

18 March 2016

**New Regent's College, Nile Street**

in the London Borough of Hackney

planning application no. 2016/0300

**Strategic planning application stage 1 referral**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

**The proposal**

Demolition of existing buildings and the construction of a co-located development comprising a 250 pupil school, 175 residential dwellings, two flexible commercial units at ground floor and associated landscaping and public realm works. The proposed buildings range in height from 6 to 28-storeys.

**The applicant**

The applicant is **Hackney Council**, and the architect is **Avanti Architects**.

**Strategic issues**

The proposed **co-located school** and **housing** development is **strongly supported** in strategic planning terms.

Nevertheless, outstanding issues with respect to **education facilities; housing; sustainable development**; and, **transport** need to be addressed prior to the Mayor's decision making stage.

**Recommendation**

That Hackney Council be advised that whilst the scheme is generally acceptable in strategic planning terms, the application does not yet fully comply with the London Plan for the reasons set out in paragraph 60 of this report. The resolution of those issues could, nevertheless, lead to the application becoming compliant with the London Plan.

**Context**

1 On 9 February 2016 the Mayor of London received documents from Hackney Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 21 March 2016 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also make other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under the following categories of the Schedule to the Order 2008:

- 1A 1. “Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”; and,
- 1C 1.(c) “Development which comprises or includes the erection of a building... more than 30 metres high and... outside the City of London”.

3 Once Hackney Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or, allow the Council to determine it itself.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, as amended, has been taken into account in the consideration of this case.

5 The Mayor of London’s statement on this case will be made available on the GLA website [www.london.gov.uk](http://www.london.gov.uk).

## Site description

6 The New Regent’s College site is located two blocks north of City Road, close to the borough boundary with Islington, and at the transition between the mixed use City Fringe (to the south), and residential hinterland to the north. The site is bounded by Wenlock Barn Estate to the north, a footpath at Jasper Walk to the east, Nile Street to the south, and the rear of residential/commercial buildings at Underwood Street to the west. The single-storey school building at the site is currently unoccupied.

7 In terms of scale, the immediate context to the site is predominantly 4 to 6-storeys, however, the site exists within the context of emerging high rise development at City Road to the south, as well as a number of established post war residential towers at Wenlock Barn Estate to the north.

8 There are no Listed Buildings at the site, however, there are thirteen existing trees which are subject to an area Tree Preservation Order. The Underwood Street Conservation Area abuts the New Regents College site to the west and there are various other heritage assets in the wider vicinity, including The Regent’s Canal and Moorfields Conservation Areas (to the northwest and south respectively), and Listed Buildings to the northeast at 1-5 Shepherdess Walk and Church of the Most Holy Trinity with St. Mary (both Grade II).

9 The site is 190 metres north of the A501 City Road, which forms part of the Transport for London Road Network (TLRN). The site is well served by buses with a total of nine routes available within a 400 metre radius. Old Street Station, providing both National Rail and London Underground services is located approximately 400 metres to the south of the site. Overall the site registers a public transport accessibility level of six(a), on a scale of zero to six(b) – where six(b) denotes the most accessible locations in the capital.

## Details of the proposal

10 Demolition of existing buildings and the construction of a co-located development comprising a 250 pupil school (at ground and first floor), 175 residential dwellings (above the school), two flexible commercial units at ground floor and associated landscaping and public realm works. The proposed buildings range in height from 6 to 28-storeys.

11 Hackney Council has made this application in tandem with another school and residential co-location scheme on Tiger Way at Hackney Downs (application reference 2016/0307). This application is also referable to the Mayor (refer to GLA report D&P/3533). As discussed below, these schemes are linked financially, and share a viability assessment.

