

ADDRESSES: 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	
WARD: Homerton Ward	REPORT AUTHOR: Barry Coughlan
APPLICATION NUMBER: 2021/1579 DRAWING NUMBERS: AHR-AR-B01-10-001 AHR-AR-B01-10-010 DOCUMENTS s73 Planning Note May 21 s73 Cover Letter 18/05/21 Olive School Hackney s73 School Management Plan May 21 Olive School Hackney s73 School Travel Plan May 21 s73 Transport Statement May 21	VALID DATE: 18/05/2021
APPLICANT: Star Academies	AGENT: RPS
PROPOSAL: Variation of condition 30 (pupil number restriction) attached to planning permission 2019/4559 in order to allow the school to be occupied at full capacity (630 pupils).	
RECOMMENDATION SUMMARY: Grant Planning Permission subject to conditions and completion of a legal agreement.	
POST-SUBMISSION AMENDMENTS: N/A	

NOTE TO MEMBERS:

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.

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
TOTAL		1,508

PROPOSED LAND USE DETAILS

USE (SQM)	USE DESCRIPTION	GEA (SQM)
D1	Non-residential institutions	2,757
TOTAL		2,757

PARKING DETAILS:

	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	40	0	0
Proposed	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. 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, is the three storey new build school buildings which were completed last year and are now partly occupied. The rear of the site also includes some outdoor play space.
- 1.5 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.
- 1.6 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.
- 1.7 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.
- 1.8 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.
- 1.9 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.
- 1.10 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 play space, 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 Full Planning Permission 2019/4259: 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.
- 3.5 Otherwise, the site's 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:
- 3.6 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: 18/06/2021

4.2 Date Statutory Consultation Period Ended: 09/07/2021

4.3 Site Notice: Yes

4.4 Press Advert: Yes

4.5 Neighbours

4.5.1 In addition to site and press notices, 496 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 94 responses have been received from nearby occupiers/interested parties. Of these responses, 7 are objections and 87 support the application.

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

- The condition to limit the number of pupils to 90 year on year was imposed in order to stagger the transport impacts and allow the school to adapt and learn from experiences. OFFICER NOTE: The condition was imposed by the inspector in response to the 'alternative proposal' put forward by the appellant at the public inquiry. The alternative proposal was for the school to fill by 90 students year on year so that there would be no need for the transferring of pupils from temporary sites. The implications of transferring pupils from temporary sites by bus, and the creation of a bus layby that would be required in St John's Churchyard, were key aspects of the council's reasons for refusal. The inspector imposed the condition in order to facilitate the alternative approach where, theoretically, no transferring of pupils would be necessary.

- The sudden influx of the full capacity of students would put undue strain on the surrounding transport network.
- The existing measures to control pick up and drop off on streets near the school are ineffective. The proposed amendment would greatly exacerbate this situation.
- The problems experienced by the school in finding temporary accommodation that would allow the school to grow incrementally as per the original condition, are not sufficient grounds to remove the restriction altogether. The school/DfE should have planned for this contingency better.
- If the amendment is agreed more needs to be done to ensure the safety of those impacted by the change and to ensure that the measures in the existing management plans are properly enforced/adhered to.
- The creation of a school street on Clapton Square is welcome although it is not clear if this will definitely occur.
- The application was only approved if it had fewer pupils. Allowing more pupils will have a detrimental effect on the area. OFFICER NOTE: The proposed amendments only relate to the staggering of pupil intake year on year. The capacity restriction of 630 pupils would not change. The school would have been able to reach 630 pupils eventually in either scenario.
- The site is unsuitable for a school of this size, with inadequate facilities/amenities on site. OFFICER NOTE: The principle of the school use on site and the standard of accommodation were established by the inspectors decision and is not under reconsideration here.

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 school is currently ready for full occupation but is prevented from doing so by this condition. The pupils should be allowed to occupy their brand new school rather than being located at temporary sites due to the condition.
- The effect of having numerous temporary sites is to have some families dropping off children to multiple sites or children who live within walking distance of the new school needing to be transported to the temporary sites by car/bus. This creates transport problems elsewhere in the borough and is not practical or environmentally sustainable.
- The temporary sites are substandard in terms of accommodation. The new school is brand new and of a high standard of accommodation. The pupils, some of whom have been at temporary sites for their whole time at primary school, should not be required to be in substandard temporary accommodation when a brand new school is lying empty.

