

<b>ADDRESSES:</b> Former Hackney Police Station 2 Lower Clapton Road and 32 St John's Church Road and adjacent land within St Johns Churchyard London E5 0PD	
<b>WARD:</b> Homerton Ward	<b>REPORT AUTHOR:</b> Barry Coughlan
<b>APPLICATION NUMBER:</b> 2019/4259  <b>DRAWING NUMBERS:</b>  AHR-AR-B01-10-001 Rev 4 AHR-AR-B01-10-010 Rev 3  <b>DOCUMENTS</b>  Cover Letter dated 04/09/2019 Transport Statement dated December 2019 Travel Plan dated December 2019	<b>VALID DATE:</b> 05/12/2019
<b>APPLICANT:</b>  Star Academies	<b>AGENT:</b>  RPS
<b>PROPOSAL:</b>  Minor Material Amendment application to vary condition 30 (staggered occupation) attached to planning permission 2015/3306 dated 19/12/2017 in order to allow 180 pupils to be admitted in the first year rather than 90.	
<b>RECOMMENDATION SUMMARY:</b>  Approve subject to conditions.	
<b>POST-SUBMISSION AMENDMENTS:</b>  N/A	
<b>NOTE TO MEMBERS:</b>  The application is being brought before members due to the substantial public interest that has been generated and given that the original permission which this application seeks to vary was refused by members in 2016 but then approved by the Secretary of State following an appeal.	

The application will be reported to Members by way of a virtual Planning Sub-Committee due to constraints imposed by government on gatherings and travel during the COVID-19 pandemic.

### ANALYSIS INFORMATION

ZONING DESIGNATION: (Yes) (No)

CPZ	X	
Conservation Area	X	
Listed Building (Statutory)	X	
Listed Building (Local)		X
PEA		X
CAZ		X

### EXISTING LAND USE DETAILS

LAND USE	USE DESCRIPTION	GEA (SQM)
Sui Generis	Police Station	1,508
<b>TOTAL</b>		<b>1,508</b>

### PROPOSED LAND USE DETAILS

USE (SQM)	USE DESCRIPTION	GEA (SQM)
D1	Non-residential institutions	2,757
<b>TOTAL</b>		<b>2,757</b>

### PARKING DETAILS:

	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
<b>Existing</b>	40	0	0
<b>Proposed</b>	0	0	34

### CASE OFFICER'S REPORT

#### 1. SITE AND CONTEXT

- 1.1 The application Site totals 0.19ha in size and is rectangular in shape. The Site comprises a former police building, outbuildings, a rear tarmacked car park and a three storey Victorian terraced house (no. 32 St. John's Church Road). The police vacated the Site in July 2013 and it has remained vacant since this date. The site is located within the Clapton Square Conservation Area and an Archaeological Priority Area. The site also falls within the Hackney Central District Town Centre.
- 1.2 The northern boundary of the Site faces Lower Clapton Road and contains the main pedestrian entrance into the former police building. The southern, rear boundary of the Site faces St John's Church Road and provides vehicular access into the Site.
- 1.3 The main former police building extends over lower ground, ground, first and second floors with an attic storey above. The building dates from 1904

and was designed by John Dixon-Butler for the Metropolitan Police Board. The construction is red brick with Portland stone dressings in a Queen Anne Revival style.