## Case history

12 On 5 December 2014 a pre-application meeting was held at City Hall to discuss an earlier iteration of this scheme (co-located school with 161 dwellings, up to a maximum of 23-storeys). The advice issued by GLA officers stated that the proposed residential-enabled school redevelopment is supported in strategic planning terms, and that the co-location of these uses within the overall design of scheme has been generally very well considered. The applicant was, nevertheless, advised to ensure that the future planning submission addressed a number of detailed matters with respect to educational facilities; housing; urban design; inclusive access; sustainable development; and, transport to ensure accordance with the London Plan.

13 On 9 October 2015 a follow up pre-application meeting was held at City Hall to discuss a revised design of the scheme (co-located school with 163 dwellings, up to a maximum of 27-storeys). The view expressed by GLA officers at the meeting was that the design had progressed well - with improvements to ground floor activation at Nile Street, and refinements to the elevational treatment. GLA officers also expressed the view that the additional height of the tower does not raise a strategic concern.

## Strategic planning issues and relevant policies and guidance

14 The relevant strategic issues and corresponding policies are as follows:

- |                           |   |
|---------------------------|---|
| • Educational facilities  | <i>London Plan; Social Infrastructure SPG;</i>  |
| • Housing                 | <i>London Plan; Housing SPG; Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG; Shaping Neighbourhoods: Character and Context SPG;</i>   |
| • Affordable housing      | <i>London Plan; Housing SPG; draft Interim Housing SPG; Housing Strategy;</i>   |
| • Density                 | <i>London Plan; Housing SPG;</i>  |
| • Urban design            | <i>London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG;</i>   |
| • Inclusive access        | <i>London Plan; Accessible London: achieving an inclusive environment SPG;</i>  |
| • Sustainable development | <i>London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy; Mayor's Ambient Noise Strategy;</i> |
| • Transport and parking   | <i>London Plan; the Mayor's Transport Strategy;</i>   |
| • Crossrail               | <i>London Plan; and, Mayoral Community Infrastructure Levy.</i>   |

15 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2010 Hackney Core Strategy; 2015 Development Management Local Plan; 2015 Hackney Policies Map; and, London Plan (Consolidated with Alterations since 2011).

16 The following are also relevant material considerations: National Planning Policy Framework, Technical Guide to the National Planning Policy Framework and National Planning Practice Guidance.

## **Principle of development**

17 The National Planning Policy Framework and Government Policy Statement on Planning for Schools Development emphasise that great importance should be attached to the delivery of a sufficient choice of school places to meet the needs of existing and new communities. London Plan Policy 3.18 (Education facilities), confirms that the Mayor strongly supports the provision of new schools in response to local need. This policy also makes clear that development proposals that co-locate schools with housing should be encouraged in order to maximise land use and reduce costs.

18 Based on the information submitted (and pre-application discussions with the Hackney Council Education Department) it is evident that there is a clear demand for the nature of educational provision proposed in this case. Furthermore, GLA officers understand that the proposals are backed by the Learning Trust (which runs Hackney Council's education service), and have the in principle support of the Local Planning Authority. Accordingly, in line with London Plan Policy 3.18 (which supports the provision of new educational facilities to meet demand, and also promotes the co-location of schools and housing), and Policy 3.3 (which seeks to increase housing supply in the capital), the principle of the proposed development is strongly supported in strategic planning terms.

## **Educational facilities**

19 The educational facility proposed in this case is a pupil referral unit. This would accommodate a wide range of educational cohorts (including both primary and secondary pupils). The facility would essentially address the needs of those that cannot be catered for in mainstream schools (both in the short or more extend term), including pupils with a range of emotional needs, as well as those with challenging behaviour. The school would provide self-contained accommodation for pupils over two-storeys, including a variety of teaching and learning spaces.

20 The intake capacity of the school is proposed to be up to 250 pupils. However, the actual pupil population of the facility is expected to vary throughout the academic year as pupils become ready for reintegration back into mainstream schools, and as new pupils are referred. It is understood that there are typically expected to be approximately 150 pupils on-site, and approximately 90 staff.

