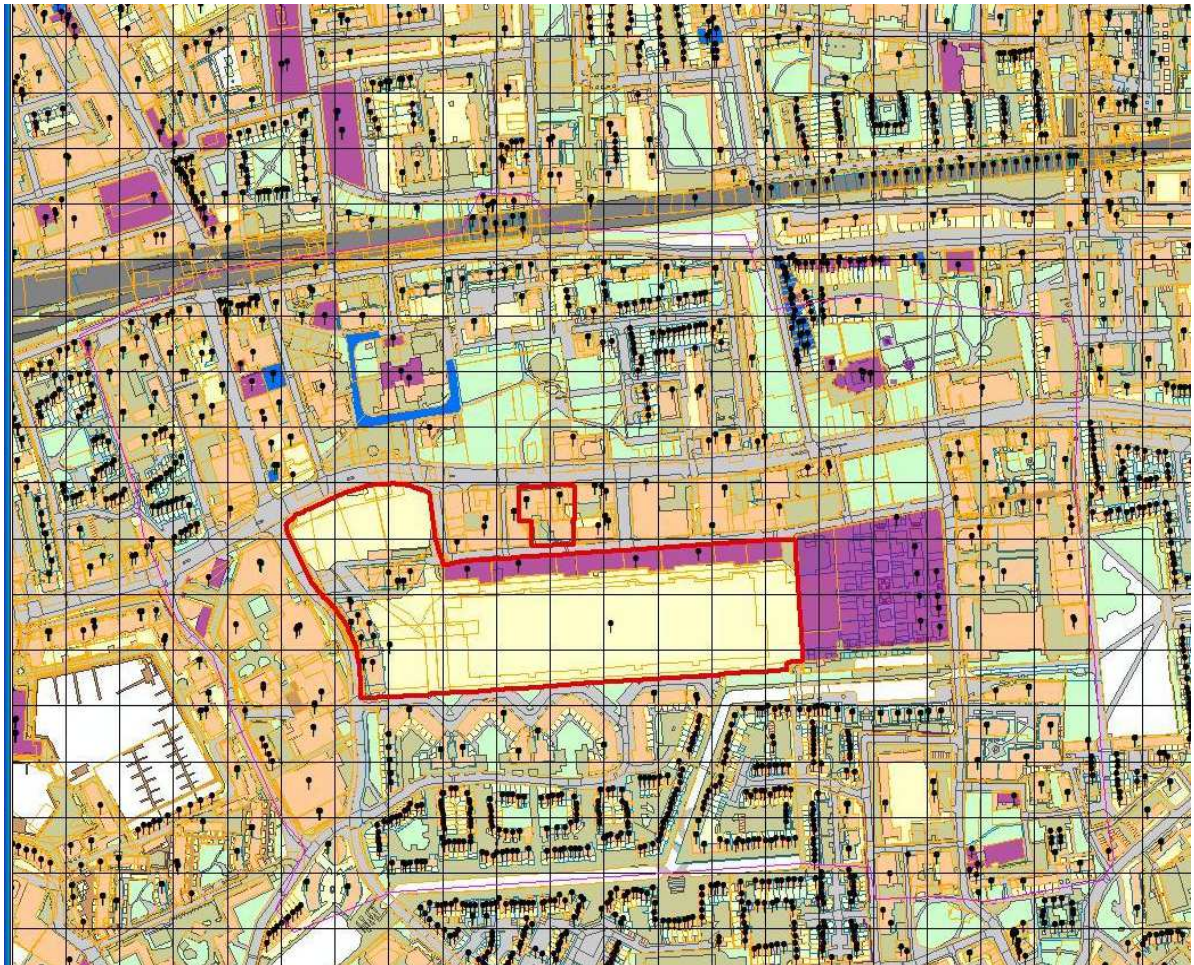
This application therefore seeks to discharge the reserved matters for Plot E which are: appearance, landscaping, layout, scale (and mix). Matters that do not fall within these categories are not material to the determination of this application. In this regard, it is noted

that access (which pertains to highway matters) does not form a reserved matter for this application as this was approved for Plot E as part of the Hybrid Permission








Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the Tower Hamlets Local Plan 2031; associated Supplementary Planning Guidance, as well as the London Plan (2016) and draft London Plan as well as the relevant Government Planning Policy Guidance and consider that:

- the proposed scale of the buildings would be in accordance with the scale parameters and accord with policies S.DH1, S.DH3, D.DH6 of Tower Hamlets Plan 2031: Managing Growth and Sharing Benefits. which ensure an appropriate scale of development in order to protect neighbours amenity, respond appropriately to local character and context.
- the proposed appearance of the scheme would maintain a high quality environment and be in accordance with the Design Code and accord with policies S.DH1, D.DH2, S.DH3, D.CF3 of Tower Hamlets Plan 2031: Managing Growth and Sharing Benefits., which seek to ensure high quality design and appearance of developments.
- the proposed landscaping associated with Building Parcel R would maintain a high quality environment and accord with policies S.DH1, D.DH6, D.ES3 of Tower Hamlets Plan 2031: Managing Growth and Sharing Benefits which seek to ensure high quality design and appearance of landscaping in developments.
- the proposed layout associated with Plot E would provide an efficient and well configured layout in light with policies S.DH1, S.DH3, D.DH2, D.CF3, D.ES9, D.DH8, D.ES2 of Tower Hamlets Plan 2031: Managing Growth and Sharing Benefits.
- With respect to provision of a new secondary scheme the proposal would provide an acceptable space standard and layout. As such, the scheme is in line with policy D.CF3 of Tower Hamlets Plan 2031: Managing Growth and Sharing Benefits which requires schools to comply with the relevant standards.

# SITE PLAN



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<ul style="list-style-type: none"> <li> Planning Application Site Bound</li> <li> Other Planning Applications</li> <li> Consultation Area</li> <li> Land Parcel Address Point</li> <li> Locally Listed Buildings</li> <li> Statutory Listed Buildings</li> </ul>	<p><b>Planning Applications Site Map</b> <b>PA/19/01462</b></p> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as</p>	 <p><b>TOWER HAMLETS</b></p> <p>London Borough of Tower Hamlets</p>
	<p>Scale : 50m grid squares</p>	<p>Date: 04 February 2020</p>

## 1. SITE AND SURROUNDS

- 1.1 The application site is the former News International print works and office complex, including the Times House office block. This site is located in the western part of the Borough in the St Katharine's and Wapping Ward. The main site covers an area of 5.85 hectares and is bounded by the public highway at Pennington Street.
- 1.2 A hybrid planning permission was approved in 2013, with subsequent minor material amendments approved in 2014, 2017 and 2019. The planning permission provides for 6 new building plots approved in outline (plots D, E, F, G, H, J); 3 new building plots approved in detail (plots A, B and C); and the refurbishment of the Pennington Street Warehouses and Times House also approved in detail.
- 1.3 The school site, Plot E, is bounded to the south by the completed Block B of the London Dock Development and the service ramp associated with the development. To the west by the under construction Block D, to the north by The Highway and to the east by Virginia Street.
- 1.4 The site lies within the City Fringe Opportunity Area as designated in the London Plan (2016). The site also lies within the City Fringe Activity Area, as designated in the Council's adopted Tower Hamlets Local Plan 2031.
- 1.5 Whilst the site itself is not located within a designated Conservation Area, there are five Conservation Areas within the wider surrounding area. Specifically, the site lies to the east of the Tower of London Conservation Area, to the south of the Wilton's Music Hall Conservation Area, to the south-west of the St George in the East Conservation Area, to the west of the Wapping Wall Conservation Area and to the north of the Wapping Pierhead Conservation Area.
- 1.6 The Grade II listed Pennington Street Warehouse is located directly south east of the site. The site also falls to the west of the Tower of London, which is designated as a World Heritage Site.

## 2. PROPOSAL

- 2.1 The outline planning permission is a hybrid permission. This is for a residential-led mixed-use redevelopment comprising a maximum of 221,924 sqm including commercial, retail, community, leisure uses, and a new secondary school. The detailed component of the development represents 85,516 sqm of the above total. It consists of two retained buildings, Pennington Street warehouses and Times House, and new buildings in 3 new plots (A, B and C). The development as a whole could deliver up to 1,800 new homes, of which the detailed component will deliver 618 homes. The outline component has all matters reserved except access. The outline component comprises 5 residential-led plots (Plots D, F, G, H and J), and one plot for a new school (Plot E). The form of the outline development is controlled through conditions of the hybrid planning permission and the associated section 106 agreement. The three principal control documents for the outline component are as follows:
  - Parameter Plans – these define, inter alia, where buildings, roads and open space may arrive on the site, the distribution of uses across the site and maximum heights and maximum footprints (length and width) of each development plot.
  - Development Specification – this document sets out a written account of the parameter plans and details, inter alia, the floorspace specifications for the proposed land uses, minimum and maximum vehicle parking and minimum cycle parking and



open space, and the range of dwelling mix for each tenure.

- Design Guidelines – The purpose of this document is to determine a design language for the Masterplan and to establish a robust framework for its development that encourages high quality and draws influence from the historic nature of the site. Any future reserved matters applications for the development of any of the Plots defined in the Parameter Plans or open spaces between them will be required to accord with the Design Guidelines, unless there is a good and justified reason to depart from them.

2.2 The matters reserved for determination are as follows [as set out and defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015]

- Appearance - meaning the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture; and,
- Landscaping - meaning the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and including:
  - (a) screening by fences, walls or other means;
  - (b) the planting of trees, hedges, shrubs or grass;
  - (c) the formation of banks, terraces or other earthworks;
  - (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
  - (e) the provision of other amenity features
- Layout - meaning the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;
- Scale - meaning the height, width and length of each building proposed within the development in relation to its surroundings;

2.3 In conjunction with the above, the relevant condition of the hybrid planning permission also requires 'Mix' to be approved as a reserved matter. This does not have a statutory definition but is addressed in the Development Specification. This relates to the unit size mix defined by tenure. The residential mix for the redevelopment site is set out in Table 6 of the Development Specification.

2.4 The reserved matters application subject to this report relates to Development Plot E. Plot E is located to the north west of the London Dock site. The Plot is bound to the north by The Highway and Virginia Street to the east. The site is bounded to the south by Plot B and immediately to the west by Plot D which will both provide multi-storey residential blocks. Plot E has a site area of 0.55 hectares and has an average PTAL rating of 3 (PTAL varies across the school site from 2 to 4).

2.5 The principle of the development has been established by the hybrid planning permission and, as described above, certain requirements as to the detailed design and form of the development have been set by the associated parameter plans, development specification and design code documents secured by conditions of the hybrid planning permission. Some other aspects of the development which fall outside the scope of the five reserved matters have also been reserved by the section 106 planning obligations and separate compliance conditions requiring submission of particular details together with the application for approval of reserved matters.

2.6 It is important to note that the application is only for approval of the four reserved matters set out above. Considerations which do not relate to the reserved matters are not material to determination of the application other than as specifically brought-in by relevant

compliance conditions or where the matter in question would directly prejudice implementation of the remainder of the masterplan in accordance with the permission. Any material submitted by the applicant which does not relate to the reserved matters or the relevant compliance conditions is for illustrative purposes only and, if applicable, would be formally discharged under separate approval of detail applications.

- 2.7 The Planning Policy Guidance specifies that conditions relating to anything other than the matters to be reserved can only be imposed when outline planning permission is granted. The only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those reserved matters.

### **Environmental Impact Assessment**

- 2.8 An Environmental Impact Assessment (EIA) Statement of Conformity has been submitted with the current application. The EIA Statement of Conformity concludes that the reserved matters application will not lead to any new or additional significant environmental effects, and therefore the conclusions of the Updated ES and Non-Technical Summary (NTS) (April 2019) and two ES Addendums (July 2019 and September 2019), alongside the original ES (May 2013) and its associated ES Addendums (November 2013 and October 2014), EIA Statement of Conformity (August 2017) and further / other information that was previously required to determine the previous application, remain valid. The EIA Statement of Conformity has been reviewed by the Council's EIA Officer, who agrees with the conclusions of the assessment.

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PA/13/01276 – Approved 26/03/2014

Outline submission for demolition of all buildings and structures on the site with the exception of the Pennington Street Warehouse and Times House and comprehensive mixed use development comprising a maximum of 221,924 sq m (GEA) (excluding basement) of floorspace for the following uses:

- residential (C3);
- business uses including office and flexible workspace (B1);
- retail, financial and professional services, food and drink uses (A1, A2, A3, A4 & A5);
- community and cultural uses (D1);
- a secondary school (D1);
- assembly and leisure uses (D2);
- energy centre, storage, car and cycle parking; and
- formation of new pedestrian and vehicular access and means of access and circulation within the site together with new private and public open space.

Detailed submission for 82,596 sq m GEA of floorspace (excluding basement) in five buildings - the Pennington Street Warehouse, Times House and Building Plots A, B and C comprising residential (C3), office and flexible workspaces (B1), community and leisure uses (D1/D2), retail and food and drink uses (A1, A2, A3, A4, A5) together with car and cycle parking, associated landscaping and new public realm”.

- 3.2 PA/13/01277 – Approved 26/03/14

Listed building consent was granted for works to the Grade II Listed Pennington Street Warehouse both internally and externally comprising:

- The creation of three new openings to the Pennington Street elevation, within the existing un-bonded brick arches, to provide new circulation cores to the building

- and pedestrian access routes leading through to the wider development;
- The creation of nine new openings to the Pennington Street elevation, within the existing un-bonded brick arches, to provide new air intake to the vaults and glazing to the upper level;
- Repairs and modifications to the existing roof structure including new glazed elements;
- Removal of later internal additions to the building;
- Formation of eight new voids between the vaults and the main floor level for light and air;
- Forming four new openings in the vaults for access, light and air;
- Repair and restoration works;
- Alterations to the modern gable end to the West of the building; and
- Fitting out of the building to allow for flexible retail (Use Class A1, A2, A3, A4 and A5), commercial (Use Class B) and community and leisure uses (Use Class D1 and D2) within.