- 1.4 To the rear of the main buildings, adjoining the western perimeter wall, are two small, modern, single storey service buildings. To the centre-east of the Site abutting the eastern boundary is a single storey ancillary hall. The building could have originally served as a parade room but has most recently been used as a gymnasium. To the north of the gymnasium adjoining the eastern boundary are two further single storey ancillary buildings (stores). The gymnasium and the four above mentioned ancillary buildings are all proposed to be demolished.
- 1.5 Further south the Site comprises a large tarmacked car park with the boundary wall extending around the perimeter. There are two openings into the car park - one off St. John's Church Road to the south and one off Rowe Lane to the east. To the south-east is a three storey, Victorian terraced house which also falls within the Site and within the Conservation Area. The house was previously used by the police for administration purposes.
- 1.6 There are no trees within the Site boundary but there are a number of large mature trees within the pavement area beyond the side boundary wall to the west. There is also a mature tree within the neighbouring rear garden of 6-8 Lower Clapton Road.
- 1.7 The Site lies on the corner of Lower Clapton Square and the eastern boundary cycle and footpath of St. John-at-Hackney Churchyard Gardens (known as Churchwell Path). This footpath delineates the eastern boundary of the St. John-at Hackney Churchyard Gardens. These Gardens include the War Memorial (Graded II listed), numerous burial tombs (several Grade II listed) and St. John-at-Hackney church (Grade II\* listed). This boundary is marked by a c. 7ft. brick perimeter wall.
- 1.8 The southern boundary is St. John's Church Road and includes the south (main elevation) of no. 32 St. John's Church Road. The boundary wall along the majority of the southern boundary is a similar height to the western wall. St. John's Church Road is a residential road with mid Victorian terraced housing.
- 1.9 The eastern boundary of the Site meets Rowe Lane. This access road was previously used by the police but does not form part of the Development proposals. The southern side of Rowe Lane contains the rear gardens of the terrace housing on St John's Church Road and the northern side contains a mixture of small commercial uses and residential. This boundary also meets the western edge of no. 6 and no. 8 Lower Clapton Road which are Grade II listed.
- 1.10 The northern boundary faces Lower Clapton Road. To the north-west is Clapton Square (including several Grade II listed buildings). To the

northeast is the Kings Hall former public baths (Grade II listed) and 19-35 (odd) Lower Clapton Road (locally listed). The two telephone kiosks outside the former police station at the junction with Lower Clapton Road and Churchwell Path are also Grade II listed.

- 1.11 In terms of accessibility, the Site has a Public Transport Accessibility Level (PTAL) rating of 6B, which is 'Excellent' accessibility as defined by TfL. It is within 600 metres walking distance of Hackney Central and Hackney Downs rail stations. The Site is also well served by bus routes (routes 38, 48, 55, 106, 242, 253, 254, 276, 425, 488, N38, N55 and N253) and there are a number of bus stops located on Lower Clapton Road, Urswick Road and Dalston Lane.

## **2. CONSERVATION IMPLICATIONS**

- 2.1 The site contains the Grade II Listed Former Police Building and associated curtilage and structures. The two telephone kiosks outside the former police station at the junction with Lower Clapton Road and Churchwell Path are also Grade II listed. The site adjoins the St. John-at-Hackney Churchyard Gardens include the War Memorial (Graded II listed), numerous burial tombs (several Grade II listed) and St. John-at-Hackney church (Grade II\* listed). The site boundary also meets the western edge of no. 6 and no. 8 Lower Clapton Road which are Grade II listed. 32 St Johns Church Road is identified as a Building of Townscape Merit in the Clapton Square Conservation Area Appraisal. The site is located within the Clapton Square Conservation Area.

## **3. HISTORY**

- 3.1 Planning Permission and Listed Building Consent at the site were granted by appeal in 2017 following refusal at Planning Sub Committee on 08/06/2016. This application seeks to vary a condition attached to the permission by the Planning Inspector. The application details were as follows:
- 3.2 Full Planning Permission 2015/3306: Change of use and refurbishment of listed building; demolition of rear buildings; and three-storey new build; to provide a new primary school with associated playspace, access, bus layby, servicing and cycle parking
- 3.3 Listed Building Consent 2015/3316: Listed building consent for demolition of rear buildings and structures and various internal and external alterations associated with conversion of the building to a primary school; provision of bus layby upon adjacent land within St John's Churchyard.
- 3.4 Otherwise, the sites planning history relates only to minor alterations which include the installation of automatic access gates, internal repairs to the timber roof structure, and minor external alterations to the building. In the vicinity of the site the following planning permission is considered relevant

to the current application:

- 3.5 Site Address: The Rectory, Scout Hut and former Learning Trust Facility, St John-at-Hackney, Lower Clapton Road, London E5 0PD

Planning Ref: 2012/3345

Development Description: Mixed use redevelopment to provide buildings of 4 storeys plus basement storey, accommodating 58no mixed tenure dwellings, comprising 18 x 1 bed, 23 x 2 bed, 13 x 3 bed and 4 x 4 bedroom units, and up to 1120sq m community facilities (Use Class D1), with semi-public urban square, communal garden areas and alterations to boundary treatment at St John-at-Hackney Churchyard. Associated works to include demolition of existing Rectory building and outbuilding, Scout hut, and former Learning Trust facility.