21 Whilst it is understood that a degree of public funding has been allocated for this institution, the submitted viability assessment makes clear that the residential component of the scheme is necessary to bridge an overall funding gap, and therefore to financially enable delivery of the school (refer also to the housing section below). Having regard to the recognised need for this school, and noting the policy context set out above, GLA officers strongly support the proposed provision of this facility in line with London Plan Policy 3.18.

22 With respect to the broader aims of Policy 3.18, the applicant is strongly encouraged to progress proposals for the multiple use of the school facilities for community and/or recreational use outside operational hours. GLA officers note that past practice in the Borough has shown that a community use plan (secured by way of planning condition/obligation) can act as a useful tool for identifying and securing parts of the institution that would be suitable for community access, and establishing a reasonable charging framework for the rental of such space.

23 Given that the Nile Street school site is currently unoccupied, GLA officers do not anticipate an impact on existing pupils during the construction stage. However, the Council should verify the point at which the school would become operational relative to completion of the development in its entirety. Where works would be ongoing after the school is operational, the Council should secure appropriate mitigation measures to ensure that a high quality learning environment would be maintained.

## Housing

24 The residential component of the scheme comprises 175 units (equivalent to 11% of Hackney's annual monitoring housing target). This proposed provision is strongly supported in accordance with London Plan Policy 3.3 (increasing housing supply). The proposed residential schedule is set out within the table below.

| Dwelling type | Private market sale | Proportion  |
|---------------|---------------------|-------------|
| Studio        | 5                   | 3%          |
| One-bedroom   | 72                  | 41%         |
| Two-bedroom   | 84                  | 48%         |
| Three-bedroom | 14                  | 8%          |
| <b>Total</b>  | <b>175</b>          | <b>100%</b> |

### Affordable housing and scheme viability

25 No on-site affordable housing is proposed as part of this scheme. As discussed in paragraph 11, the application has been submitted in tandem with another school and residential colocation scheme on Tiger Way at Hackney Downs. These schemes are linked financially, and share a viability assessment. In both cases, the role of the residential component of the proposed development is to financially enable delivery of new educational infrastructure.

26 Based on the submitted viability assessment it appears that this scheme (Nile Street) would generate a relatively healthy financial surplus. However, it is noted that the scheme at Tiger Way is considerably less viable, and currently shows a significant financial deficit. Accordingly the applicant proposes to rely on surplus from Nile Street to cross-subsidise the scheme at Tiger Way. Notwithstanding this arrangement, based on the viability case presented, it appears that there would still be a degree of overall surplus (supported by strong private sales values at Nile Street).

27 It is accepted that the proposed cross-subsidy of educational infrastructure presents a genuine constraint on the delivery of affordable housing in this case. However, as discussed with the applicant at pre-application stage, any financial surplus beyond that required to enable delivery of the school is subject to the requirements of London Plan affordable housing policy as normal.

28 Notwithstanding this requirement, it is understood that (in view of a significant shortfall in funding for Hackney's Building Schools for the Future (BSF) programme) the Council seeks to split any surplus partly for affordable housing, and partly as a financial contribution towards the BSF programme. Mindful of the Mayor's priorities for planning obligations (Policy 8.2), and having regard to the nature of this scheme (and its potential to contribute towards the wider objectives of the Hackney BSF programme in accordance with the aims of London Plan Policy 3.18), GLA officers are willing to accept such an approach in principle.

29 The applicant proposes to secure this arrangement by means of an overarching Unilateral Undertaking which would apply jointly to the Nile Street and Tiger Way applications, and would also capture any additional surplus accrued following the delivery of the schemes. Essentially therefore, the proposed affordable housing contribution would be made in the form of a payment in lieu of on-site affordable housing. It is understood that the payment would be pooled to support

the delivery of additional affordable housing units as part of Hackney's Estate Regeneration Programme, with a preference for the delivery of additional affordable housing on sites in close proximity to Nile Street and Tiger Way.