- The removal of the restriction would greatly improve the education of the pupils of the school which should be the most important issue for the council.

4.6 Statutory Consultees

TfL

4.7.1 Table 4.3 of the Transport Assessment (TA) anticipates that upon full occupation of the site in 2021, providing this S73 application is approved, 29% of students will travel to the site by car, and 71% by sustainable modes. In 2026, travel by car is expected to decrease to 7% and sustainable travel increase to 79%. It is understood that the number of trips anticipated already take place on the network, as students are spread across 3 various sites, but approval of the S73 application would see them all consolidated on 1 site.

It is understood several mitigation measures are already conditioned, and that additional mitigation measures, set out in table 5.1 of the TA, will be secured through a s106 agreement. These are welcomed by TfL.

If permission is granted, cycle parking and cycle welfare facilities in line with policy T5 (Cycling) of the London Plan should be implemented prior to the occupation of all 630 pupils and staff.

The Travel Plan, objectives and proposed measures appear acceptable and should be secured in the s106 agreement. The applicant is reminded that the targets and measures should throughout, the Plan's lifespan, support the strategic transport aim of the Mayors Transport Strategy (MTS), which is to get 80% of all trips completed by walking, cycling and public transport.

4.7 Council Departments

Traffic and Transportation

4.8.1 No objections.

5. Hackney Local Development Framework (LDF)

5.1 Local Plan LP33 (2020)

LP2	Development and Amenity
LP8	Social and Community Infrastructure
LP41	Liveable Neighbourhoods
LP42	Walking and Cycling
LP43	Transport and Development
LP44	Public Transport and Infrastructure
LP45	Parking and Car Free Development
LP58	Improving the Environment - Pollution

5.2 London Plan (2021)

- GG1 Building strong and inclusive communities
- S1 Developing London's social infrastructure
- S3 Education and childcare facilities
- T1 Strategic approach to transport
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.5 Non-residential disabled persons parking
- T7 Deliveries, servicing and construction
- T9 Funding transport infrastructure through planning

5.1 Strategic Policy Guidance

- Social Infrastructure
- The Mayor's Transport Strategy

5.2 National Policy

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

6.1 COMMENT

6.1.1 This application seeks to vary Condition 30 attached to planning permission 2019/4259. The Council refused planning permission for the initial application to develop the site as a school under application reference 2015/3306. That application was refused principally 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 use of the road 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 An application to vary Condition 30 was subsequently approved under application reference number 2019/4259. This had the effect of allowing 180 pupils to occupy the school in its first year, with pupils numbers growing by 90 year on year thereafter. The variation was sought as the first intake of

reception pupils at the site had been delayed by a school year. This was 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 had necessitated more time than was originally programmed. The amended permission (2019/4259) has been implemented and the school has commenced operating with 180 pupils in its first year of operation.

- 6.1.8 The current application seeks to vary condition 30 again so that there would no longer be a requirement for the school to grow by 90 pupils year on year until at full capacity. This would have the effect of allowing up to the maximum number of 630 pupils to attend the school from the start of the school year in September 2021. The condition would continue to limit the maximum number of pupils at the school to 630.
- 6.1.9 The above change is sought due to issues surrounding the temporary sites currently serving the school. The school is currently operating across three sites, the permanent site at Lower Clapton Road (180 pupils), a temporary site at New City College, Hoxton (360 pupils) and a further temporary site at Cazenove Road (90 pupils). The lease at New City College Hoxton has expired and the Department for Education have not been able to secure a further lease for the use of that site. The planning permission at Cazenove Road for the temporary use of that site as a school has expired, as has the lease with the owners of that site (which is due to revert to its use as a community centre/mosque).
- 6.1.20 The intention was to accommodate all those students who could not occupy the Lower Clapton Road site due to the current wording of condition 30 at a temporary site on Brooke Road. Planning permission was granted under 2019/0273 for the erection of a temporary school building at the Bsix Academy site on Brooke Road which would have accommodated 360 pupils. However, the construction firm who were undertaking the installation of the temporary school structures went into receivership at the start of the COVID-19 Pandemic. The Department of Education has been unable to find an alternative contractor to complete the works in time for the start of the 2021/22 school year. As such, the temporary accommodation that was intended to house those students who were unable to attend the permanent site due to the requirements of condition 30 is no longer available.
- 6.1.21 The Department of Education (acting for the applicant), has attempted to secure alternative temporary sites elsewhere in the borough. However, any sites identified were found to either not be available when required or would not have met the requirements of a primary school.
- 6.1.22 On the above basis, the revised wording of condition 30 would be as follows:
- At no time shall the school admit more than 630 pupils.*
- 6.1.23 No external alterations or any other amendments to the application are proposed as part of the proposal.