Decision Level: Committee

Decision Date: 06-03-2015

Decision Type: Granted

#### **4. CONSULTATIONS**

4.1 Date Initial Statutory Consultation Period Started: 08/01/2020

4.2 Date Statutory Consultation Period Ended: 16/02/2020

4.3 Site Notice: Yes

4.4 Press Advert: Yes

#### **4.5 Neighbours**

4.5.1 In addition to site and press notices, 119 notification letters have been sent to nearby occupiers notifying them of the application.

4.5.2 In response to the consultation outlined above a total of 18 responses have been received from nearby occupiers/interested parties. Of these responses, 16 are objections and 1 is not an objection in principle but does raise concerns. 1 email of support has been received.

4.5.3 The grounds of objection and concern can be summarised as follows:

- The application documents claim that the variation is required in order to enable parents with pupils in different years to travel between the various temporary sites whereas this was not the reasoning at the inquiry.
- It should be clarified if the intention to stagger end times remains in place. OFFICER NOTE: The same measures set out in the approved Transport Statement and Travel Plan remain in place. The Operational Management Plan and Travel Plan conditions are still to be discharged and will provide further detail in this regard.
- Delays to the construction programme due to the condition of the chimneys should have been envisaged and are not reasonable grounds to vary the condition.

- There is no indication in the application that the site will be ready for purpose by the start of the September term 2020 as intended.
- The delays to the construction project have had a significant detrimental impact upon the lives of local residents. OFFICER NOTE: The subject application relates to the operational phase of the development and should not impact upon the construction programme.
- There should be a publicised time frame for the Toucan Crossing to be installed in Lower Clapton Road.
- The application documents contain factual inaccuracies which throw doubt on the conclusions of the submitted Transport Assessment.
- The increased number of pupils in the first year will increase the amenity and transport impact in the first year whereas the impacts would have accrued more gradually. The change will not allow any issues to be addressed incrementally as would otherwise have been the case.
- The fault for any impact on the education of the pupils at the school should the application be refused rests with the applicant.
- The schools admissions policy should give higher preference to those who live near the site. If there is no demand near the site then there should be no need for the school in this location.
- The applicant should not be allowed to renegotiate key conditions of the planning permission at this stage and in response to delays that are attributable to the appropriateness of the site for a school of this size.
- The consultation letter sent by Wates was inadequate in terms of addressing the impacts of the proposal and was delivered after the consultation deadline. OFFICER NOTE: Consultation by the applicant is not compulsory from a planning point of view and is independent of the planning consultation process.
- The development should have 1.5 person parking spaces.
- Pupils will be attending the school from considerable distances which would impact on traffic and this needs to be addressed as part of this application. OFFICER NOTE: This application only relates to pupil numbers.

The principles raised in the objections above are considered to have been addressed within the main body of the report unless otherwise noted above.

#### 4.5.4 The grounds of support can be summarised as follows:

- The variation to the planning permission will enable some children to attend the school earlier which should be supported. There are numerous measures proposed to mitigate the impact of the change on the local transport network.

#### 4.6 Local Groups / Other Consultees

Clapton Square Conservation Area Advisory Committee

4.6.1 The scheme was subject to a lengthy and detailed public inquiry at which one of the principal concerns was the effect of the considerable scale of operation on the site, roads and immediate community. The phasing of student entry - scaling it up gradually from 90 in the first year - was a carefully considered one and met with the consent of the applicant at the time. The applicant cannot legitimately claim this is a minor matter (by way of a minor amendment) that was not germane to the substantial consent. It would be ludicrous to allow such a material change to the operational density in the first year without as full an exploration of any new issues as at the inquiry that designed the condition. That said we don't see any new arguments that merit discussion and as such cannot support the proposal which will inevitably create an intolerable conflict between the needs of the staff and pupils and the ongoing site construction.