30 Having regard to the particular characteristics of this scheme (including the necessary provision of viable private market housing to enable the delivery of on-site educational infrastructure, and the proposed cross-subsidy arrangement between this scheme and that at Tiger Way) GLA officers are of the view that this is an exceptional case where affordable housing need not be provided on-site.

31 Notwithstanding this, in accordance with the principles of London Plan Policy 3.12 (and with the objective of establishing the maximum reasonable amount of affordable housing), GLA officers seek further discussion with Hackney Council on the proposed drafting of the Unilateral Undertaking – particularly, the balance of the proposed surplus split, and the nature of the envisaged overage/end point review mechanism.

#### Housing mix and residential standards

32 It is acknowledged that this is not a conventional residential scheme, and that a weighting towards one and two-bedroom units is proposed to maximise value in order to enable the delivery of educational infrastructure at this site and at Tiger Way. Accordingly, and notwithstanding the accepted absence of on-site affordable tenures, GLA officers are satisfied that the proposed housing schedule provides an acceptable mix of units for this location in response to London Plan Policy 3.8.

33 Based on the submitted plans it is noted that all dwellings would meet the minimum space standards established by London Plan Policy 3.5. Moreover, officers note that the scheme has been designed in accordance with the 'Lifetime Homes' criteria, and that 10% of the housing provision is intended to meet wheelchair accessible standards. This is supported, and the Council is advised to include planning conditions to secure Building Regulation standards M4(2) and M4(3) as per the recently adopted minor alterations to London Plan Policy 3.8.

#### Children's play space

34 Based on the residential mix above, and the methodology within the Mayor's Play and Informal Recreation SPG, the scheme would generate a play space requirement of 140 sq.m. The scheme proposes a 145 sq.m. provision of play space as part of a public realm provision at Jasper Walk. This would exceed the spatial requirements generated by the SPG, and noting also the presence of existing play facilities to the north of Jasper Walk, GLA officers are satisfied that the application accords with London Plan Policy 3.6.

#### Residential density

35 The planning statement confirms that the scheme would achieve a residential density of 869 habitable rooms per hectare, based on a net residential area calculation. This would fall comfortably within the range identified by Table 3.2 in support of London Plan Policy 3.4 (for a site of central characteristics and a public transport accessibility level of six). Having regard also to the urban design assessment set out below, GLA officers support the proposed residential density in accordance with London Plan policies 3.3 and 3.4.

### **Urban design**

36 In accordance with the principles of London Plan Policy 3.18, this scheme seeks to significantly intensify this vacant educational site through the co-location of a new school and

enabling residential development. In summary GLA officers are of the view that the proposed approach responds well to the opportunities and constraints presented by this site and its context, and allows for the combination of these uses in a way which is capable of providing a high quality environment for both learning and living. A strategic urban design assessment is set out below.

### Layout

37 The proposed perimeter block building layout works well to define the internal playground space for the school, as well as the surrounding public realm. The proposal to draw back from the site boundary in order to open up Jasper Walk is supported in particular, and would significantly enhance the nature of this northern pedestrian route from City Road to the Wenlock Barn Estate. A generously proportioned residential lobby (running along two thirds of the Jasper Walk frontage) as well as a ground floor commercial unit at the Jasper Walk/Nile Street corner will help to ensure that this route is well activated in accordance with the principles of London Plan Policy 7.3.

38 The proposed introduction of a strong built frontage along Nile Street is also supported, and would bring an improved sense of definition to this part of the street. GLA officers also welcome the optimisation of this frontage in terms of the provision of active frontage, in response to advice at pre-application stage.

### Scale, massing and response to context

39 The proposal includes a 28-storey residential tower at the northeast corner of the site. It is acknowledged that the site falls within an area broadly identified by the Hackney Core Strategy as a Tall Building Opportunity Area. Noting this, and having had regard to the character and context of the site (discussed in the site description above), GLA officers are satisfied that a tall building is acceptable in this location - subject to the highest standards of design as prescribed by London Plan Policy 7.7.