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 Section 73 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 relation to the temporary accommodation of students necessitated by Condition 30. 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 five years 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 In terms of the background surrounding the proposed change, officers have engaged in lengthy pre-application discussions with the applicant and the Department for Education since the problems providing the temporary site at Brooke Road were first encountered. Officers are satisfied that a genuine attempt has been made to find alternative sites but that this has proven to be insurmountable. In any case, the key consideration for this application is whether or not the removal of the restriction in Condition 30 would have a significant and unacceptable impact in planning terms (particularly in relation to transport impacts), such that this should lead to the refusal of the application. This is discussed further in the sections below.
- 6.3.4 As part of officers' assessment, regard has been had for relevant policies in the NPPF, London Plan, and Hackney Local Development Framework 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, a detailed review of the submitted documentation and internal consultation with relevant teams at the Council. This has been an important process owing to a number of concerns that have been raised in relation to potentially significant increases in vehicular trips to the application site.

Site Context

- 6.4.2 The application seeks an intake of 630 pupils (all year groups) from September 2021. The previously consented scheme conditioned the gradual staged intake of pupils to 90 per academic year. Although not the principal reason for the imposing of the condition by the inspector, this incremental approach was supported and provided an opportunity to monitor and manage the impact / trip generation on the local transport network.
- 6.4.3 The previous Section 73 (Minor Material Amendment) application to initially admit 180 pupils was deemed as acceptable as it was considered that the impact of allowing 90 additional students in the first year of operation could be appropriately managed. The current S73 application does not alter the total pupil capacity for the application site. This remains at 630. Since September 2018 there have been 630 pupils travelling to the various Olive School sites that utilise Hackney's transport network.

Transport Network and Accessibility of Site

- 6.4.4 The applicant has submitted a Transport Statement (TS) in support of the application which has been carefully reviewed. The Public Transport Accessibility Level (PTAL) in the area is rated as 6b. This is deemed excellent (on a scale of 1-6b, where 6b is the most accessible). It is within 600 metres walking distance of Hackney Central and Hackney Downs rail stations.
- 6.4.5 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. The site is located in close proximity to TfL's cycle route, Quietway 2, which runs parallel to the application site on Churchwell Path.

Trip Generation

- 6.4.6 The TS includes a detailed analysis of trip generation. A number of data sets have been submitted that outline the existing, projected and stated preference surveys for pupils and staff to the application site.
- 6.4.7 The existing trip data is based on a travel survey of the current intake of 180 pupils. The survey gathered 153 responses. Of these, the majority of trips were made by sustainable modes (a total of 60%). The number of trips via motor vehicles is relatively high at 36% which equates to 57 one-way trips. It is noted that the majority of vehicular trips include pupils who attend other Olive School sites or more than one pupil who attend the Upper Clapton Road

site.