#### **4.7 Statutory Consultees**

English Heritage (Historic Buildings and Historic Areas)

4.7.1 No comments.

#### **4.8 Council Departments**

Traffic and Transportation

4.8.1 No objections.

### **5. Hackney Local Development Framework (LDF)**

#### **Core Strategy (2010)**

CS1	-	Main Town Centres
CSP6	-	Transport and Land Use
CSP8	-	Focussing Social Investment
CSP9	-	Investing in Education
CSP10	-	Lifelong Learning
CSP33	-	Promoting Sustainable Development

#### **Development Management Local Plan (2015)**

DM2	-	Development and Amenity
DM5	-	Protection and Delivery of Social and Community Facilities and places of Worship
DM44	-	Movement Hierarchy
DM45	-	Development and Transport
DM46	-	Walking and Cycling
DM47	-	Parking and Car Free and Car Capped Development

#### **5.1 London Plan (2015)**

- 3.1 - Ensuring equal life chances for all
- 3.16 - Protection and Enhancement of Social Infrastructure
- 3.18 - Education Facilities
- 6.1 - Strategic approach
- 6.3 - Assessing effects of development on transport
- 6.7 - Better streets and surface transport
- 6.9 - Cycling
- 6.10 - Walking
- 6.11 - Smoothing traffic flow and tackling congestion
- 6.13 - Parking

## **5.2 Strategic Policy Guidance**

Social Infrastructure  
The Mayor's Transport Strategy

## **5.3 National Policy**

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

## **5.5 Emerging Planning Policy**

The GLA is producing a new London Plan, which was subject to Examination in Public between January 2019 and May 2019. The Inspectors' Panel report was published on 21 October 2019. This contained a series of recommendations on amendments to the Plan, some of which the Mayor chose to accept and some which he chose to reject. The reasons for his rejections accompany the London Plan "Intend to Publish" version which was sent to the Panel of Inspectors on 9th December. The Panel responded to the Mayor's responses on 13 March 2020 requiring changes to the Plan.

The Council is waiting to hear from its own Inspector on its submission of the new Local Plan (LP33) but it is anticipated that adoption will be mid-2020.

The NPPF sets out that decision takers may also give weight to relevant policies in emerging plans according to their stage in preparation, the extent of unresolved objections and degree of consistency with the NPPF. Both emerging plans are material planning considerations and carry some weight in decision making at this stage.

Where relevant, emerging content within these documents is discussed in the body of this report.





**6.1 COMMENT**

6.1.1 This application seeks to vary Condition 30 attached to the full planning permission for the site which was granted following an appeal. The Council refused the application, mainly on heritage and transport grounds, but at the subsequent Public Inquiry, the Planning Inspector (and then the Secretary of State) found in favour of the applicant and granted planning permission subject to a raft of conditions.

6.1.2 Among these conditions was Condition 30 which reads as follows:

*The school shall admit no more than 90 pupils in its first year of occupation. Thereafter, the school roll shall increase by no more than 90 pupils per year until the full capacity of 630 pupils is reached. At no time shall the school admit more than 630 pupils.*

6.1.3 The condition was proposed by the applicant at the Public Inquiry in order to address the concerns of the Planning Authority in relation to the transport impacts of the proposal.

6.1.4 One of the Council's key concerns in this regard was that there would be a high number of pupils at the school traveling from such distances that the use of unsustainable modes of transport would be more likely. By limiting the number of pupils in the first year to 90, growing by 90 pupils thereafter, it was argued by the applicant that a greater number of pupils would be based nearer the school than would have been the case had the entire student population at the existing temporary sites transferred to the new school en masse. This took into account the school's admissions strategy which gives preference to pupils within the immediate locality of the site when the school is oversubscribed.

6.1.5 Another key reason put forward by the applicant for the condition was that it would remove the need for minibuses to transfer pupils to the site from the temporary site at Cazenove Road. This was a significant concern for the Council as the minibuses were proposed to use the access road at St John's Church which, aside from the uncertainty of the Church allowing permission for the road use in this way, was considered a significant risk to the local transport network.

6.1.6 The Planning Inspector, and subsequently the Secretary of State, accepted the proposed condition in their decision on the appeal and were satisfied that the transport impacts of the proposal had been adequately addressed by the applicant.