40 The scale and massing strategy is based around the provision of a two-storey school perimeter block, topped on the south and eastern sides by residential blocks rising from six to 28-storeys above ground. The overall strategy is well considered, and would deliver a sensitive response at the interface with the Underwood Street Conservation Area to the west, whilst providing improved definition to Nile Street (to the south) and optimising development potential towards the northeast of the site (at Jasper Walk). As was noted at pre-application stage, careful consideration has been given to the positioning of the proposed residential tower. Its proposed alignment on a north-south axis along Jasper Walk would provide a strong visual link in northerly views between the site and the emerging high-rise cluster of development along City Road. Moreover, the efficient footprint and staggered articulation of the tower allows for the creation of an elegant building form which has the potential to support local way-finding. The positioning of the tower at the northeast corner of the site also helps to minimise overshadowing of the school courtyard and residential units along the Nile Street edge of the scheme.

41 The visual impact assessment demonstrates that the scheme would be visible in various townscape views (including from positions within the Regent's Canal, Underwood, and Moorfields conservation areas). However, having considered the proposed views (as well as cumulative scenarios including other large scale development), and mindful of the statutory duty under Section 66 of the 1990 Planning (Listed Buildings and Conservation Areas) Act, GLA officers are of the view that the proposal would provide an appropriate response in townscape terms, and would not cause harm to the character and setting of the designated heritage assets assessed. Accordingly, having regard to the consideration above and the commentary on

architectural quality below, GLA officers are satisfied that the application accords with London Plan policies 7.7 and 7.8.

#### Educational institute design

42 As discussed in paragraph 19 above, this is a specialised educational facility. As such, the Department of Education's Building Bulletin 103 (area guidelines for mainstream schools) is not readily applicable in this case. Accordingly, GLA officers have applied a qualitative approach to the assessment of design quality for the proposed pupil referral unit. Further to discussions at pre-application stage, GLA officers understand that the nature of the school (and its associated educational cohorts) necessitates a number of specific security requirements. Mindful of this, and the need to provide separation between cohorts, officers are of the view that the layout of the school is generally very well considered. A multiple entrance strategy would allow pupil arrivals and departures to be carefully managed, and the provision of an entrance garden area helps to provide a calm atmosphere before entry into the building. The proposed central courtyard playground provides a focal point at the heart of the school and would also be successful in terms of achieving high levels of passive surveillance from staff areas and classrooms. Other outdoor spaces include a multi-use games area and two hard-surface play areas which (along with the courtyard) would meet BRE guidance on sunlight and over-shadowing, and to which access may be carefully controlled. More generally it is noted that the layout of classrooms and circulation corridors is efficient, and that opportunities for light penetration into internal spaces have been maximised through generous glazing and rooflights. Overall GLA officers support the proposed design of the facility, which would provide a robust and high quality learning environment.

#### Residential quality

43 Based on the submitted material (and further to the discussion of housing standards in the housing section above) the proposed residential quality of the scheme is of a high standard. The proposed residential design responds well to the quality benchmarks within the Mayor's Housing SPG, and in particular, the high proportion of dual aspect units, avoidance of single aspect north facing units, and optimised unit to core ratios are supported. Moreover, the proposal to facilitate natural illumination and ventilation of communal circulation spaces is welcomed.

#### Architectural quality

44 Based on the material submitted GLA officers are of the view that the proposals demonstrate a high quality of materials and architectural detailing in line with London Plan Policy 7.6. GLA officers welcome the simple and robust architectural appearance, which comprises dark grey masonry framing for the school and Nile Street block, and lighter grey aluminium cladding system for the tower. The proposed inclusion of a vertical articulation for the 28-storey component, to emphasise slenderness, is also supported. Overall GLA officers are of the view that the massing elements and their proposed facing materials would contribute towards a unified and high quality mixed use building.