### 3.3 PA/17/02112 – Approved 05/03/2018

Minor material amendment under s73 of the Town and Country Planning Act by varying condition 4 (approved plans) of Planning Permission ref: PA/14/02819, Dated 12/01/2015 (as amended by non-material amendments PA/15/00998, PA/15/02618, PA/15/02697, PA/16/00628, PA/16/00760, PA/16/02821, PA/17/00303 and PA/17/00748)

Amendments sought:

- Repositioning of play space from the Water Gardens to the Market Gardens (Building C)
- Internal design changes to Building C1 including reconfigured entrance lobby and replacement of commercial floorspace at 2nd floor with 2 x residential units (1 x 1 bed and 1 x 2 bed)
- Elevational amendments including changes to material above third floor level
- Installation of a Building Maintenance Unit (BMU) on the roof of the west block at level 25
- Increase in number of homes within Building C1 from 128 units to 141 units maintaining the overall residential provision of 1,800 homes.

### 3.4 PA/17/02826 – Approved 09/03/2018

Works to the Grade II Listed Pennington Street Warehouse both internally and externally comprising:

- The creation of three new openings to the Pennington Street elevation, within the un-bonded brick arches, to provide new circulation cores to the building and pedestrian access routes leading through to the wider development.
- The creation of nine new openings to the Pennington Street elevation, within the existing un-bonded brick arches, to provide an exit only door to the western end of the Pennington Street elevation and glazing to the upper levels;
- Repairs and modifications to the existing roof structure including new glazed elements;
- Forming four new gables and associated roof modifications, as well as forming new mezzanine floors for plant storage;
- Removal of later internal additions to the building;
- Formation of eight new voids between the vaults and the main floor level for light and air;
- Forming four new openings in the vaults for access, light and air;
- Repair and restoration works;
- Alterations to the modern gable end to the West of the building;

- Removal of the chimney to the south of Area 3
- Fitting out of the building to allow for flexible retail (Use Class A1, A2, A3, A4 and A5), commercial (Use Class B) and community and leisure uses (Use Class D1 and D2) within.

### 3.5 PA/19/00764 – Approved 20/11/2019

Minor Material Amendments to Planning permission (Plot E) Ref: PA/17/02112, Dated 05/03/2018 (as amended by non-material amendments: PA/18/00210 and PA/18/01920)

Amendments include:

- Changes to maximum floorspace;
- Changes to height and massing;
- Changes to access; and
- Changes to play space.

### 3.6 PA/19/00769 – Approved 20/12/19

Submission of Details Pursuant to Conditions to Plot E, No.18 (Phase Plan), 26 (Archaeology), 27 (Ecological Survey and mitigation), 28 (Nesting black redstarts and other nesting birds), 29 (Air quality), 30 (Daylight/Sunlight), 31(Microclimate), 35 (Landscaping), 36 (Bio-diverse roofs), 39 (Energy strategy), 40 (Secure by Design), 47 (Waste), 50 (car parking and cycle parking strategy), 55 (School Delivery and Servicing), 56(School Travel Plan), and 59 (Delivery and Servicing Management Plan) relation to plot E of Planning Permission Ref: PA/19/00764, Dated 20/11/2019

### 3.7 PA/19/01645 – Approved on 28.01.20.

Concurrent application for non-material amendment to planning ref: PA/19/00764, Dated 20/11/2019.

Non-Material Amendments sought:

- Revision of the Plot F boundary;
- 1,653 sqm increase to the maximum floorspace allowed to Plot F;
- Minor changes to the horizontal parameters;
- Slight increase to the Vertical limits of deviation; and
- Removal of the sub-basement.

### 3.8 PA/19/01684 – Approved on 29.01.20

Application for the approval of reserved matters for Plot F of London Dock to provide 359 homes, non-residential uses, public realm, private amenity space, and associated works pursuant to Condition 3 of planning permission PA/19/00764, being details of the appearance, landscaping, layout, scale and mix. An Environmental Statement Addendum was submitted with the outline planning permission.

### 3.9 PA/19/01634 – Undecided

Submission of Details Pursuant to Condition No.30 (Daylight and Sunlight Assessment) relating to Building F of Planning Permission Ref: PA/19/00764, Dated 20/11/2019.

### 3.10 PA/19/02244 - Undecided

Application for Non-Material amendment to planning permission ref: PA/19/00764, Dated 20/11/2019.



#### Non Material amendment(s) Sought:

- The creation of three new openings to the Pennington Street elevation, within the un-bonded brick arches, to provide new circulation cores to the building and pedestrian access routes leading through to the wider development. The creation of nine new openings to the Pennington Street elevation, within the existing un-bonded brick arches, to provide an exit only door to the western end of the Pennington Street elevation and glazing to the upper levels;
- Repairs and modifications to the existing roof structure including new glazed elements; Forming four new gables and associated roof modifications, as well as forming new mezzanine floors for plant storage; Removal of later internal additions to the building; Formation of eight new voids between the vaults and the main floor level for light and air; Forming four new openings in the vaults for access, light and air; Repair and restoration works;
- Alterations to the modern gable end to the West of the building; Removal of the chimney to the south of Area 3;
- Fitting out of the building to allow for flexible retail (Use Class A1, A2, A3, A4 and A5), commercial (Use Class B) and community and leisure uses (Use Class D1 and D2) within; Restoration of the original roof pitches by raising the roof of the building in Areas 1, 2, 4 and 5;
- Introduction of mezzanines to create additional floorspace; Relocation of rooflights from the raised lanterns to the pane of the roof; and
- Modifications to retain more of the existing fabric

#### 3.11 PA/19/02243 – Undecided

Works to the Grade II Listed Pennington Street Warehouse both internally and externally comprising: The creation of three new openings to the Pennington Street elevation, within the un-bonded brick arches, to provide new circulation cores to the building and pedestrian access routes leading through to the wider development. The creation of nine new openings to the Pennington Street elevation, within the existing un-bonded brick arches, to provide an exit only door to the western end of the Pennington Street elevation and glazing to the upper levels; Repairs and modifications to the existing roof structure including new glazed elements; Forming four new gables and associated roof modifications, as well as forming new mezzanine floors for plant storage; Removal of later internal additions to the building; Formation of eight new voids between the vaults and the main floor level for light and air; Forming four new openings in the vaults for access, light and air; Repair and restoration works; Alterations to the modern gable end to the West of the building; Removal of the chimney to the south of Area 3; Fitting out of the building to allow for flexible retail (Use Class A1, A2, A3, A4 and A5), commercial (Use Class B) and community and leisure uses (Use Class D1 and D2) within; Restoration of the original roof pitches by raising the roof of the building in Areas 1, 2, 4 and 5; Introduction of mezzanines to create additional floorspace; Relocation of rooflights from the raised lanterns to the pane of the roof; and Modifications to retain more of the existing fabric.

#### 4. Publicity

- 4.1 A total of 3736 planning notification letters were sent to nearby properties. Site notices were also displayed and the application was advertised in the Press.
- 4.2 Three rounds of consultation were carried out, one in April 2019, one in November 2019 and the other in January 2020. The reason for a second round of consultation was due to

the fact that the applicant had submitted the RMA application at the same time as an MMA (planning ref: PA.19.00764) and AOD (planning ref: PA.19.00769) applications. It was not possible to determine the RMA application prior to the MMA, as the MMA application would result in a new planning permission (and planning reference). Therefore, once the MMA application was approved, the applicant updated the documents submitted as part of the RMA application with the new planning permission reference (PA/19/00764) and the second re-consultation took place. The reason for the third round of consultation was due to an administrative error with the description of development associated to the 2<sup>nd</sup> consultation. The description of development incorrectly referred to the superseded planning permission (PA/17/02112) rather than the latest version (PA/19/00764).

4.3 In total, 43 letters of representation have been received in relation to the proposals. (42 of which were objecting to the proposals with one general comment). As part of the 3<sup>rd</sup> round of consultation, further additional letters of objection were received, however they were from the same addresses who had previously objected, as such do not constitute additional objections. From the representations received, 4 did not have addresses.

4.4 The letters of objection received included the following comments:

- a) Not enough measures to prevent noise from disturbing daily life  
*Officer comment: Noted. The issue of noise is addressed in the amenity section of this report.*
- b) Location of ventilation plant is too close to Telford Yard and residents will not be able to open windows or use balcony spaces without experiencing extra noise  
*Officer comment: Noted. The issue of noise is addressed later in the amenity section of this report*
- c) Height of proposed buildings has now increased
- d) There are more students, 1200 – too many to fit
- e) Requests for following conditions are attached to the approval:
  - To ensure residents and commercial properties are not picking up costs incurred by 1200 students and to ensure no ASB issues as a result.
  - School to provide own security officers
  - Ensure school is responsible for cleaning litter and any damage caused by pupils
  - Ensure waste management and deliveries do not disturb neighbours
  - The school services charge covers all additional cost incurred by the school.

*Officer comment: A number of the above requests are not relevant to the determination of the planning application and fall under the responsibility of the applicant. Notwithstanding this, conditions have been attached to the hybrid planning permission will cover the relevant points raised, for example, condition 40 requires a Secure by Design Statement for each plot to be submitted to ensure the safety and security of existing and future residents (this has been discharged for this plot – planning ref: PA.19.00769), also, condition 55 of the outline permission requires details of a school delivery and service management plan to be provided.*

f) A window in the plans over the service entrance that looks directly into Counter House bedrooms/living rooms.

*Officer comment: The windows are approximately 15m away from Counter House and the windows on the first and second floor are at the end of a corridor which would be circulation space and will likely have relatively few people passing by internally. It should also be considered that this part of the school is only in occupation from 8am to 6pm, Monday to Friday.*

*It is important for the end of the corridor to receive daylight. In order to address residents' concerns and protect their privacy, a condition shall be included on the reserved matters decision requiring obscured glazing at 1.8m is used in the windows*

*in this specific location. This will reduce any perceived impact of overlooking whilst maintaining some light into this area of the school.*

- g) The green wall cannot overcome the overbearing visual impact of a block at 5 storeys high being so close to the rooms at Counter House. The building will appear intrusive and adversely affect residential amenity and those of their neighbours.

Officer comment: *The southern elevation of the proposal did not get altered as part of the recent s.73 application (PA.19.00764). In addition, Counter House was designed as part of the wider masterplan, assuming meaningful massing for Plot E. It was also explicitly clear to purchasers that there would be an intention to develop this site. As such, the proposals are in line with the parameters set out in the original planning permission in relation to the south elevation and relationship with Counter House.*

- h) No communication has been shared with residents prior to the approval

Officer comment: *Statutory consultation has been carried out by the local planning authority in line with policies.*

- i) A further school is not required as already enough in the area

Officer comment: *The applicant has identified a need to deliver more schools and the principle of a new school on the site has been established by the hybrid permission*

- j) Wapping Health Centre cannot cope with more residents

Officer comment: *This application is for reserved matters for the school, not the residential elements which are to be housed within separate plots.*

- k) Traffic already an issue

Officer comment: *The Council's Highways officer and TfL have reviewed the proposals and have raised no objections*

- l) Bizarre place for a school – heavy traffic 24/7 and children will be breathing in fumes.

Officer comment: *A condition was attached to the recent MMA application (PA.19.00764) requiring all windows facing The Highway at ground and first floor to be sealed and the principle of a new school on the site has been established by the hybrid permission*

- m) Plans do not include any provisions for security, road calming or environmental protection. Pennington Street has become a hot spot for car theft, drug dealing and ASB and this school is only going to exasperate the situation.

Officer comment: *The Secure by Design officer has reviewed this application and raised no concerns*

- n) A wider consultation is required with more thought needed on what can be done to benefit the whole community.

Officer comment: *The consultation in this regard is the responsibility of the applicant. The Council has undertaken its statutory consultation duties*

- o) Cycle parking estimates are too low

Officer Comments: *The Council's highways officer and TfL have reviewed the proposals and have agreed the approach with cycling provision and the quantum which were agreed as part of the s.73 application (ref: PA.19.00764)*

- p) A two tier rack is unacceptable for a school such as this

Officer Comments: *The Council's highways officer and TfL have reviewed the*

*proposals and have agreed the approach with cycling provision and the quantum which were agreed as part of the s.73 application (ref: PA.19.00764).*

- q) Safety issue with depiction of the Virginia Road entry treatment (raised table) does not go far enough to improve pedestrian safety.  
Officer comments: *With regards the treatment of Virginia Road / The Highway, a narrowing of this junction was never considered as the outline approval stage and wasn't considered necessary.*
- r) Safety issue for children crossing The Highway.  
Officer comments: *The applicant is to progress the crossing with TfL. Condition 57 of the outline permission requires details of a School Access Plan to be submitted to the local authority which will ensure the safety and security of pedestrians and users of the development.*
- s) No Transport Statement submitted with the application  
Officer Comment: *A Transport Statement was submitted as part of this application and is available to view on the public register.*
- t) Support new pedestrian crossing at The Highway  
Officer comment: *Noted*
- u) Surrounding roads – control of children should be considered  
Officer comment: *Noted. The Transport Statement contains information on what will be done to monitor this. For example, marshals will be used to control pedestrian flow in both AM arrival and PM departures. Condition 57 of the outline permission requires details of a School Access Plan to be submitted to the local authority prior to first occupation of the secondary school which will ensure the safety and security of pedestrians and users of the development.*
- v) School entrance siting:  
Officer comment: *this was agreed as part of the s.73 application (PA.19.00764) and both TfL and LBTH Highways raised no objections*
- w) School bus/mini bus stop siting:  
Officer comment: *This is discussed in the 'Access and Circulation' section of the report*
- x) Higher massing and air conditioning unit will impact on light of flat
- y) Daylight and sunlight impacts on Counter House and Telford Yard residents
- z) Submitted daylight and sunlight information too brief
- aa) No privacy for Counter House residents
- bb) Design should be amended (principally height reduced) so as not to impact on Custom House/Telford Yard residents  
Officer Comments: *Noted. Points (x) – (bb) are addressed in the daylight/sunlight section of this report.*
- cc) Issues with consultation – objector was unable to submit comments using the planning website. Conflicting information on when the deadline was (difference of 1 day)  
Officer Comments: *Noted. No comments such as the above were received from any other neighbours. Furthermore, two additional rounds of consultation were carried out in November 2019 and January 2020 (as explained at the beginning of the*



*'Consultation' section) and all neighbours were re-consulted and no comments were received stating that issues were had with making representations. Consultation has been carried out in line with the Council's consultation guidance.*

- dd) Telford Yard residents were not consulted as part of the s.73 application (PA/19/00764) therefore didn't know about the alterations to the proposals until this reserved matters application

*Officer comments:* Telford Yard residents were consulted in line with the Council's consultation policy as part of both the s.73 application and this reserved matters application.