6.1.7 The subject proposal would vary the wording of Condition 30 so that the number of pupils to be admitted in the first year would be increased from 90 to 180. The total number of pupils admitted to the school would not change nor would the stipulation for incremental increases for the years that follow. The revised wording would be as follows:

*The school shall admit no more than 180 pupils in its first year of occupation. Thereafter, the school roll shall increase by no more than 90 pupils per year until the full capacity of 630 pupils is reached. At no time shall the school admit more than 630 pupils.*

- 6.1.8 The variation is sought as the first intake of reception pupils at the site has been delayed by a school year. This is due to delays in the construction programme where the rebuilding of a chimney stack in the listed building and other internal alterations to this building have necessitated more time than was originally programmed.
- 6.1.9 As the opening of the school has been delayed by a year, the proposed variation would result in the same number of pupils at the school in the school year 2020-21 as would have been the case had the school opened as originally programmed.
- 6.1.10 The delay to the opening of the school means that the reception year that were due to start in 2019/2020 will be accommodated for their first year at the school's temporary site at Brooke Road and would transfer to the proposal site the following year.
- 6.1.11 No external alterations or any other amendments to the application are proposed other than to the restriction to pupil numbers in the school's first year.

## **6.2 Considerations**

The principal material planning considerations relevant to this application are as follows:

- 6.3 The Principle of the Proposed Change;
- 6.4 Traffic and Transportation;
- 6.5 Potential Amenity Impacts
- 6.6 Other Planning Matters

Each of these considerations is discussed in turn below.

## **6.3 The Principle of the Proposed Change**

- 6.3.1 Government Guidance in relation to Minor Material Amendments recognises that new issues may arise after planning permission has been granted, which require modification of the approved proposals. While there is no statutory definition of a 'minor material amendment', it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.
- 6.3.2 The subject application seeks a Minor Material Amendment due to issues that have arisen in the course of construction which have delayed the delivery of the school. The overall proposal would remain unchanged with a school of the same size being delivered and to the same design. The proposed change

affects the wording of an operational condition and relates to the first year of operation only. As such, the scale and nature of the proposal is considered such that it is appropriate for it to be assessed as a Minor Material Amendment.

- 6.3.3 It is noted that a number of objections raise concerns about the appropriateness of the site for a school of this size or relate to various operational aspects of the school which are outside the remit of the condition in question. This application must focus on the appropriateness or otherwise of allowing an additional 90 pupils attend the school in the first year of operation. The principle of the development has already been established by the Inspector's decision and is not under reconsideration here. Where the appropriateness of the various conditions imposed by the inspector to mitigate the impacts of the development are relevant, this is only where they relate to the addition of 90 pupils to the schools first year of intake.
- 6.3.4 Accordingly, the key consideration for this application is whether or not the change to the condition would have a significant and unacceptable impact in planning terms, such that this should lead to the refusal of the application.
- 6.3.5 As part of this assessment regard is had for relevant policies in the NPPF, London Plan, and Hackney Local Development Framework (including the emerging policy context discussed above) which provide support for the provision of new or expanded educational facilities.

#### **6.4 Traffic and Transportation**

- 6.4.1 The details of this s73 application have been considered following pre-application meetings with the applicant, review of the submitted documentation as part of the application and internal consultation with relevant teams.
- 6.4.2 The applicant is seeking an intake of 180 pupils (two year groups) from September 2020 to make up for the missed intake in September 2019 due to construction related delays.
- 6.4.3 While the staggered intake of 90 pupils per academic year in year one would have been a useful way to incrementally monitor the actual impact/trip generation of the proposal, increasing the intake to 180 pupils in year one is not considered to be a significant enough increase to give cause to objection given the full planning application anticipates trip generation relating to 630 pupils by September 2025. There would be no overall increase in the proposed intake and the impacts of a first year intake of 180 could still be reviewed at the end of year one through the monitoring of the travel plan with additional mitigation put in place should any issues be identified.
- 6.4.4 The draft Travel Plan is noted. The Council's assessment of the Final Travel Plan (FTP) will include analysis of the revised catchment area for the 90 pupils that started school in 2019/20 at the temporary site and with travel arrangements altered accordingly. The assessment of the FTP will also consider the suitability and impact of the staggered start-finish times between

sites as well as the different year groups at the Lower Clapton Road site. Condition 12 attached to the original permission should remain in place, requiring the travel plan to be agreed with the Local Authority prior to the occupation of the site.