### **Inclusive access**

45 The applicant has set out its response to access and inclusion within the design and access statement. GLA officers are of the view that the approach to inclusive design generally responds well to the requirements of London Plan Policy 7.2. With respect to the residential component of the scheme, the Council is advised to include planning conditions to secure Building Regulation standards M4(2) and M4(3) as discussed in paragraph 33.



46 The school element has been designed to provide a fully accessible environment which is compliant with Approved Document M of the Building Regulations and the Equalities Act 2010. Notwithstanding the need to maintain a separation between educational cohorts, the rational layout (arranged around a central courtyard space), would allow for straightforward navigation for users and visitors to the facility. An accessible lift is also provided close to the visitor entrance, providing access from the ground floor to upper levels of the school, and the basement parking area. Therefore, the proposed provision of Blue Badge parking is considered acceptable in this case.

47 Eighteen Blue Badge parking spaces are proposed within the basement of the scheme (sixteen for wheelchair homes, and two for the school). This provision would fall marginally short of a 1:1 provision of spaces relative to the proposed 10% provision of wheelchair adaptable homes. However, GLA officers are satisfied that the opportunities for on-site disabled parking provision have been maximised, and an optimised balance of provision has been struck between the uses proposed.

## **Sustainable development**

### Energy strategy

48 For the purposes of assessing applications against the carbon dioxide savings target within London Plan Policy 5.2, the Mayor now applies a 35% reduction target beyond Part L 2013 of Building Regulations. In accordance with the principles of Policy 5.2 the applicant has submitted an energy statement for the scheme, setting out how the development proposes to reduce carbon dioxide emissions. In summary the proposed strategy comprises: energy efficiency measures (comprising a range of passive design features and demand reduction measures); a site-wide network driven by gas fired CHP; and, renewable technologies (roof mounted photovoltaic panels). Based on the strategy proposed the scheme would achieve the 35% carbon dioxide saving target. This is supported in principle, however, GLA officers are seeking a number of detailed clarifications from the applicant team (with respect to district networking opportunities in particular). Officers will provide an update at the Mayor's decision making stage, following the conclusion of these discussions.

### Climate change adaptation

49 The scheme offers a number of important opportunities for urban greening and biodiversity enhancements as part of the proposed landscaping strategy. These including new planting in the public realm (particularly along Jasper Walk) and proposals for various green roof areas. These elements would help to support the proposed sustainable urban drainage strategy, which it is understood would include other surface water drainage measures as well as below ground attenuation tanks. This provision is supported and the detailed approval of these measures should be secured by way of planning condition in accordance with London Plan policies 5.10, 5.11 and 5.13. The Council is also encouraged to include a planning condition to secure water efficiency (105l/p/d plus 5l/p/d for external use) in line with the relevant Building Regulations Approved Document.

50 Notwithstanding the provision of various new areas of green infrastructure on-site (and the retention of existing good quality mature trees wherever possible), it is proposed to remove nine existing trees (of moderate or low quality) in order to facilitate the redevelopment. As discussed in paragraph 8, these trees are subject to an area Tree Preservation Order. The applicant proposes to mitigate this loss through the on-site replacement planting of eight semi-mature landmark/specimen trees, and numerous small-scale feature trees (including twelve along Jasper Walk). Having regard to the quality of the existing trees, and the nature of the proposed re-provision, GLA officers are satisfied that the application accords with London Plan Policy 7.21.

## **Transport**

### Transport impact

51 TfL is satisfied that trip generation has been assessed using comparable survey data and appropriate post code information. However, TfL has requested further analysis on the potential impact on bus services arising from the school. Depending on the outcome of this analysis, contributions may be sought to mitigate impacts on the bus network in accordance with London Plan Policy 6.3.

### Car and cycle parking

52 Eighteen Blue Badge parking spaces are proposed to be provided in the basement of the scheme (accessed via a car lift). Two of the spaces will be allocated to school staff use, whilst the remainder will serve the residential component of the development. Otherwise the scheme is car free. TfL is satisfied that this quantum of car parking is reasonable, and expects occupiers of the development to be exempt from receiving local on-street parking permits. In line with London Plan Policy 6.13, provision for active and passive electric vehicle charging points will also need to be secured by way of planning condition.