- 6.4.8 In relation to projected trips to the application site, this data combines the current existing trip survey results, the stated preference of travel for those pupils that would transfer from the New City College (NCC) site and the impact of the school only operating at a single site.
- 6.4.9 Based on the current application being approved, the majority of trips are predicted to be made by sustainable means (71% of trips made via walking, cycling or public transport). The predicted modal share for motor vehicle trips is relatively high. Of the 630 pupils, in 2021, 29% of pupils are projected to travel to school via motor vehicle which equates to 182 one-way trips.
- 6.4.10 The TS outlines that over time the pupil catchment will become more concentrated around the application site. By 2026 all pupils are predicted to live within 2km of the site. This is predicted to lead to year on year increases in trips via sustainable modes and year on year decreases trips made via motor vehicle.
- 6.4.11 Officers remain concerned about the short to medium term impacts on the transport network and the potential impact that this may have on local residents. There are some concerns that a number of assumptions and adjustments that have been made to the trip generation data and mode share evaluations may underestimate private vehicle use. The impact of the Covid-19 pandemic on transport behaviour may also be a factor that negatively impacts sustainable transport uptake - especially in relation to public transport use which could lead to a greater reversion to private vehicle use and dependency.
- 6.4.12 However, officers' opinion is that, subject to certain additional measures of mitigation, the impact of the removal of the restriction relating to the incremental increase in pupil numbers could be acceptably managed. The measures proposed by officers and agreed by the applicant are set out below.

Impact and Mitigation Measures

- 6.4.13 The originally consented scheme included a number of conditioned mitigations which included a Toucan Crossing, School Travel Plan (STP), Operational Management Plan and Traffic Management Plan. The current S73 application proposes funding for a number of measures to offset the predicted increase in vehicular trips to the site. These are outlined in the following sections: -

School Streets - St John's Church Road

- 6.4.14 A School Street¹ is currently in operation on St John's Church Road. The road is closed to vehicle traffic during set hours of operation. The scheme is

¹ <https://hackney.gov.uk/school-streets>

effective from 7.45am-8.45am and 2.30pm – 3.30pm Monday to Friday.

6.4.15 Owing to the predicted rise in vehicular trips to the application site, £40,000 funding to upgrade the School Street on St John's Church Road has been agreed with the applicant as part of the current application. It is recommended that this be secured by legal agreement. The process to upgrade the School Street will provide 2 automatic number plate recognition (ANPR) cameras for use on St John's Church Road.

6.4.16 ANPR technology is viewed as the most robust way to enforce the School Streets. The ANPR cameras will operate during the School Street operational hours. Fixed Penalty Notices (FPN) will be issued to contravening vehicles.

School Streets - Additional Sites

6.4.17 Owing to the predicted increase in vehicular traffic to the application site, funding to expand the Olive School Street zone has been agreed with the applicant. This will help to create healthier street environments in the vicinity of the application site. This is intended to encourage walking and cycling and reduce motor vehicle trips. The funding will provide 3 additional streets for the Olive School application site. ANPR technology will be implemented in the three streets to ensure that enforcement is robust.

6.4.18 As the TS outlines, the specific locations for the Olive School Street expansion are yet to be determined. Parking activity will be monitored and consultation will occur to ensure that suitable streets are identified. At present, Officers have identified Clapton Square, Sutton Place and Sutton Square as possible School Streets locations. These have also been suggested in some objections that have been raised to the application.

6.4.19 The next round of School Streets will be implemented in the 2021/2022 Academic Year. Consideration of the locations for the next round of school streets will have specific regard for those locations identified above or alternatives that may be considered necessary to mitigate the impact of the school at the subject site.

6.4.20 A contribution of £135,000 has been agreed to fund the above additional school streets and ANPR technology set out above. It is recommended that this be secured by legal agreement.

Enhanced Travel Plan Support

6.4.21 An updated School Travel Plan has been submitted as part of the current application. Owing to the predicted rise in vehicular traffic and the potential concerns around sustainable transport uptake, the school will be required to have a high level of engagement with the Council's travel plan and road safety officers.

6.4.21 £25,000 funding towards a Hackney STP Officer to provide more Travel Plan

support to the school has been agreed with the applicant and this will be secured by legal agreement. As the TS notes, the funding will ensure that the Council is able to dedicate more time to support the school with sustainable travel and safety campaigns whilst ensuring that the STP is monitored and reviewed regularly with expert support. The STP Officer would take part in the Travel Plan Working Group and be a key point of contact and liaison between Olive School and the Council.

Churchwell Path

6.4.22 Owing to the significant increases in trips to the application site, a further £25,000 funding towards local transport improvements and safety measures site have been agreed as part of the current application and this will be secured by legal agreement. These will be on or near the Churchwell Path area. The measures are intended to manage the safe movement of pedestrians and cyclists in close proximity to the school.