- 6.4.5 The pre-occupation conditions associated with the original planning application including Cycle Parking, School Travel Plan, School Operational Management Plan, School Traffic Management Plan and an upgrade of the existing crossing facility are all recommended to remain in place to mitigate the transport impacts of the proposal.
- 6.4.6 All mitigations listed in section 5.5.1 of the Transport Statement are considered to be acceptable. These will be secured through the discharging of the existing pre-occupation conditions for 2015/3306 which are yet to be determined. Details within (and full adoption of) these documents are considered to be crucial to ensuring a trouble free occupation of the site and mitigating highways related concerns.
- 6.4.7 It is understood that parents of school pupils would be required to sign a Code of Conduct which would include school travel. Further details in relation to the Code of Conduct will be assessed as part of the discharge of the Operational Management Plan condition.
- 6.4.8 It is noted that the proposed change would not reintroduce the need for minibus transfer from the existing temporary sites which was a key transport concern when the application was refused.
- 6.4.9 Overall, the proposed change to the wording is considered acceptable in transport terms. The overall impact of the additional 90 pupils would not be so substantial as to warrant the refusal of permission and could be adequately mitigated by the recommended conditions. The annual monitoring of the travel plan will allow any lessons learned from the first year of occupation to inform potential changes to operations.

## **6.5 Amenity Issues**

- 6.5.1 The addition of 90 pupils to the first year intake, bringing the overall number to 180, is considered unlikely to result in an increase in amenity impacts such that this would represent reasonable grounds for refusal. The recommended condition requiring the submission of an Operational Management Plan will remain in place and will be assessed on the basis of the new intake numbers when submitted. It is considered that this condition is sufficient to ensure that any impacts can be appropriately managed.
- 6.5.2 Whilst the the more incremental increase in amenity impacts that would arise under the original wording of the condition was welcome, it is not considered that an additional 90 pupils in the first year would have so significant an additional impact as to be unacceptable. It is worth noting that the staggered approach required by the condition was proposed principally in relation to

transport considerations rather than to allow a gradual monitoring of amenity impacts.

## **6.6 Other Planning Matters**

6.6.1 There are not considered to be any other relevant planning matters which would preclude the granting of permission.

## **7 CONCLUSION**

7.1 The proposal is considered acceptable in planning terms and complies with pertinent policies in Hackney's Local Development Framework, the London Plan and National Planning policy. Accordingly the proposal is recommended for approval. As the application is made under section 73 it could be argued that granting the application has the effect of issuing a new permission and so it is prudent to attach the relevant conditions that were attached to the original permission.

## **8 RECOMMENDATION**

### **Recommendation A**

8.1 The development hereby permitted shall be carried out and completed in accordance with the plans listed in the attached Annex C and any subsequent approval of details.

8.2 Notwithstanding the approved drawings, details of the following matters shall be submitted to and approved in writing by the local planning authority before any work in relation to these matters takes place. Development shall be carried out in accordance with the approved details.

- air handling plant and louvres on roofs, including 1:20 scale plans, sections and elevations showing the relationship of the new elements to the historic fabric
- the new entrance through the western boundary wall, including 1:20 scale plans, sections and elevations showing the relationship of the new elements with the historic fabric
- new and replacement windows, including 1:20 scale elevations showing glazing patterns and 1:10 scale sections showing glazing and joinery details

8.3 Notwithstanding the approved drawings, details of the materials to be used for the external surfaces of the proposed buildings shall be submitted to and approved in writing by the local planning authority before any work on the external elements of the buildings takes place. The details shall include samples of facing bricks and roofing materials. Development shall be carried out in accordance with the approved details.

8.4 Prior to occupation of the development hereby approved, a school management plan shall be submitted to and approved in writing by the local planning authority. The approved management plan shall be adhered to for so long as

the premises are operated as a school. The plan shall include details of the following matters.