53 The applicant proposed to provide 297 cycle parking spaces for all uses across the scheme. TfL has requested further information on the location and quality of these spaces before it concludes its assessment of provision against London Plan Policy 6.9.

### Walking

54 It is noted that a submitted review of the pedestrian environment has identified a number of issues with links and crossings around the site. In accordance with London Plan Policy 6.10 TfL recommends that contributions to deliver the necessary improvements are included as part of an appropriate planning agreement (it is noted that a Section 106 agreement may not be possible in this case, given that Hackney Council is the applicant).

### Travel planning

55 The applicant has provided draft travel plans for the residential and school uses. This is supported, and in accordance with London Plan Policy 6.3 travel plans for each use (and all agreed measures therein) should be secured, enforced, monitored and reviewed by way of a planning agreement. A delivery and servicing plan and a construction logistics plan should also be secured by planning condition.

### Mayoral community infrastructure levy

56 In accordance with London Plan Policy 8.3, the Mayoral community infrastructure levy (CIL) came into effect on 1 April 2012. All new development that creates 100 sq.m. or more additional floor space is liable to pay the Mayoral CIL. The levy is charged at £35 per sq.m. of additional floor space in the London Borough of Hackney. Education uses are, nevertheless, nil rated.

## **Local planning authority's position**

57 Whilst there are still various planning issues to resolve, it is understood that this scheme has the in principle support of the Local Planning Authority. Hackney Council is expected to formally consider the application at a planning committee meeting in June 2016.

## Legal considerations

58 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

## Financial considerations

59 There are no financial considerations at this stage.

## Conclusion

60 London Plan policies on education facilities, housing, urban design, inclusive access, sustainable development and transport are relevant to this application. Whilst the scheme is generally acceptable in strategic planning terms, the application does not yet fully comply with the London Plan for the reasons set out below. The resolution of these issues could, nevertheless, lead to the application becoming compliant with the London Plan.

- **Principle of development:** The principle of the proposed co-located school and housing development is strongly supported in line with London Plan policies 3.3 and 3.18.
- **Education facilities:** The proposed provision of this educational facility is strongly supported in line with London Plan Policy 3.18. The Council is, nevertheless, encouraged to secure a strategy for community use of the school facilities.
- **Housing:** The proposed housing units are strongly supported in line with London Plan Policy 3.3. It is, nevertheless, acknowledged that this is not a conventional residential scheme, and that in this case a private market housing offer (weighted towards one and two-bedroom units) is necessary in order to financially enable the delivery of educational infrastructure. Notwithstanding this, GLA officers seek further discussion on the balance of any surplus split; and, the nature of the proposed overage/end point review mechanism, in line with London Plan Policy 3.12.
- **Urban design:** The proposed design approach responds well to the opportunities and constraints presented by this site and its context, and allows for the combination of school and residential uses in a way which is capable of providing a high quality environment for both learning and living. Accordingly, the application complies with London Plan policies 7.1, 7.3, 7.6, 7.7 and 7.8.
- **Inclusive access:** The response to access and inclusion is broadly supported in line with London Plan Policy 7.2.

- **Sustainable development:** The proposed energy strategy and climate change adaptation measures are broadly supported in strategic planning terms. Following the conclusion of discussions on the energy strategy, the Council is encouraged to secure associated energy and adaptation details by way of planning condition in accordance with London Plan policies 5.2, 5.10, 5.11, 5.13, 7.19 and 7.21.
- **Transport:** Whilst the proposal is broadly acceptable in strategic transport terms, matters with respect to transport impact; car and cycle parking; walking; and, travel planning should be addressed to ensure accordance with London Plan policies 6.3, 6.9, 6.10, 6.13 and 6.14.

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