- ee) Tower Hamlet's Planning Management's apparent disregard for the statutory planning consultation process, whether by administrative error or otherwise, is hugely concerning. These processes fall far short of the Mayor's promises for greater transparency in the Council's working when he took over from the former mayor. There have already been significant 'irregularities' in the manner in which the development of the former News International site has been managed.

- ff) LBTH consultation process and proposed development has had no regard for the unique place that Telford Yard holds in the borough

- gg) Telford Yard is a 'borough heritage building'.

*Officer comment:* Although not statutorily or locally listed, the warehouse building can be considered a non-designated heritage asset owing to its architectural and historic merit.

With reference to non-designated heritage assets, paragraph 197 of the NPPF notes that *'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'* Whilst the building has been acknowledged as being a non-designated heritage asset, officers are of the view that there would be no impacts in terms of the heritage value of this building.

- hh) The planning application is in conflict with LBTH local plan namely policies 8.OWS1 (sic) D.ES2, S.DH1, S.DH3, D.DH4, D.DH6, D.DH8

- ii) Siting a children's school in one of the most polluted locations in London, whilst at the same time depriving residents of the area the rightful enjoyment of their own homes is not acceptable.

- jj) Rights to Light issues for residents

*Officer comment:* Not a planning material consideration

- kk) Playgrounds too close to residential properties

*Officer comment:* This is dealt with in the amenity section of the report.

- ll) Invasion of privacy to Telford Yard residents

*Officer comment:* This is dealt with in the amenity section of the report.

## 5. Consultees:

### 5.1 LBTH Environmental Health (Noise & Vibration)

No objection, subject to 3 conditions (environmental noise impact assessment, control of noise from plant and machinery and noise from A3 (kitchens))

Officer Comments: Noted. Proposed 3 conditions, however these were duplicated from the outline planning consent and, as such, are not attached to this RMA consent.

### 5.2 LBTH Environmental Health (Air Quality)

No objection

Officer Comments: Whilst no comments were received, The matters raised as part of the recent s73 application (planning ref: PA.19/00764) are considered relevant. The proposed ventilation strategy involved the positioning of air inlet points at locations where, although pollution is high, it is below the levels specified in the National Air Quality Objectives for NO<sub>2</sub>. As such, provided the equipment is installed as specified, officers have no objection to the proposal. Furthermore, condition 62 was attached to the outline planning permission as part of the s.73 application to restrict windows on the façade facing The Highway being opened on the ground and first floors.

An informative has been attached to the decision notice

### 5.3 LBTH Environmental Health (Contaminated Land)

No additional comments to make regarding this individual application.

Officer Comments: Noted.

### 5.4 LBTH Biodiversity Officer

The proposed submission includes some night-scented species, which will provide forage for bees and other pollinators and contribute to Local Biodiversity Action Plan (LBAP) objectives. The proposed trees include some species that are good for wildlife but could be improved with a minor change. If the proposed double-flowered Prunus avium "Plena" replaced with a single-flowered variety of Prunus avium (which would provide nectar and berries), the planting would include 3 native tree species and contribute to an objective in the LBAP. However, there is sufficient in the proposals to ensure net gains in biodiversity, even without this suggested change

Officer Comments: Noted. The applicant was asked to explore options of making the proposed changes as identified above but confirmed that the choice of berry-free trees is mainly related to the special school environment, maintenance and H&S issues. All specified trees within the proposed design can be easily reached by pupils, therefore could present issues since the purpose of the trees proposed wouldn't be suitable as a fruit tree nor for direct harvesting and eating. Cleaning and maintenance issues could arise with a school provider, where all the planters are fairly narrow, therefore berries will end up soiling the surrounding/ below hard landscape space, seating elements and pupils. As such the proposals remain unchanged with which officers are satisfied

### 5.5 LBTH Energy Efficiency Unit

No objection to the proposed scheme. The delivery of a passivhaus design school is supported.

Officer Comments: Noted.

### 5.6 LBTH Design Officer

No objection

Officer Comments: Noted. This is covered in more detail within the subsequent sections of this report

5.7 LBTH Housing Strategy Group  
No comments received

5.8 LBTH Transportation & Highways  
No objection subject to conditions

Officer comments: This is discussed in the Layout section of this report

5.9 LBTH Waste Policy & Development  
No objection

Officer comments: Noted

5.10 LBTH Education Development Team  
No objection

**External Consultees:**

5.11 Port of London Authority

The PLA requested that information on riverbus services to/from Tower Pier be included within the Framework Travel Plan (which was submitted to discharge condition 56 (under PA.19.00769) and this application, including figure 4.3 and within the associated overarching measures included in table 7.5 (Bus/Rail measures) of the plan. Relevant information must include public transport maps and timetables for riverbus services, alongside bus and rail information. This would accord with the PLA's Vision for the Tidal Thames (Thames Vision) (2016) and TfL's Passenger Pier Strategy (2019) which both includes a number of specific goals and measures to encourage a greater use of the River Thames for passenger transport. It was requested that the travel plan objectives be carried out as approved.

Officer Comments: The applicant since updated the Travel Plan (v1.10) and PLA raised no objection. In relation to their concluding point, Condition 56 was attached to the recent s.73 planning permission PA.19.00764) stating that prior to the first occupation of the secondary school at Plot E, a School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

5.12 National Air Traffic Services

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Officer Comments: Noted.

5.13 London City Airport

LCY has no objections subject to a construction methodology including details of the use of cranes, has been submitted to the LPA

Officer Comments: Noted. However, officers consider that this matter is already secured through condition 42 of planning permission Ref: PA/19/00764 as this already deals with this matter, it is not considered necessary to replicate this condition on the RMA

approval.

- 5.14 Commission for Architecture & Built Environment (Design Council)  
No comments have been received.

- 5.15 Historic England  
No comments have been received.

- 5.16 Historic England (Greater London Archaeological Advisory Service)  
Archaeological evaluation of the site has been secured by condition and do not have any comments to make on this reserved matters element of the application.

Officer Comments: Noted.

- 5.17 Environment Agency  
Low environmental risk, therefore no comments

Officer Comments: Noted.

- 5.18 Greater London Authority  
Confirmed the application is not referable and therefore no comments to make

Officer Comments: Noted.

- 5.19 London Fire and Emergency Planning Authority  
No comments received.

- 5.20 Historic Royal Palaces  
No comments received.

- 5.21 HM Tower of London  
No comments received.

- 5.22 Sport England  
No objections, albeit made the following references:

Sport England note that the sports hall appears to align with the size required for a 'four court' sports hall but please ensure that doors do not open into the area of play and doors are constructed flush with the wall.

Sport England welcome that the school would allow the community to use the facilities although limited details of the intended community use has been provided. Sport England advise that for effective community use the facilities should be available between 6:30/7pm to 10pm on weeknights and during the day at weekends and that the school enter into a Community Use Agreement with the Council. Sport England have a template Community Use Agreement that can be forwarded if needed.

Officer Comments: Noted. The applicant has confirmed that the doors do not open into the area of play and the doors shall be constructed flush within the wall. Furthermore, a condition will be attached to the reserved matters approval requiring the submission of a Community Use Agreement.

- 5.23 Thames Water Authority  
Following initial investigations, Thames Water has identified an inability of the existing Foul Water network infrastructure to accommodate the needs of this development



proposal. Thames Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available

Also, following initial investigations, Thames Water has identified an inability of the existing Surface Water infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position for surface water networks but have been unable to do so in the time available

No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement

Officer comment: Noted, however officers consider that the piling method statement (condition 24) and surface water strategy (condition 61) have been dealt with as part of the s.73 (PA/19/00764) and that a condition will be attached to this reserved matters decision to deal with the issue of foul water as requested by Thames Water.

5.24 Royal Borough of Greenwich  
No comments have been received.

5.25 London Borough of Southwark  
No comments have been received.

5.26 City of London Corporation  
No comments have been received.

5.27 Transport for London  
TfL has already provided comments on various applications to discharge planning conditions attached to the outline permission. Including, the travel plan (58), Delivery and Servicing Plan (59) and car and cycle parking management plan (50) of PA.19.00769. TfL understand that the school access plan will be resubmitted at a later date.

As part of this application, TfL requested that 2 conditions be attached to the decision. The first condition related to the accesses and the use of The Highway and that the two access points located fronting The Highway' will be closed during the school closing period to avoid students congregating on this busy section of road. The second condition stated that the use of the access points closest to The Highway shall only commence after the new pedestrian crossing point across The Highway to be provided for the school becomes operational

Officer comments:

As matters relating to access were approved with the hybrid permission, it is not possible to attach a condition relating to access to any reserved matters approval

5.28. National Grid (Plant Protection)  
No comments have been received.

5.29. EDF Energy Networks Ltd  
No comments have been received.

- 5.30. Stephen & Matilda Tenants Association  
No comments have been received.
- 5.31. Friends of St Katharine Docks  
No comments have been received.
- 5.32 South Quay Residents Association  
No comments have been received.
- 5.33 St Katharine's by the Tower  
No comments have been received.
- 5.34 Network Wapping  
No comments have been received.
- 5.35 Tower Bridge Wharf Residents Association  
No comments have been received.
- 5.36 Natural England  
Natural England currently has no comment to make
- 5.37 Tower Hamlets NHS  
No comments have been received.
- 5.38 National Amenity Societies  
No comments have been received.
- 5.39 Secure by Design  
No objection. Confirmed that developer met with police and appears to have taken onboard recommendations they made, as demonstrated in the SBD element of the design and access statement.

Officer Comments: Condition requested, however condition 40 of PA.19.00764 has been discharged as Metropolitan Police raised no concerns with the proposal. As such, officers consider a duplicated condition is not required for this decision.

## **6. RELEVANT PLANNING POLICY**

- 6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.
- 6.2 The NPPF (2019), which the Development Plan needs to be in accordance with, sets out the Government's planning policies for England and how these should be applied and provides a framework within which locally-prepared plans for housing and other development can be produced. The purpose of the planning system is to contribute to the achievement of sustainable development which has the following three overarching objectives: economic, social and environmental.
- 6.3 The adopted Development Plan comprises:
- The London Plan (2016, LP) and
  - Tower Hamlets Local Plan 2031(adopted January 2020)
- 6.4 The key adopted development plan policies relevant to the determination of this

proposal are:

Land Use - (*school*)

Local Plan policies - S.SG1, S.CF1, D.CF3

London Plan policies – LP3.18

Design and Heritage - (*layout, townscape, massing, heights and appearance, materials, heritage*)

Local Plan policies - S.DH1, D.DH2, S.DH3, D.DH4, D.DH6, D.DH8

London Plan policies – LP3.6, LP7.1, LP7.2, LP7.3, LP7.4, LP7.5, LP7.6, LP7.7

Amenity - (*privacy, outlook, daylight and sunlight, noise, construction impacts*)

Local Plan policies - D.DH8

London Plan policies – LP7.6

Transport - (*sustainable transport, highway safety, car and cycle parking, servicing*)

Local Plan policies - S.TR1, D.TR2, D.TR3 D.TR4

London Plan policies - LP6.3, LP6.9, LP6.13

Environment - (*energy efficiency, air quality, odour, noise, waste, biodiversity, flooding and drainage, Thames Water and contaminated land*)

Local Plan policies – S.ES1, D.ES7, D.ES2, D.ES9, D.ES3, D.ES4, D.ES8

London Plan policies – LP5.2, LP5.3, LP5.11, LP5.13, LP5.21, LP7.14,

6.5 Other policy and guidance documents relevant to the proposal are:

– National Planning Policy Framework (2019)

– National Planning Practice Guidance (updated 2019)

### **Emerging Policy**

6.6 The Planning Inspectorate has on 08/10/2019 confirmed the soundness of the Draft New London Plan, subject to recommended modifications; the policies contained therein now carry substantial weight, pending formal adoption of the document.

6.7 The key emerging policies relevant to the proposal are:

Land Use - (*school*)

- New London Plan policies – S3, S4, S5

Design and Heritage - (*layout, townscape, massing, heights and appearance, material heritage*)

- New London Plan policies – D1, D2, D3, D7, HC1

Amenity - (*privacy, outlook, daylight and sunlight, noise, construction impacts*)

- New London Plan policies – D13.

Transport - (*sustainable transport, highway safety, car and cycle parking, servicing*)

- New London Plan policies – T1, T2, T3, T4, T5, T6, T6.5, T7

Environment - (*energy efficiency, air quality, odour, noise, waste, biodiversity, flooding and drainage, Thames Water and contaminated land*)

- New London Plan policies – SI2, SI3, SI12, SI13, G6

## 7. ASSESSMENT

7.1 The key issues to consider are:

- Appearance
- Landscaping
- Layout
- Scale
- Mix

### APPEARANCE

7.2 “Appearance” means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

7.3 The Design Guidelines for Plot E identifies that the proposed building for this plot defines the urban edge for the Highways and Virginia Street. The highest mass is along the Highway and it should provide a southern courtyard for play spaces.

7.4 The typology of the plot is identified as an ‘edge building’; comparison reference is made to the Chelsea Academy.

7.5 This general typology for the Plot is reflected in the Design Guidelines ‘instructions’ for the Plot. The instructions that relate to Appearance are:

#### 5.4.7

- C – the detailed design of the school must be consistent with the architectural principles, design approach, materials of the wider London Dock Masterplan and fit in with the surrounding context;
- D - the school’s main material must be a mixture of brick, pre cast concrete, aluminium windows/doors and stone;
- E – material colours must be in keeping with the principle set out within the detail component of the masterplan and the guidelines;
- F– the school must have multiple entrances (including on to Vaughn Way);
- G – the school must be designed to encourage pupils to occupy the site and not spill out onto surrounding streets and spaces;
- H – any entrances to basement must be carefully considered, designed and maintained and managed;
- K – green walls must be used to screen the school’s open spaces at ground floor to public spaces and streets where there is no building mass.