- management of external play areas including details of staggered play times and pupil numbers
- management of rooftop study area
- management of extra-curricular and physical education including travel to off-site locations
- management of children arriving and leaving school including the use of entrances and provision of traffic marshals
- use of school outside teaching hours

- 8.5 Prior to occupation of the development hereby approved, details of planting to be incorporated on the rooftop study area and semi-permeable screening to circulation areas shall be submitted to and approved in writing by the local planning authority. The details shall be implemented as approved prior to the occupation of the development and shall be permanently retained as such thereafter.
- 8.6 Notwithstanding the approved drawings, a full post construction BRE certification confirming that the refurbished element of the development has achieved a BREEAM rating of Very Good with a minimum score of 62 points and that the new construction element has achieved a BREEAM rating of Excellent shall be submitted to and approved in writing by the local planning authority within 6 weeks of the first occupation of the development hereby approved.
- 8.7 Prior to occupation of the development hereby approved, specification and layout details of the proposed photo voltaic panels shall be submitted to and approved in writing by the local planning authority. The details shall be implemented as approved prior to the occupation of the development and shall be permanently retained as such thereafter.
- 8.8 Notwithstanding the approved drawings, details of the following shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. Development shall be carried out in accordance with the approved details and permanently retained as such thereafter.
- low NOx emitting combined heat and power and emergency generator plant (referred to hereafter as plant)
  - performance data including emissions standards and technical data for each piece of plant. The data shall demonstrate that the plant is low NOx in relation to air quality standards and other similar plant available on the market. The plant installed shall meet or improve upon the approved emissions standards and technical data
  - details of the plant installed (including measured emissions) and details of any emissions mitigation equipment installed
- 8.9 No new plumbing, pipes, soil stacks, flues, vents, grilles, security alarms or ductwork shall be fixed on the external faces of the buildings unless as otherwise shown on the drawings hereby approved.

- 8.10 Prior to occupation of the development hereby approved, a refuse strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall include the use of a commercial waste management company. Thereafter, refuse collection shall only be carried out in accordance with the approved strategy.
- 8.11 Prior to occupation of the development hereby approved, a school travel plan shall be submitted to and approved in writing by the local planning authority. The school travel plan shall include measures to discourage the use of private cars and to encourage the use of sustainable modes of transport. Baseline travel surveys of staff and pupils will be undertaken within 3 months of the school opening and the full travel plan will be operational within 6 months of the school opening. The school travel plan shall seek to achieve TfL Mode STARS Gold Accreditation in the 4th year of operation. The site shall be operated in accordance with the approved school travel plan at all times.
- 8.12 Prior to occupation of the development hereby approved, details of the means of mechanical ventilation and the extraction and dispersal of cooking smells/fumes shall be submitted to and approved in writing by the local planning authority. The details shall include the method of construction and odour and noise control. The details shall be implemented as approved prior to the occupation of the development and shall be permanently retained as such thereafter.
- 8.13 No roof plant, including any external enclosures, machinery or other installations, shall be placed on or attached to the roof of the development unless shown on the drawings hereby approved or otherwise approved pursuant to the conditions imposed on this permission.
- 8.14 The development shall be carried out in accordance with a site specific Construction Environmental Management Plan that has been approved in writing by the local planning authority. The plan shall demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting and shall include:
- a demolition and construction method statement to include details of noise control measures and measures to preserve air quality, including a risk assessment of the demolition and construction phase
  - a plan setting out how resources will be managed and waste will be controlled at all stages during the construction phase, including details of dust mitigation measures during site clearance and construction works (including any works of demolition of existing buildings or breaking out or crushing of concrete) and the location of any mobile plant or machinery
  - details of the locations where deliveries will be undertaken, the size and number of lorries expected to access the site daily, the access arrangements (including turning provision if applicable), construction traffic routing, details of parking suspensions (if required) and the duration of construction
  - mitigation measures (as defined in BS 5228: Parts 1 and 2: 2009 Annex F Noise and Vibration Control on Construction and Open Sites) which shall be



used to estimate LAeq levels and minimise noise disturbance from demolition and construction works

- procedures for maintaining good public relations including complaint management, public consultation and liaison
- arrangements for liaison with the Council's Community Safety Team
- any works or ancillary operations which are audible at the site boundary shall be carried out only between 08.00 and 18.00 on Mondays to Fridays, 08.00 and 13.00 on Saturdays and at no time on Sundays and Bank Holidays
- deliveries and/or removal of materials, plant, equipment, machinery and waste from the site shall only take place within the permitted hours detailed above
- procedures for emergency deviation from the agreed working hours The approved Construction Environmental Management Plan shall be adhered to throughout the construction period.