6.4.23 The specific measures are yet to be determined but are likely to include awareness campaigns and signage to alert users of Churchwell Path - especially cyclists - to the presence of school children.

Conclusion

6.4.24 Overall, the proposed change to the wording is considered acceptable in transport terms. The pre-application process has helped to clarify a number of issues in relation to the impact on the transport network. It is considered that the impacts identified by officers would be adequately mitigated through the measures/contributions set out above.

6.4.25 The proposed measures of mitigation are considered necessary and proportionate to address the impact of the proposed amended wording of Condition 30. However, many of the mitigation measures set out above will remain in place beyond the point where the school would have been at full capacity in the original scenario (2025/26). As such, the means of mitigating transport impacts at the school in the short, medium and long term have been significantly improved as a result of the proposal. This includes the enhanced enforcement capabilities provided by ANPR cameras, the expansion of the Olive School Street zone and safety improvements on or near to the Churchwell Path. Taken as a whole, these contributions (which amount to £225,000 in total) are viewed as a considerable benefit of the current proposals by the Council.

6.5 Amenity Issues

6.5.1 While the removal of the requirement for the school to admit pupils on an incremental basis until 2025/26 would increase the amenity impacts of the proposal in the short term, the overall capacity of the school would be unchanged. As such, the amenity impacts of a school of 630 pupils at the site, which were deemed by the inspector to be acceptable when the initial

application was granted on appeal, would be unchanged. Given that the condition which required the incremental increase of pupils was imposed to address transport concerns rather than amenity impacts, it is not considered that the short term changes in amenity impacts arising from the proposal would be reasonable grounds for refusal. The conditions which manage amenity impacts at the site will remain in place and are considered sufficient to acceptably mitigate this aspect of the proposal upon the local community.

6.6 Equalities Considerations

6.6.1 The Equality Act 2010 requires public authorities, when discharging their functions, to have due regard to the need to (a) eliminate unlawful discrimination, harassment and victimisation and other conduct; (b) advance equality of opportunity between people who share a protected characteristic and those who do not; and (c) Foster good relations between people who share a protected characteristic and persons who do not share it. The protected characteristics under the Act are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.6.2 Having regard to the duty set out in the Equality Act 2010, while the proposal relates to a Muslim Faith School (although pupils of other religions and none are accepted), given the nature of the proposed change to the condition, the proposal is not considered to raise any equality issues.

6.7 Other Planning Matters

6.7.1 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

That Full Planning Permission for application 2021/1579 be approved subject to the below conditions:

8.1.1 The development hereby permitted shall be carried out and completed in accordance with the approved plans and any subsequent approval of details.

8.1.2 At no time shall the school admit more than 630 pupils.

8.2 Recommendation B

8.2.1 That the above recommendations be subject to the applicant, the landowners and their mortgagees entering into a legal agreement in order to secure the following matters to the satisfaction to the satisfaction of Head of Planning and Director of Legal and Governance Services

Transport/Highways

- Upgrade of the School Street on St John's Church Road to include ANPR camera technology (c. £40,000 contribution to fund two cameras).
- Introduction of new School Streets, each with two new ANPR cameras. The location of new School Streets TBC but would provisionally cover Sutton Place, Clapton Square and / or Sutton Square (£135,000 contribution to fund three new School Streets).
- Dedicated assistance from LBH's Travel Plan Officer to allow more active engagement with pupils, parents and teachers at the School to promote travel plan initiatives and campaigns (£25,000 contribution).
- £25,000 contribution to fund wider awareness campaigns and interventions around the School. This package is being considered further with officers.

8.3 Recommendation C

8.3.1 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 and/or Heads of Terms of the legal agreement 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.	<p>Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website.</p> <p>Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies</p> <p>Other background papers referred to in this report are available for inspection upon request to the officer named in this section.</p>	<p>1 Hillman Street London E8 1DY</p>	<p>Barry Coughlan 1 Hillman Street London E8 1DY Tel: 02083567939</p>

	All documents that are material to the preparation of this report are referenced in the report.		
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