#### 5.4.9

- A – any roof space must be carefully considered in regards to appearance, light emissions, noise, air quality and overlooking;
- B – the architectural appearance of the base should be distinct whilst maintaining a



visual continuity with upper levels;

- D – any lighting on roof must illuminate downwards and not have a negative impact on neighbouring residential amenity.

7.6 The submitted detailed application drawings and Design Development Report provide details concerning the proposed appearance of the school. The submitted information confirms that the school appearance is in line with each of the above points in both 5.4.7 and 5.4.9 of the Design Guidelines approved under the HPP.

7.7 The massing of the building is based on the principles established in the Maximum Parameter Plans and the hybrid consent. The massing has also been designed to screen the internal environment of the school and the external recreation and teaching areas from the noise and pollution of The Highway. The northern block of the school follows the building plane established by Building D and then adjusts to follow The Highway street edge and address the relationship with Telford's Yard. The eastern block on Virginia Street is reduced in height in respect of the residential neighbours and pulled back from the corner of The Highway in order to create an entrance space in front of the building, suited to its civic quality. The upper storeys of the building are stepped to facilitate roof terraces and to create interest in the skyline.

7.8 In terms of materials, the proposed material palette reflects strategies proposed in the Design Guidelines for Plot E in that it is mixture of brick, pre cast concrete and stone with aluminium framing of windows/doors; and also seeks to reinforce references from the warehouse building typology found to the east of the site and along Pennington Street. Consideration is also given to the long term operation of an education building and the school as a civic asset that responds to its environment.

7.9 The Council's design officer has reviewed the proposals for this RMA and initially made the following comments:

- Support changes to the building envelope and the layout (*these were subject to the recently approved s.73 application (ref: PA.19.00764) and are not subject to this application*).
- Notwithstanding the need for physical samples, and the need to clarify the discrepancy between the type of balustrade being proposed on the roof of the Virginia Street (east and northeast) elevations and more detailed information about some of the materials being proposed, in principle support can be given for the proposed materials.
- Subject to samples and consideration of increasing the smaller shrub sizes to a 5 litre container sizes as a minimum, In principle support can also be given for the proposed hard and soft landscaping.

7.10 In relation to the second bullet point and the issue of the type of balustrade, the applicant confirmed that there would be maintenance issues with glazed balustrades and that a more solid structure at this level has a potential to create an impact on the surrounding residents' amenity in terms of Daylight/Sunlight. The recently approved Supplementary ES and ES Addendums tested the light weight balustrades which are currently proposed.

7.11 The metal balustrade system as proposed would not be out of keeping with the wider proposals for the school. The stainless steel mesh will be utilised as a trellis for climbing plants and therefore the landscape scheme will be carried through to this high level.

- 7.12 As part of the assessment of the application, the applicant confirmed that they would be willing to accept a condition relating to details of the planting, species, container sizes and design of the planters to disguise the mesh. However, in order to ensure the climbing plants are successful, very minor changes were required to the third and fourth plan. These changes relate to minor adjustments to fourth floor screen position and third floor planter position. The North and East elevations have also been adjusted slightly to reflect the repositioning on the roof.
- 7.13 Officers consider this response and approach to be reasonable, subject to a condition being attached to this RMA requiring the applicant to provide details of how the metal frame and mesh structure will be hidden by incorporate planting on the roof terraces. Details of the planting, species, container sizes, design of the planters etc. will be required.
- 7.14 With regard to the hard and soft landscaping comment, the container sizes for the areas have been increased to a minimum 5 litre container sizes. As such, the design officer raised no further comments.
- 7.15 In addition to comments and the conditions noted above, the details of all facing materials and samples are required for each plot pursuant to condition 34 of the hybrid planning permission. Subject to the discharge of condition 34 the proposals for Plot E are considered in accordance with the Design Guidelines and appropriate in their context
- 7.16 All the elements as set out in the Design Guidelines will be deployed in a way that is capable of providing an overall successful physical appearance to the proposed development.



Figure 1: View from north east looking at main entrance (trees removed for clarity)



Figure 2: View from south east, from Pennington Street

## **LANDSCAPE**

7.17 “Landscaping”, in relation to reserved matters, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes –

- a) screening by fences, walls or other means;
- b) the planting of trees, hedges, shrubs or grass;
- c) the formation of banks, terraces or other earthworks;
- d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- e) the provision of other amenity features.

7.18 The Public Realm Parameter Plan (as updated by PA/19/01645, which approved minor amendments to the approved Parameter Plans including an extension to the Plot F boundary to include areas of landscaping to the north, south and east), identifies the area to the south of Plot E and the area of the north of Plot B as the minimum public realm area outside of the plot boundary.

7.19 Given the location of the school along The Highway and its prominent position, the public realm proposal seeks to create a pedestrian focused public realm to the main entrance and environs of the school.

7.20 The public realm will create a safe, high quality and welcoming space for people arriving to the school, particularly from the north, east and south.

7.21 The new pedestrian crossing along The Highway and the raised table to the north end of



Virginia Street will improve the pedestrian access to the site.

- 7.22 The position of the building allows for a widening of the pavement along The Highway. New tree planting and high quality paving will be used in order to improve the existing interface between the site and the road. The existing trees along Virginia Street and The Highway shall be retained.
- 7.23 In terms of the landscaping within the site, it comprises a range of multi-functional spaces including a basement MUGA, outdoor teaching spaces, outdoor dining areas, paved circulation routes, raised planters, gardens for pupils to grow things, stepped and ramped access, as well as sedum and green roofs.
- 7.24 As mentioned in the 'appearance' section of this report, officers consider that the soft landscaping being proposed will help soften and improve the appearance of this scheme, therefore the landscape proposals are generally supported. Following initial concern regarding the minimal size of the plants/shrubs container sizes the applicant subsequently confirmed that they will use container sizes within the ranges 2L-5L and 3L-5L.
- 7.25 Having reviewed the updated landscaping information, the Council's biodiversity officer noted that the proposed landscaping will provide a good diversity of nectar-rich flowers, including some night-scented species, which will provide forage for bees and other pollinators and contribute to Local Biodiversity Action Plan (LBAP) objectives. The proposed trees include some species that are good for wildlife but could be improved with a minor change. If the proposed double-flowered *Prunus avium* "Plena" replaced with a single-flowered variety of *Prunus avium* (which would provide nectar and berries), the planting would include 3 native tree species and contribute to an objective in the LBAP. However, there is sufficient in the proposals to ensure net gains of biodiversity, so the biodiversity officer raised no objection to the proposals without this change being made.
- 7.26 The planting mix was updated post submission of this reserved matters to include a better selection of climbers for the planters at the upper levels.
- 7.27 In summary, the proposal delivers a significant quantity and high quality of public realm/landscaped spaces which are consistent with the hybrid planning permission and appropriate subject to detailed landscaping design which is secured via condition 35.

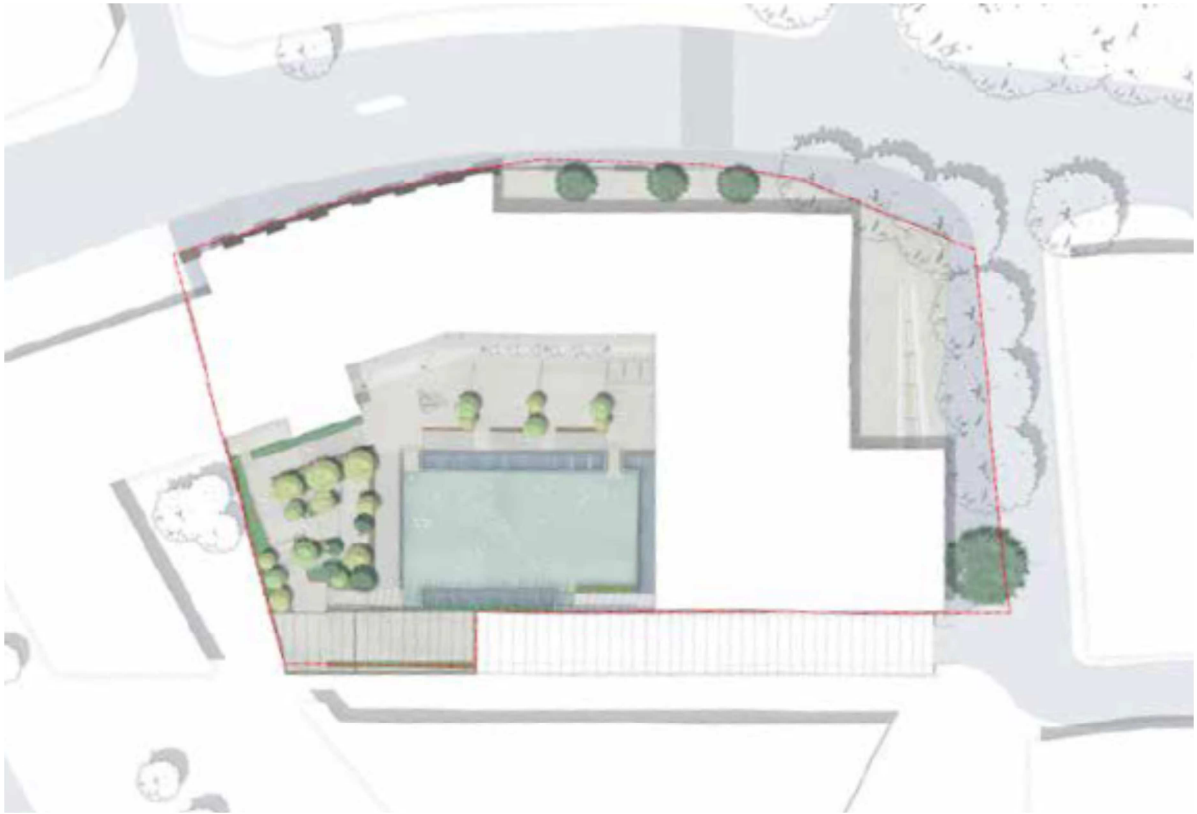


Figure 3: Ground floor landscape proposals



Figure 4: Terrace and roof level proposals

## LAYOUT

- 7.28 "Layout", meaning the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 7.29 The layout of the plot is governed by the Design Guidelines. It is also governed by the approved parameter plans, specifically, Ground Floor Land Uses (412-MP-PL-L00-1004 Rev 04), Pedestrian Public Routes (412-MP-PL-L00-1007 Rev 04), Horizontal Limits of Deviation (412-MP-PL-L00-1011 Rev 05), and Pedestrian Entrances to building plots (412-MP-PL-L00-10114 Rev 06).

### Changes secured as part of the recent s.73 application (ref: PA.19.00764)

7.30 As part of the recently approved s.73 application (reference: PA/19/00764), the following alterations in relation to layout were approved:

- The maximum floorspace approved for Plot E, increased the floorspace to 13,120 sqm. The previously approved GEA for the school was 12,101 sqm, including the basement. The increase in floorspace relates to rationalising the basement floorspace within the overall GEA figure.
- Amendments to the location of the pedestrian entrances to the site. The application removed the separate visitor entrance; visitors now share the main entrance with students. An additional entrance for pupils was also included at the south-east elevation off The Highway.
- In addition, there were some changes to the location and sizes of play space within Plot.

7.31 The changes to proposed layout were made in order to ensure the MUGA, the playground and other facilities necessary for the operational running of the school can be accommodated on such a highly constrained site with a complex topography. With this in mind, the proposed changes to the layout were supported.

7.32 With regards to the changes to play space, the design of the play space had progressed since outline consent was initially approved.

7.33 As part of the assessment of the s.73 application, the applicant confirmed that the Development Plot Guidelines' strategy of ground level, intermediate and rooftop level play space had been carried forward in the current school proposal. The proposed locations and the extent of play space are in a similar position to those in the previously approved Parameter Plans.

7.34 Also, as part of the of the s.73 application, the applicant provided further clarification on the details of the changes which arose as a result of the needs of the students and staff. The external areas on the intermediate floors (levels 1 and 3) have been developed for use as teaching environments, as well as, quiet recreation areas. These also relate to the teaching spaces adjacent, in particular the science faculty on the first floor. The ground floor recreation area includes a variety of types of space from external dining outside the dining hall, to quiet seating in the west of the site and higher energy play on the raised deck above the MUGA (Multi Use Games Area).

7.35 The roof area has also been designed to accommodate higher energy play in the ball court as well as seating and growing spaces. A separate 6th form terrace is located on

an upper level of the north block of the building.

7.36 The MUGA is now located in the basement to allow an overall increase in usable external space. The MUGA will be naturally ventilated with large voids to ground level play spaces. The applicant has confirmed that by having the MUGA covered over, it will increase its flexibility and opportunity for use by the wider community as it will provide a facility outside of school times and in all weathers. Officers raise no objections to this.

7.37 The Council's design officer reviewed the amendments as listed above as part of the s.73 application and raised no concerns.

#### Building arrangement

7.38 At ground floor and basement level, assembly, performance, dining and sports spaces will be organised around the main external courtyard space. A large void over the basement staircase provides daylight and connects the lower levels with the upper storeys.

7.39 Classroom teaching spaces are accommodated on the upper levels of the building on double loaded corridors, allowing for efficient circulation of students around the building and in particular between classes. All floors follow a similar pattern. Staff work bases are located close to circulation routes enabling supervision of students as they move about the building. Toilets and hygiene facilities are located close to the vertical circulation cores.

#### Access and Circulation

7.40 Details of site wide access were dealt with as part of the hybrid planning permission, and as such, are not required as part of this reserved matters application. However, for completeness, and given their interrelatedness with layout, access matters are discussed below.