8.15 Within 12 months of first occupation the development shall be completed in accordance with a scheme of hard and soft landscaping that has been approved in writing by the local planning authority. The scheme shall include:

- planting plans showing the location, species, type of stock, numbers of trees/plants, tree pits and areas to be seeded or turfed
- external lighting including location and types of light fitting
- play areas and play equipment

The hard landscaping shall be carried out as approved prior to the occupation of the development. The soft landscaping shall be carried out as approved within 12 months of the commencement of the development or in the first planting season following completion of the development. Any plants forming part of the approved scheme which die or are seriously damaged or diseased or are removed within a period of 5 years of being planted shall be replaced with others of the same size and species unless otherwise agreed in writing by the local planning authority.

8.16 The development hereby approved shall not be occupied until a detailed Delivery and Servicing Management Plan has been submitted to and approved in writing by the local planning authority. Delivery and servicing to the site shall only be carried out in accordance with the approved Delivery and Servicing Management Plan.

8.17 The rating level of any noise generated by any plant and equipment forming part of the development shall be at least 5 dB below the pre-existing background level as determined by BS4142 Method of rating industrial noise affecting mixed residential and industrial areas.

8.18 The development shall not be occupied until the approved land contamination remediation scheme has been carried out and a verification report by a suitably qualified contaminated land practitioner has been submitted to and approved in writing by the local planning authority.

8.19 In the event that, when carrying out the development hereby approved, contamination is found that was not previously identified it must be reported in writing to the local planning authority within 7 days and development on the

affected part of the site shall cease. A risk assessment shall be carried out and submitted to and approved in writing by the local planning authority. If unacceptable risks are found a remediation scheme shall be submitted to and approved in writing by the local planning authority before development resumes. The development shall not be occupied until the approved remediation scheme has been carried out and a verification report has been submitted to and approved in writing by the local planning authority.

- 8.20 The development shall not be occupied until a post-development contaminated land verification report has been submitted to and approved in writing by the local planning authority. The report shall set out any restrictions on the use of the development and demonstrate that arrangements have been made to inform future site users of the restrictions.
- 8.21 Notwithstanding the approved plans, lockable space shall be made available within the site for the secure parking of 34 cycles before the first occupation of the development. Use of the cycle parking shall be monitored by the travel plan coordinator each term and should the cycle parking be more than 95% occupied for more than one month then additional parking shall be provided in accordance with details which shall be submitted to and approved in writing by the local planning authority up to a maximum of 106 cycle stands.
- 8.22 The proposed ecological enhancements, including bird and bat boxes, shall be delivered in accordance with the details contained within the submitted Phase 1 Habitat Survey prior to the occupation of the development hereby approved.
- 8.23 The development hereby permitted shall not be occupied until an agreement under section 278 of the Highways Act 1980 has been entered into between the applicant and the Council in order to upgrade the crossing adjacent to the site on Lower Clapton Road to a toucan crossing.
- 8.24 The school shall admit no more than 180 pupils in its first year of operation. Thereafter, the school roll shall increase by no more than 90 pupils per year until the full capacity of 630 pupils is reached. At no time shall the school admit more than 630 pupils.
- 8.25 No works on the southern elevation of the classroom block hereby permitted shall be commenced until details of that elevation have been submitted to and approved in writing by the local planning authority.
- 8.26 Recommendation B**
- 8.33 The Sub-Committee grants delegated authority to the Director of Public Realm and Head of Planning (or in their absence either the Growth Team Manager or DM & Enforcement Manager) to make any minor alterations, additions or deletions to the recommended conditions as set out in this report provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Sub-Committee (who may request that such alterations, additions or deletions be first approved by the Sub-Committee)

**9 INFORMATIVES**

In addition the following informatives should be added:

- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.25 Disabled Person’s Provisions
- SI.27 Fire Precautions Act
- SI.28 Refuse Storage and Disposal Arrangements
- SI.34 Landscaping
- SI.45 The Construction (Design & Management) Regulations 1994
- SI.48 Soundproofing

**Signed..... Date.....**

**ALED RICHARDS – DIRECTOR – PUBLIC REALM, NEIGHBOURHOODS AND HOUSING**

NO	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Hackney Local Development Framework Core Strategy (2010) and the London Plan (Consolidated with alterations since 2004)	2 Hillman Street London E8 1FB	Barry Coughlan 2 Hillman Street London E8 1FB Tel: 02083567939