7.41 Details of the access strategy for the school relate to:

- A main entrance directly off Virginia Street – replacing the previously proposed entrance north off The Highway and the entrance north-east at the corner of The Highway/Virginia Street (this was secured as part of the s.73 application (PA/19/00764));
- A secondary entrance from the south-west corner of the site providing a shorter route to/from Vaughan Way and also for cyclists. This route will only be accessible to students at school opening and closing times. This entrance will not be used at any other time.
- A secondary entrance directly off The Highway from the north-west corner of the site. This entrance will only be in use for pupil's arriving at the opening of the school. This entrance will not be used at any other time.
- A secondary entrance directly off The Highway from the north of the site; and
- A vehicle access located at the southern end of Virginia Street.

7.42 Servicing access, waste collection and deliveries to the school will be via the service ramp to the south of the school site to access a service yard in the lower level of the basement.

7.43 Access to the service ramp is access controlled at the head of the ramp by powered open gates. The service ramp is shared with service vehicles accessing the St George residential development.

- 7.44 The service yard layout allows for 5 disabled spaces for school staff. The upper levels of the school are accessible by stairs and a passenger lift that serve this level of the basement.
- 7.45 As part of the s.73 application (PA.19.00764), the topic of access was addressed. Through the discussions with TfL, Urban Flow (the applicant's transport consultant) and LBTH Highways, further information was provided by Urban Flow on the access points on 16<sup>th</sup> August and 23<sup>rd</sup> September 2019 (as appended in the Transport Statement submitted as part of this reserved matters application) which identified that the two access points closest to The Highway will be closed during PM departure. This was welcomed as TfL initially raised concerns that the proposed pedestrian accesses on to the Highway were not appropriate for a school.
- 7.46 The Council's highway's officer requested that the accesses which will be closed during the school closing period to avoid students congregating on this busy section of road should be secured by condition, which has been attached accordingly.
- 7.47 TfL also requested that this arrangement was secured through by condition (as part of the s.73 consultation process). Marshals will be used to control pedestrian flow in both the AM arrival and PM departure, which is welcomed. The use of marshals to control pedestrian flow should be secured through appropriate condition/mechanism. It is recommended that the applicant carry out a review of the arrangements identified within the Urban Flow's note appended in the Transport Statement when the school is in operation.
- 7.48 As such, Condition 57 of the outline planning permission (School Access Points) was updated to reflect the above mentioned mechanisms as part of the s.73 application and details remain to be submitted and discharged.
- 7.49 A new pedestrian crossing across The Highway is secured through the s106 agreement attached to the hybrid permission and, given The Highway is part of the TLRN, the applicant should progress this matter with TfL so as to ensure that it can be put in place for the opening of the school. Carriageway works to the junction of Virginia Street and The Highway are proposed in the form of a raised entry treatment. This will form part of a s278 agreement which will be entered into by the applicant. The s278 agreement will also cover the necessary works to Virginia Street along the school frontage and a separate s278 agreement with TfL for The Highway and the proposed crossing is also required. As part of this reserved matters application, the Council's Highway's officer requested that the s278 is secured either by condition or s106. As access is not a material consideration within this application, conditions relating to access cannot be secured through this permission, notwithstanding this, the applicant has accepted the need to enter into a s278 agreement in order to undertake highway works.



## Proposed Strategy - January 2019

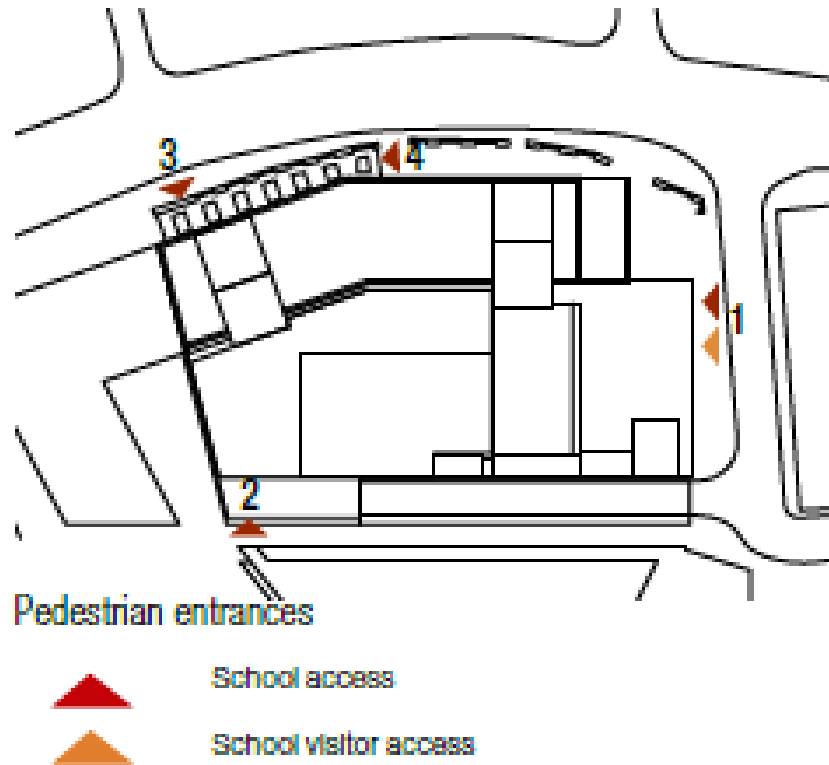


Figure 5: Revised access points

### Car parking

7.50 Five accessible spaces located in the basement for use of the school is proposed. This is acceptable and is a reduction on the 14 general spaces identified in the OPA. It is stated that a school mini-bus could also park in these bays if required. However, permission is only being granted for the use of these as accessible bays. Any mini bus parking will require its own dedicated bays and at no time should other vehicles be parked in these bays. In accordance with highway's officer comments, a condition has been attached to the decision requiring the applicant to provide a Parking Management Plan which should include details of how the blue badge spaces are allocated and booked for both staff and visitors.

### Cycle parking

7.51 The proposed design, upon completion of the school, provides a total of 68 cycle parking spaces. These spaces will be provided by 50 spaces being within a dedicated area in the school with a further 18 visitor spaces located outside the main entrance.

7.52 The applicant has agreed to provide 133 spaces (with an additional 5% total parking supply being for oversized spaces, in line with London Cycle Design Standard's from day one as a compromise in lieu of the proposed phased approach. This was agreed with TfL and the Council's Highways officer as part of the s.73 application (ref: PA.19.00764). Access to the cycle store will be from the entrance in the south west corner of the school.

7.53 As a result of the above, officers raise no objection to the cycle parking proposed

7.54 The highway's officer requested that a minimum of 5% of spaces are kept as Sheffield type stands. This will be conditioned.

#### Servicing

7.55 Servicing is proposed to be undertaken via the basement level and the highway's officer has confirmed the acceptability of this.

7.56 The hybrid permission gave outline approval for mini buses and coaches to use Virginia Street and Pennington Street. However, upon further investigation, and as discussed within the s.73 application, it is considered that both these streets are too narrow to allow for a coach stopping place.

7.57 As part of the s.73 application (ref: PA.19.00764), the applicant was therefore advised to investigate using Vaughan Way instead for coaches (with students using the South West corner of the site for access and egress). The applicant has included this approach within this reserved matters application but however notes that this is subject to further design work and a safety audit. In this regard, it is noted that condition 57 of the outline planning consent was updated requiring the applicant to undertake a Road Safety Audit to ascertain the most appropriate location for coach parking facilities and this condition remains to be discharged.

7.58 As part of this reserved matters assessment, officers noted that the Design Development Report incorrectly referred to Virginia Street and Pennington Street still being used for coach parking. This was subsequently amended by the applicant and as part of this reserved matters application. It also referred to a 'School Keep Clear' marking on Virginia Street being utilised. However, there are currently double yellow lines here and so a SKC marking is not required and this would, anyway, prevent vehicles parking there. This was also removed and updated.

7.59 The school travel plan (Condition 56 of the hybrid permission) has been discharged as part of PA.19.00769.

#### Conclusion with respect to access

7.60 The Council's highways officer and TfL have reviewed the proposals and raised no objection, subject to conditions mentioned above.

#### Amenity

7.61 Policy D.DH8 of the Local Plan requires development to protect, and where possible improve, the amenity of surrounding neighbours, have concern for the amenity of future occupants of a building and have regard to users of the surrounding public realm to a new development.

7.62 As noted in the publicity section of this report, a number of representations were received by residents in relation to the possible noise generating elements of the proposals

7.63 It is noted that the Council's noise officer has reviewed the proposals and Noise Assessment produced by Aecom and has raised no objection. Conditions 43, 44 + 54 have been attached to the outline permission (ref: PA/19/00764) which will require discharging for each development plot to ensure there would be no adverse impacts to surrounding residential properties caused by the proposal.

- 7.64 Concern was also raised about the location of ventilation plant and its adjacency to Telford Yard. The Council's noise officer has reviewed this element of the proposals and has raised no objection. Conditions 43, 44 + 54 have been attached to the s.73 (ref: PA/19/00764) which will require discharging for each development plot (conditions 43+35 being prior to commencement and condition 44 being before any machinery or noisy plant is used) to ensure there would be no adverse impacts.
- 7.65 Officers are satisfied that the proposals meet the requirements of policy D.DH8 of the Local Plan
- 7.66 With respect to privacy, a further representation was received in relation to privacy issues to Telford Yard apartments due to unreasonable levels of overlooking, as a result of the high-level play areas and roof terrace. The proposed development will be screened by planting at the fourth floor and roof and children will be unable to go to the edge of these spaces. Also the boundary treatment will be a wire mesh (screened by planting) in addition to further soft landscaping such as trees, shrubs such as climbers, as such, any overlooking will be negligible. This approach was taken to mitigate privacy issues to Telford Yard residents. Furthermore, the mass of the building will also be screened from Telford's Yard by the existing London Plane Trees.
- 7.67 In terms overlooking, an objection related to the issue of the playgrounds being too close to residential properties. In terms of the residents at Telford Yard, overlooking is controlled through a combination of high screens and dense vegetation. These would provide a barrier between the school and its surroundings at all levels. The screens are planted with species which would assist in improving the air quality and biodiversity of the area.
- 7.68 Regarding the high-level terraces in particular, care has been given to ensure a secure environment in all aspects. The Fifth-floor terrace, that includes a games court to the East and an External Recreation area with planters to the West, sits between the two main stair cores and air handling unit (AHU) enclosures to the East and West. As shown in the plans, these structures prevent any direct views towards Telford's Yard so any concerns that the residents may have can be addressed. It should be noted that the Green Roof area to the East end of that level is not accessible by the students. Furthermore, the Sixth Form terrace on the Fourth floor is placed at a distance greater than 26m from Telford's Yard and, due to its length and positioning, the terrace faces less than 1/5 of the existing building. Nevertheless, the terrace is surrounded by a 1800mm high vegetated screen and a zone of planters that should prevent all direct views towards the building. Finally, the existing mature trees on Virginia Street provide an additional layer of screening between the school and Telford's Yard.
- 7.69 The External Terrace on the Third floor is also surrounded by an 1800mm high vegetated screen to the North and East and an AHU Enclosure to the South. These barriers, along with the screening layer provided by the trees along Virginia Street, should successfully prevent overlooking from the terrace. This terrace is designed to be a quiet outdoor teaching space. The South East part of the terrace is occupied by the AHU Enclosure and the rest is not accessible to students. Terraces will only be accessed by students at specific times during the day and under supervision by members of staff.
- 7.70 The figure below sets out the separation distances between the eastern elevation and Telford Yard. The line of the building on Virginia Street is in the same position to the massing that was agreed at outline planning stage. Also, it should be noted that windows along this elevation will be significantly screened by the mature trees on Virginia Street.

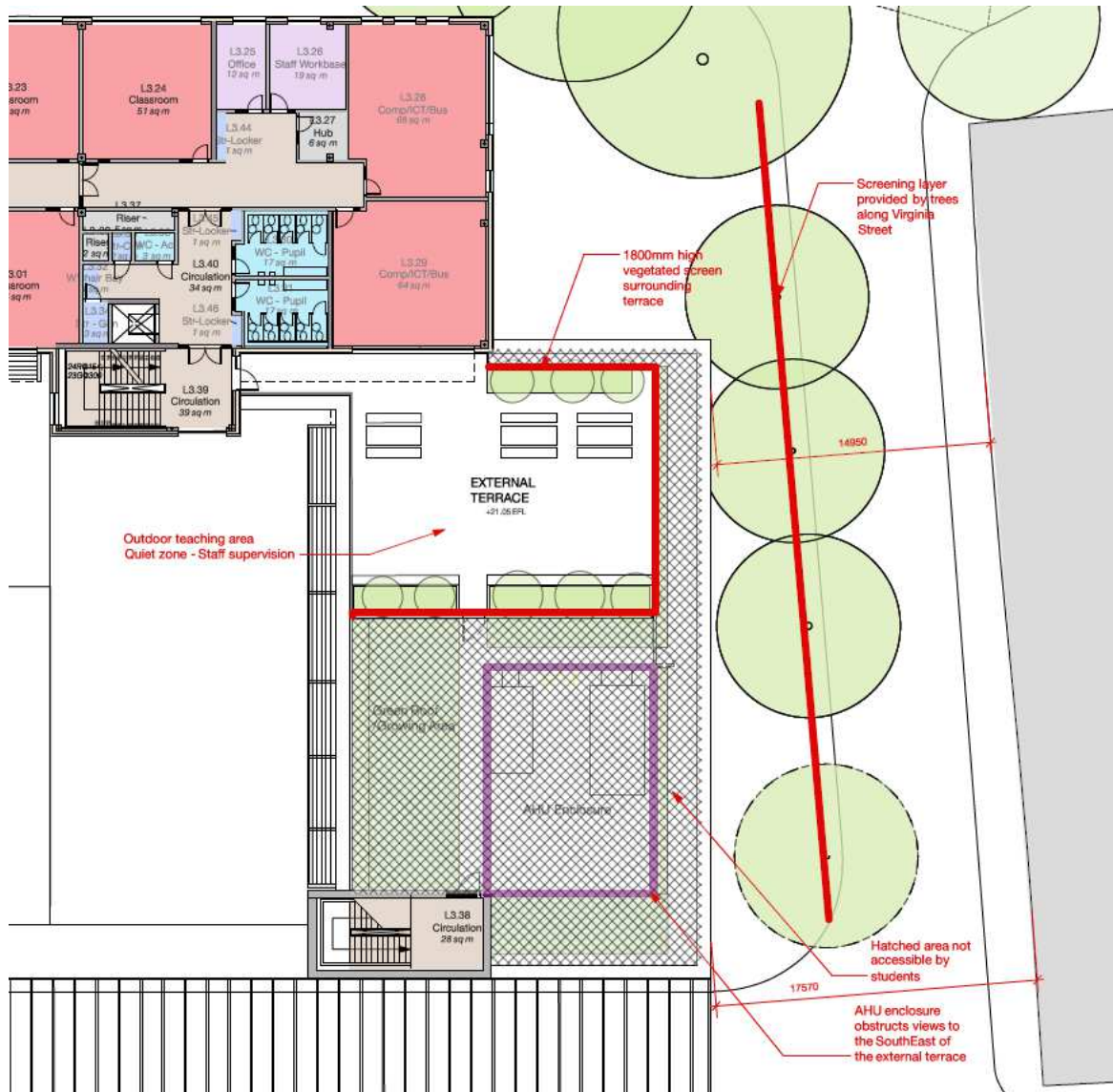


Figure 6

7.71 Additional measures such as obscured glazing at the end of the corridor facing the residents in Counter House to prevent overlooking have been conditioned within this reserved matters application.

Daylight & Sunlight (Impacts on Neighbouring Properties)

7.72 The material impacts of the proposals with respect to daylight and sunlight implications on neighbouring properties was assessed as part of the s.73 application and found to be acceptable. The scale of the proposals has not altered as part of this reserved matters submission, and as such, the conclusions of officers with respect to Daylight and Sunlight remain unchanged. Nevertheless, given that layout is a reserved matter to be assessed as part of this application and further, that the layout of the proposals would have implications on the daylight and sunlight received by surrounding residential

properties, a discussion of these impacts is set out below.

- 7.73 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 7.74 A number of residential properties surround the site which can be impacted by the development, these have been tested as part of the application, and the results have been independently reviewed on behalf of the Council, these are discussed below.
- 7.75 For calculating daylight to neighbouring residential properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive.
- 7.76 BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 7.77 As part of the application, the applicant provided a Daylight and Sunlight (DLSL) assessment which was produced by Delva Patman Redler.
- 7.78 The following significance criteria banding can be used when summarising the overall daylight and sunlight effects to the surrounding buildings;
- Negligible; 0-20% loss against existing
  - Minor adverse; 20-29% loss against existing
  - Moderate adverse; 30-40% loss against existing
  - Major adverse; >40% loss against existing
- 7.79 Upon reviewing the information for the s.73 application (Ref: PA/19/00764), officers requested that a comparison of the daylight/sunlight information be provided comparing the proposals with the existing (baseline). This information has also been submitted (letter from Delva Patman Redler (DPR) dated 20<sup>th</sup> August 2019, ref: 17484/sg/SG) as part of this reserved matters application.
- 7.80 Whilst this comparison of information was requested as part of the s.73 application (ref: PA19.00764), officers consider it relevant to include and refer to in order to address various points raised in the objections received.
- 7.81 It is important to note that in this information provided by DPR, reference is made to the '2013 consent' and 'proposed 2019'. As this s.73 application was approved in November 2019, the 'proposed 2019' scheme is now the consented development (ref: PA/19/00764) rather than a proposal.

#### Daylight

- 7.82 In terms of daylight, the tables below show a comparison of the VSC rooms between the existing vs 2013 consent and the 2019 proposals.

**VSC Rooms – Existing Vs 2013 Consent**

Address	Total Number of Rooms Tested	VSC Rooms			
		Number of Rooms Experiencing Adverse Impacts			
		Rooms Meeting BRE Guidelines for VSC	20-29.99% difference represents minor adverse losses	30-39.99% difference represents moderate adverse losses	more than 40% difference represents substantial losses
28 Ensign Street	44	39.00	3.00	1.00	1.00
Telfords Yard	60	49.00	7.00	4.00	0.00
Counter House 5 Gauging Square	54	36.00	8.00	2.00	8.00
Ariel House 144 Vaughan Way	66	66.00	0.00	0.00	0.00
London Dock-Block D	59	55.00	3.00	1.00	0.00
Total	283	245.00	21.00	8.00	9.00
Percentage		86.57	7.42	2.83	3.18

**VSC Rooms – Existing Vs Proposed 2019**

Address	Total Number of Rooms Tested	VSC Rooms			
		Number of Rooms Experiencing Adverse Impacts			
		Rooms Meeting BRE Guidelines for VSC	20-29.99% difference represents minor adverse losses	30-39.99% difference represents moderate adverse losses	more than 40% difference represents substantial losses
28 Ensign Street	44	39.00	3.00	1.00	1.00
Telfords Yard	60	49.00	7.00	4.00	0.00
Counter House 5 Gauging Square	54	36.00	8.00	3.00	7.00
Ariel House 144 Vaughan Way	66	66.00	0.00	0.00	0.00
London Dock-Block D	59	55.00	3.00	1.00	0.00
Total	283	245.00	21.00	9.00	8.00
Percentage		86.57	7.42	3.18	2.83

7.83 The Existing Vs 2013 Consent and Existing Vs Proposed 2019 summary tables above each illustrate that 245 (86.57%) of the 283 neighbouring rooms assessed would comply with the BRE Guidelines in VSC terms.

7.84 Both scheme options would also result in 21 in number rooms (7.42% of the total assessed) which would experience a minor adverse effect. However the 2019 massing would result in some slight variance in outcomes over the 2013 consent with the 2019 massing resulting to one more moderate adverse effect impact and one less substantial adverse effect than the massing of the 2013 Consent.

7.85 Overall therefore this comparative VSC analysis illustrates that whilst generally the effects between the 2013 Consent and the Proposed 2019 massing would be very similar, there would be a very minor additional impact as a result of the 2013 Consent.

7.86 In terms of NSL, the same assessment (as above) was carried out which is set out in the tables below:

### NSL Rooms – Existing Vs 2013 Consent

Address	Total Number of Rooms Tested	DD Rooms			
		Number of Rooms Experiencing Adverse Impacts			
		Rooms Meeting BRE Guidelines for DD	20-29.99% difference represents minor adverse losses	30-39.99% difference represents moderate adverse losses	more than 40% difference represents substantial losses
28 Ensign Street	44	41.00	0.00	3.00	0.00
Telfords Yard	60	43.00	3.00	6.00	8.00
Counter House 5 Gauging Square	54	52.00	1.00	1.00	0.00
Ariel House 144 Vaughan Way	66	66.00	0.00	0.00	0.00
London Dock-Block D	59	57.00	2.00	0.00	0.00
Total	283	259.00	6.00	10.00	8.00
Percentage		91.52	2.12	3.53	2.83

### NSL Rooms – Existing Vs Proposed 2019

Address	Total Number of Rooms Tested	DD Rooms			
		Number of Rooms Experiencing Adverse Impacts			
		Rooms Meeting BRE Guidelines for DD	20-29.99% difference represents minor adverse losses	30-39.99% difference represents moderate adverse losses	more than 40% difference represents substantial losses
28 Ensign Street	44	41.00	1.00	2.00	0.00
Telfords Yard	60	51.00	1.00	2.00	6.00
Counter House 5 Gauging Square	54	51.00	3.00	0.00	0.00
Ariel House 144 Vaughan Way	66	66.00	0.00	0.00	0.00
London Dock-Block D	59	57.00	2.00	0.00	0.00
Total	283	266.00	7.00	4.00	6.00
Percentage		93.99	2.47	1.41	2.12

7.87 The Existing Vs 2013 Consent analysis illustrates that 259 (91.52%) would comply with the NSL criteria compared to the existing Vs 2019 Proposed analysis which illustrates that 266 (93.99%) would comply. This is a clear illustration that the 2013 Consent would generate a slightly greater adverse effect on neighbours than the Proposed 2019 scheme.

7.88 Further review of the 2013 Consent illustrates that 6 (2.12%) rooms would experience a minor adverse effect, 10 (3.53%) would experience a moderate adverse effect and 8 (2.83%) would experience a substantial adverse effect.

7.89 A further review of the Proposed 2019 scheme massing illustrates that 7 (2.47%) rooms would experience a minor adverse effect, 4 (1.41%) would experience a moderate adverse effect and 6 (2.12%) would experience a substantial adverse effect.

7.90 Overall, this comparative NSL analysis illustrates that the Proposed 2019 massing would generate a not insignificant noticeably reduced adverse effect over that of the 2013 Consent. Fewer rooms would be affected and of those that are affected their quantum of impact would also be reduced.



7.91 There are balconies and overhangs present within Blocks A, B & D of the masterplan development which influence on levels of results achieved for these neighbours.

Sunlight

7.92 In terms of sunlight, the results of the annual and winter sunlight analyses are summarised below:

Address	Total number of windows tested	Number of windows meeting APSH guidelines
Telfords Yard	143	120
5 Gauging Square	92	92
144 Vaughan Way	160	160
London Dock, Block D	131	131
28 Ensign Street	89	89
<b>Total</b>	<b>615</b>	<b>592</b>

7.93 The only residential neighbours to experience any infringements of the BRE guidelines would be isolated to Telfords Yard.

7.94 Again, as above in the daylight assessments, it should be noted however that these results are a direct comparison against a baseline condition which is a cleared site. A secondary assessment adopting an alternative baseline condition of the consented Master Plan Massing has also been considered and the results of this study are summarised, on a window basis, in the table below:

Address	Total number of windows tested	Number of windows meeting APSH guidelines
Telfords Yard	143	143
5 Gauging Square	92	92
144 Vaughan Way	160	160
London Dock, Block D	131	131
28 Ensign Street	89	89
<b>Total</b>	<b>615</b>	<b>615</b>

7.95 Overall the average annual result will benefit with an increased percentage difference of 2.33% and the average winter result will benefit with an increased percentage difference of 0.78% confirming that the current proposals scheme will have less impact around the site than the consented Master Plan Massing would in APSH terms.

7.96 With regard to the daylight and sunlight objections, the following comments were received:

- Loss of daylight and sunlight to Telford Yard residents
- The objectors raise concerns that the commentary on the impacts on Counter



House is too brief and does not adequately assess the adverse impacts for those living on the lower floors of the building, other than in the detailed results provided in the appendix.

- Unacceptable losses of daylight to bedroom and living room windows;
- Both objectors state that their bedroom and living room windows will be reduced. In both cases the level of reduction is clearly beyond the 20% BRE guidance figure and more material is the amount of daylight my windows will retain following the new development. Both are significantly lower than the retained 27% suggested by the BRE guidance and lower than the 15% referenced in the Whitechapel Estate appeal scheme.
- Surely an impact to daylight this great cannot be considered acceptable, even given some flexibility of the BRE guide. An additional factor is my apartment is north-facing meaning that my rooms receive very little direct sunlight, which has been reduced to zero following the erection of Emery Wharf to the north west corner of the Masterplan. The daylight I receive to my living room and bedroom is all the natural light I get within my apartment and this will be reduced further by the proposed development
- 'Tower Hamlets requires in its validation criteria a daylight and sunlight assessment in accordance with the BRE guidance an approach adopted by most authorities up and down the country, it is acknowledged that this is a guide but on appeal and in case law the BRE approach has been upheld by the courts.'
- Counter House forms part of the wider London Dock Development. As such future occupiers of the development we should have had the opportunity to be in receipt of information at time of purchase/leasing a home within the Counter House new development, that there was a consent for a development to the north of the building and as such marked daylight losses as compared against a cleared site scenario were to be expected as the phased masterplan for the wider site is built out (including to the plot earmarked in the outline consent for a school). In addition the deep balconies and walkways on the host building help explain why direct light to habitable rooms is curtailed in Counter House and this physical design feature provides an explanatory factor to the daylight levels impacts received from the new school building.

7.97 Notwithstanding the above commentary that provides an explanation to the level of daylight that would be received to homes in Counter House it is important to note the daylight situation would be no worse than in the original consented scheme for the second floor of Counter House; indeed the proposed daylight impacts measured by both VSC and NSL tests will be improved relative to the consented outline scheme.

7.98 With having due regard to the consented scheme, and in light of the above matters, the impacts to Counter House and to neighbours more generally are considered acceptable. Officers also note and inform their conclusion is whilst there are breaches of BRE guidance for VSC as measured against the cleared site school scenario with respect to the No Sky Limit (NSL) test for daylight distribution the impacted habitable rooms of Counter House will all maintain reasonable levels of daylight .

#### Sunlight to gardens and amenity spaces

7.99 In terms of sunlight to new amenity spaces, there are two identified playground areas at ground level, one at first and one at third floor level which have been assessed both

individually and combined.

- 7.100 Overall 3 of the 4 individual areas would satisfy the BRE guidelines for sun on ground and when considered as a whole they would fully satisfy the BRE Guidelines. The combined result will achieve the target 50% assessment criteria.
- 7.101 The additional studies undertaken by DPR (as provided in their letter dated 20 August 2019 as part of the s.73 application), the additional shadow analysis on 21 June illustrates that all four amenity areas within the proposals would receive very good levels of direct sunlight throughout these central summer months.
- 7.102 In summary, the comparative summaries of the surrounding buildings treating them 'as built' for both the 2013 and 2019 proposed massing illustrates that whilst the effects are similar the current 2019 proposed massing would create less effect on neighbouring properties than the 2013 Consent would.
- 7.103 The additional shadow analysis on 21 June illustrates that all four amenity areas within the proposals would receive very good levels of direct sunlight throughout these central summer months.

### Conclusion

- 7.104 To conclude the daylight and sunlight impacts of the development are considered acceptable and represent a general improvement when compared to the 2013 consent and present no unacceptable issues in relation to the existing condition.
- 7.105 With respect to other amenity issues in relation to privacy, overlooking and sense of enclosure the changes to the 2013 consent present no fresh concerns and are acceptable/ and would adequately protect the amenity of neighbouring residents.

### SCALE

- 7.106 "Scale" means the height, width and length of each building proposed within the development in relation to its surroundings.
- 7.107 The maximum and minimum parameters for the height and footprint of the buildings within the outline element of the scheme are fixed by the approved Parameter Plans under condition 5 of the Hybrid Planning Permission. These parameters effectively set the envelope within which the outline buildings must be formed.
- 7.108 Whilst not forming part of this RMA, in order to understand the background to this application, it is important to draw reference to the recent s.73 planning application (PA.19.00764) which was approved on 20.11.19.
- 7.109 The amendments which formed part of the s.73 application which related to scale included:
- Amendment to the maximum height to +32.44m. The s.73 sought to vary the parameters to relate to a maximum of 18.0m AOD (fronting onto the north-east corner onto The Highway), part 30.5m AOD (fronting onto The Highway), part 18.0m AOD (at the centre of the site) and 25.2m AOD (facing Virginia Street). The changes to the height related to the inclusion of roof-top air handling plant, required due to the inability to naturally ventilate the school next to the noisy and polluted Highway.
- 7.110 With respect to the 'Vertical Limits of Deviation Parameter Plan' which was approved as

part of the outline permission (ref: 412-MP-PL-L00-1012-Rev 03), this document defines the maximum and minimum heights for all plots.

7.111 The detailed design led to some relatively minor changes in the proposed height of the school building. The additions were essentially to allow for air handling plant to provide filtered fresh air within the building and screens to the upper level terraces.

7.112 The proposed school shape had been reconfigured along Virginia Street and there are sections of the building that are above and below the Parameter Plan heights. Drawings 8960-SK-600 to 604 submitted as part of the application were provided for information purposes only and show the proposals against the parameters marked in blue for comparison.

7.113 In summary, the changes to the proposed height related to the following:

7.114 The heights of the proposed building along the Highway are:

- Approved parameter plan height 30.5m AOD
- Proposed height: 30.135m AOD.
- Difference: -0.365m

7.115 The height of the plant enclosure along the Highway are:

- Approved Parameter Plan height 30.5m AOD.
- Proposed height: 32.435AOD.
- Difference: 1.935m

7.116 The height of the parapet closest to Virginia Street:

- Approved Parameter Plan height 18.0m AOD
- Proposed height: 22.15AOD.
- Difference: 4.15m

7.117 The height of the general roof level on the east block:

- Approved Parameter Plan height 25.2m AOD
- Proposed height: 22.15AOD.
- Difference: -3.05m

7.118 As a result of these changes, the 'Vertical Limits of Deviation Parameter Plan' was updated with drawing ref: 412-MP-PL-L00-1012-Rev 05).

7.119 The 'Horizontal limits of deviation' parameter plan was also updated as part of the s.73 application with drawing ref: 412-MP-PL-L00-1011-Rev 04. During assessment of the Section 73 application, it was apparent that the building footprint had changed from the previous application with the building footprint stepping back from the boundary. The applicant confirmed that this was a result of the repositioning of the pedestrian access points.

7.120 The Council's design officer reviewed the proposed amendments and raised no concerns. The height changes raised no other concerns, as such, the proposal is supported.

7.121 A number of objections received as part of this RMA application relate to the increase in height of the proposed school. This was previously approved as part of the s.73 application; officers remain satisfied that the newly approved height is acceptable.

7.122 Overall, the maximum heights of the proposals accord with the revised Vertical Limits of

Deviation Parameter Plan as well as updated figures in the amended Design Guidelines. This is demonstrated within the submitted Design Development Report.

7.123 The Design Development Report considers the detailed design of the Plot, considered in detail in the 'Appearance' section of the report. This is regarded as a well-considered design consistent with the Design Principles and appropriate in the context of the scale of the development. The document provides 7 views which are in line with the ES (submitted as part of PA.19.00764). Officers are satisfied that the proposals would not have any significant townscape, heritage or visual impacts.

7.124 Taking into account the above, it is considered that the scale and height of the buildings, in the context of the wider London Dock development and surrounding built form and public realm is acceptable.

7.125 The images below show the a comparison of the different elevations between the previously s.73 application (ref: PA.17.02112) with the recently updated and the most recently approved s.73 application(ref; PA.19.00764)

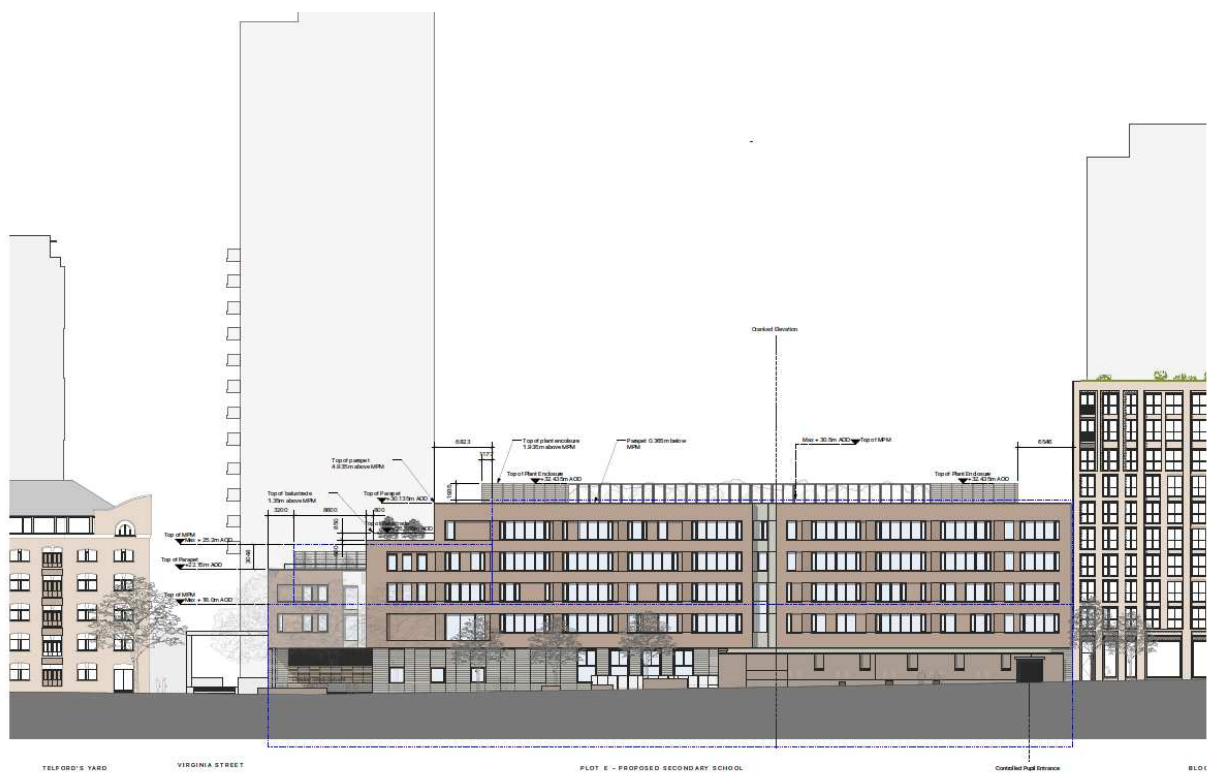


Figure 7: Proposed north elevation

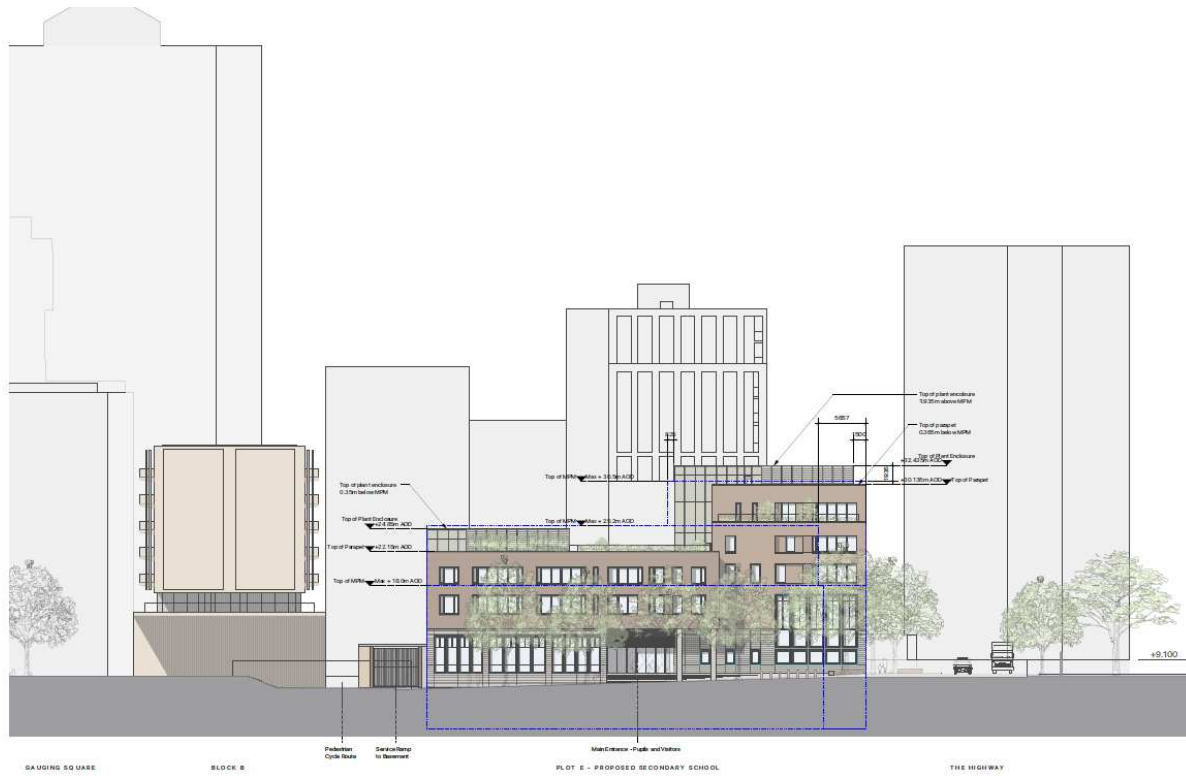


Figure 8: Proposed east elevation

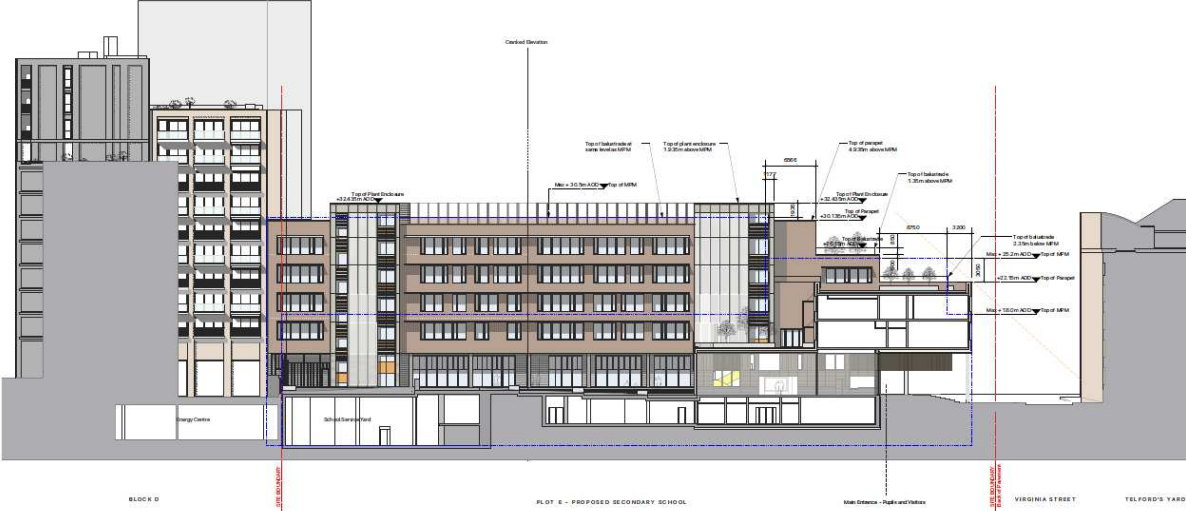


Figure 9: Proposed south elevation

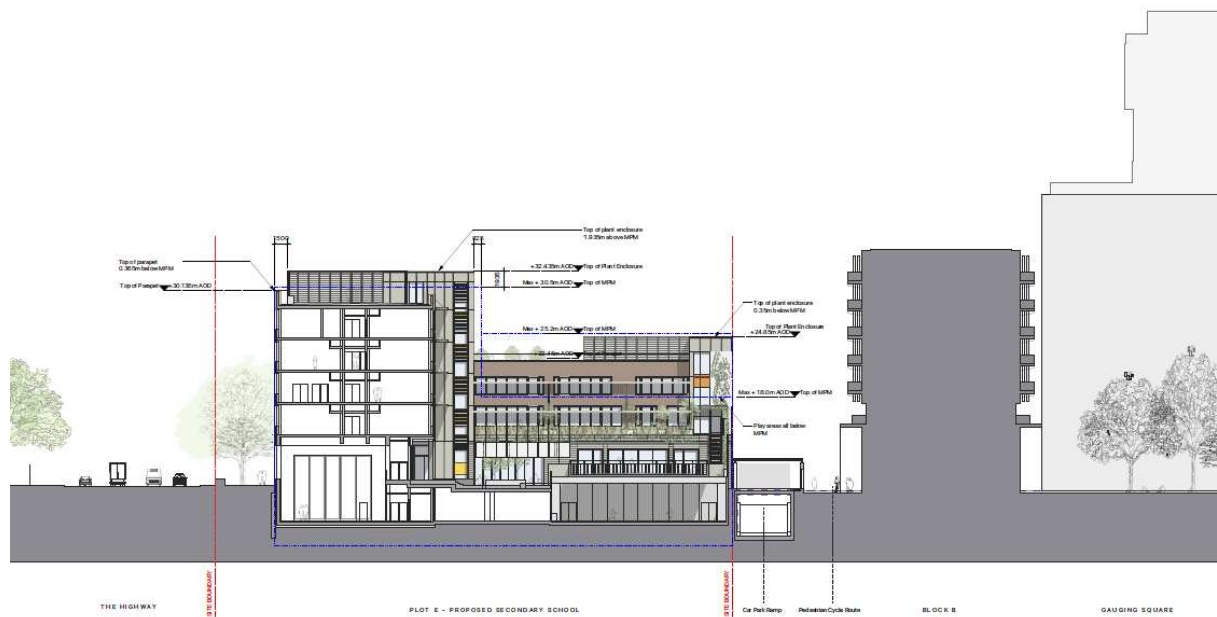


Figure 10: Proposed west elevation

## **MIX**

7.126 “Mix” does not have a statutory definition as a Reserved Matter. However, it is identified as a distinct requirement for Reserved Matters stage, as secured by condition 3 of the Hybrid Planning Permission.

7.127 Development Specification for the hybrid application addresses “Mix” however this relates specifically to residential uses. Clearly, this RMA proposal does not relate to residential uses as it comprises solely of a new school.

7.128 Notwithstanding the above, the approved land use for Plot E is for education (D1) use. Given that the proposal is for a new secondary school, the use is in accordance with the approved parameter plan – ground floor land uses (ref: 412-MP -PL-L00-1004 Rev 03) and upper floor land uses (ref: 412-MP-PL-L00-1005 Rev 03).

7.129 The proposed school will accommodate 6 forms of entry and a sixth form with up to 1,200 students in total.

7.130 Whilst the use of the site will function as a school, the main hall, studio, sports hall in the basement and the dining hall on the ground floor shall be opened up to community users outside of school hours. The hours of operation will be subject to condition.

## **Conclusion**

7.131 The reserved matters scheme complies with the relevant parameter plans, design code and development specification. Appropriate appearance, landscaping, layout, scale and mix would be achieved. There would be no unanticipated amenity, heritage or townscape impacts. Overall, the proposal would integrate well with the existing streets and create a coherent streetscape.

## **Human Rights & Equalities**

7.132 The proposal does not raise any unique human rights or equalities implications. The

balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.

7.133 The proposed provision of a new school within the Borough meets inclusive design standards and 5 accessible car parking spaces are provided. These standards would benefit future employees and visitors, including disabled people, elderly people and parents/carers with children.

7.134 The proposed development would not result in adverse impacts upon equality or social cohesion.

## **8 Recommendation**

8.1 That the reserved matters application is **APPROVED** subject to the following conditions

## **Planning Conditions**

Compliance:

1. Development in accordance with approved plans
2. Windows to south street elevation to be obscure glass
3. Cycle parking -5% compliance

Pre Development:

4. Samples of materials
5. Community Use Agreement
6. Design – balustrade/planting

Prior to Occupation

7. Foul Water
8. Parking Management Plan

## **Informatives**

1. Groundwater risk management informative by Thames Water
2. Building Regulations



## **APPENDIX 1 – List of plans for approval**

### Schedule of Drawings

- 8960-PL-100 (Rev P1)
- 8960-PL-101 (Rev P1)
- 8960-PL-108 (Rev P1)
- 8960-PL-109 (Rev P1)
- 8960-PL-110 (Rev P1)
- 8960-PL-111 (Rev P1)
- 8960-PL-112 (Rev P1)
- 8960-PL-113 (Rev P1)
- 8960-PL-114 (Rev P2)
- 8960-PL-115 (Rev P3)
- 8960-PL-116 (Rev P1)
- 8960-PL-117 (Rev P1)
- 8960-PL-600 (Rev P4)
- 8960-PL-601 (Rev P3)
- 8960-PL-602 (Rev P1)
- 8960-PL-603 (Rev P1)
- 8960-PL-604 (Rev P1)
- 8960-PL-810 (Rev P1)
- 8960-PL-811 (Rev P1)
- 8960-PL-650 (Rev P1)
- 8960-PL-651 (Rev P1)
- 8960-PL-652 (Rev P1)
- 8960-PL-653 (Rev P1)

### Schedule of Documents

- Design Development report prepared by Architype (February 2019);
- Landscaping Report Rev 05 prepared by BD Landscape;
- A Reserved Matters Planning Compliance Statement prepared by Lichfields;
- Transport Statement, Travel Plan, Delivery and Servicing Plan prepared by Urban Flow;
- Noise Assessment prepared by AECOM;
- Air Quality Assessment prepared by AECOM;
- Microclimate Assessment prepared by RWDI;
- Daylight and Sunlight Assessment prepared by Delva Patman Redler;
- Written Scheme of Investigation prepared by MOLA;
- Ecology Report and Ecology Memorandum prepared by The Ecology Consultancy;
- Energy Statement prepared by BDP;
- Secured by Design Report prepared by Instrom; and
- Refuse Strategy prepared by Architype.

## APPENDIX 2 – Site Photos, Relevant Plans and CGIs



View of The Site with Counter House and Telford Yard in back drop (south east direction from The Highway)



View of the site with Counter House to the south and Plot D to the west (south west direction from The Highway)





Telford Yard to the east of The Site (south east direction from The Highway)



View from Virginia Street into the site (west direction from Virginia Street)

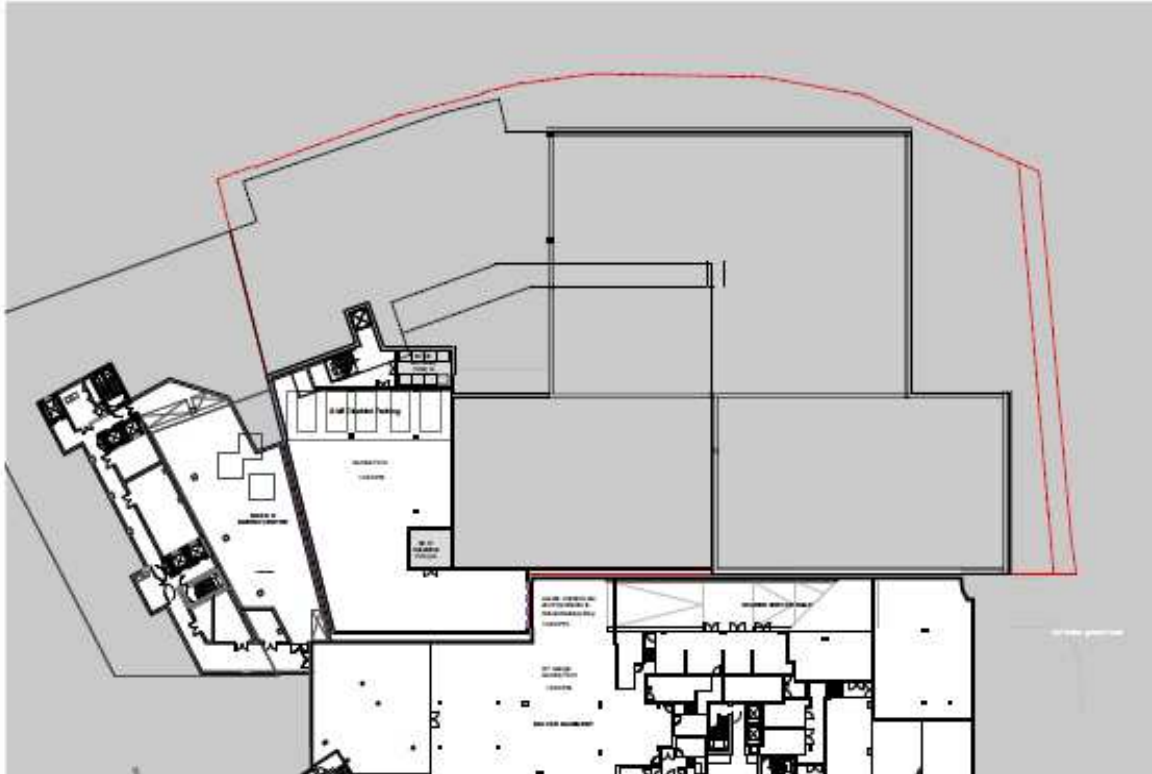




Counter House to the south (south west direction from Virginia Street)



Counter House to the south of The Site (south west direction from The Highway)

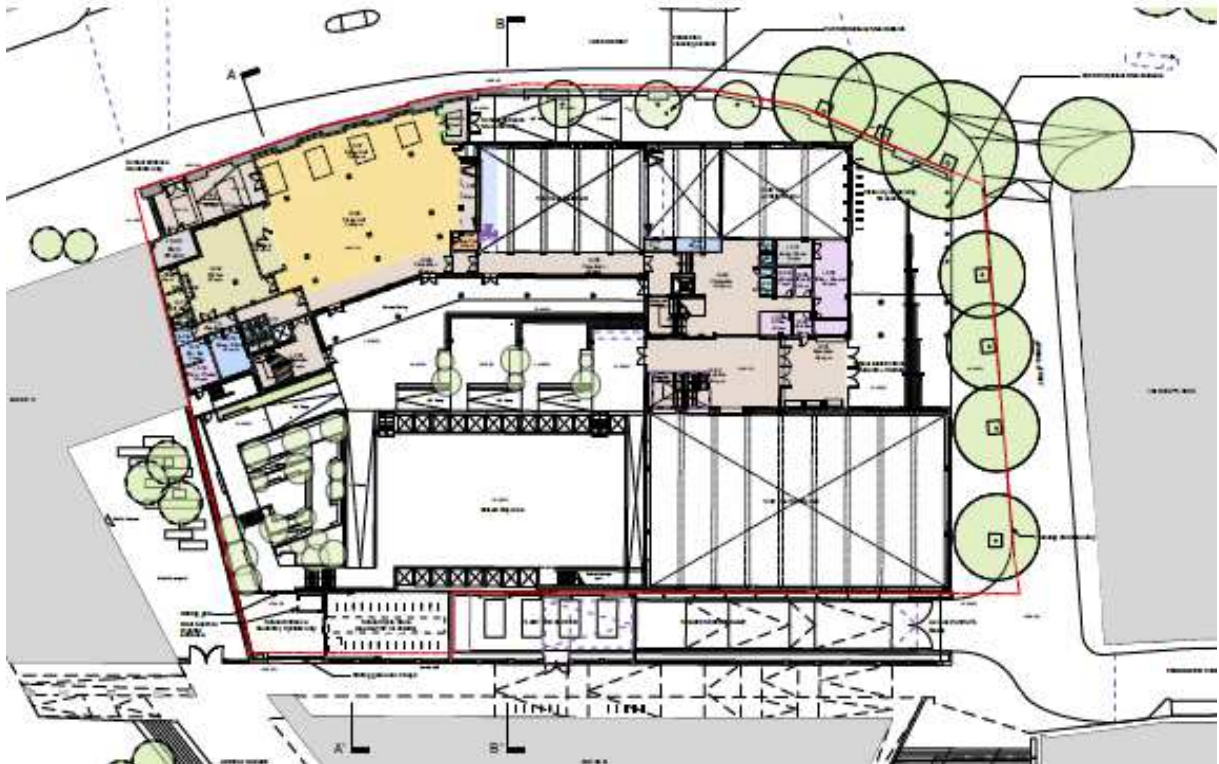


Basement Service Yard



Basement Level





Ground floor layout



First floor plan



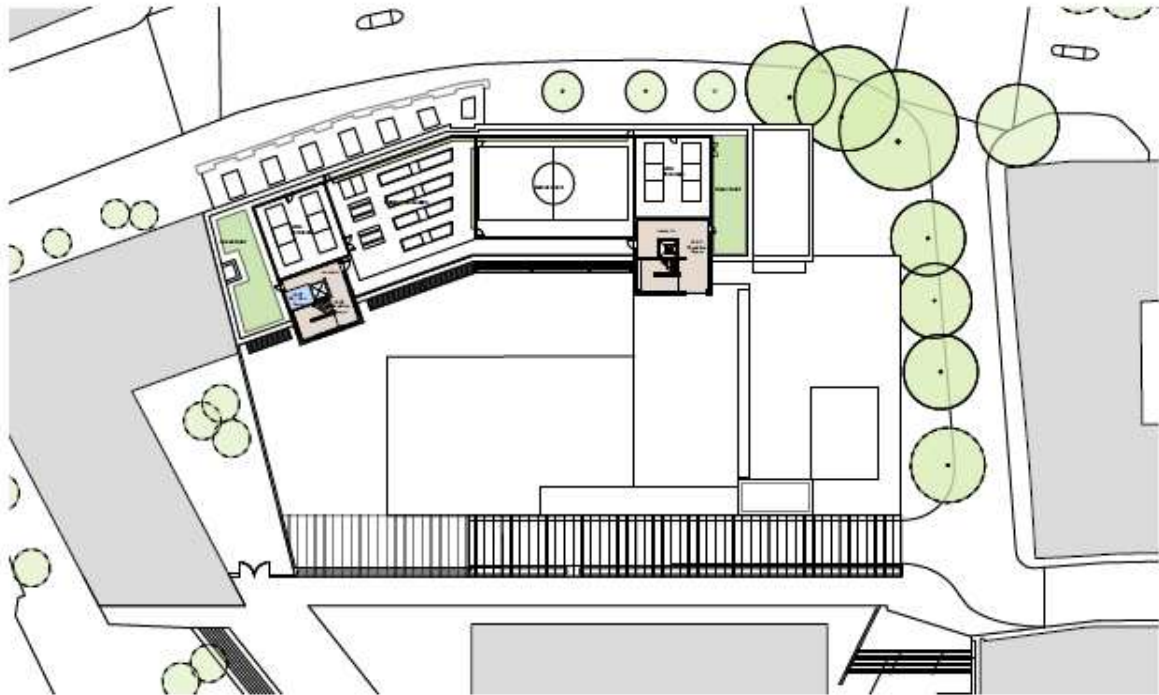
Second floor plan



Third floor plan



Fourth floor plan



Roof Plan





Elevated view from South West



View from Vaughn Way



View from corner of Dock Street and The Highway