LONDON BOROUGH OF WALTHAM FOREST

<table>
<thead>
<tr>
<th>Committee/Date:</th>
<th>Planning – 4th June 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application reference:</td>
<td>183911</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Department for Education</td>
</tr>
<tr>
<td>Location:</td>
<td>38 Clifton Avenue, Walthamstow, London, E17 6HL</td>
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<tr>
<td>Proposed development:</td>
<td>Construction of part-three, part-two building for an academy accommodating 400 pupils (ages 16-19) and a theatre, in addition to hard and soft landscaping, recreational areas, car parking, cycle parking and a detached café onto Clifton Avenue; following the demolition of existing buildings and removal of temporary porta-cabins.</td>
</tr>
<tr>
<td>Wards affected:</td>
<td>William Morris</td>
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</table>
| Appendices:           | 1. Internal Areas Breakdown  
                        | 2. Sunlight and Daylight Assessment Summary |

1 RECOMMENDATION

1.1 Recommendation to GRANT planning permission under reference 183911 subject to conditions, informatives and completion of Section 106 Agreement with the following Heads of Terms:

Employment and Training Strategy:

- Notify the Council of all job vacancies for the construction or fit-out of the Development during the Construction Phase and encourage or procure encouragement of applications from Local Residents through liaison with Built Environment Construction Innovation Centre (BECIC), the borough’s job brokerage service, Steps Into Work and local employment and training providers.

- To engage in Council-led community engagement events, which relate to construction, in support of efforts to meet local labour, apprenticeship and work placement targets e.g. Meet the buyer events, Job Fairs and recruitment days.

- **Local Labour**
  - Procure that 20% of all jobs available for the construction or fit-out of the Development during the Construction Phase are offered to Local Residents.
- **Work Placements**
  - To provide a minimum of 1 Work Placement in the construction trade during the Construction Phase of the Development with such posts being first offered to Local Residents.
  - Provide a minimum of 3 placements as part of End Use, in the creative industries (or in-house) linked to the Council’s job brokerage service, Steps Into Work or (CLP) Business Growth, Investment and Employment Team’s Cultural Leadership Programme.

- **Local Suppliers**
  - Procure a minimum of 20% Local Suppliers during the Construction Phase of the Development

- Provide the Council with quarterly monitoring reports on performance towards the targets listed in paragraphs 1.1 to 1.6 of this Schedule 2 during the Construction Phase and an end of Development report or procure that its contractor or sub-contractors do so.

**Highways:**

- A financial contribution of £30,000 towards implementing an area-based scheme in the vicinity of the site which aims to upgrade walking, cycling and public transport connectivity. The scheme will include traffic calming measures and improvements to key junctions to provide a safer environment for pedestrians and cyclists enabling more staff and students to walk and cycle.

- A financial contribution of £3,000 towards monitoring of the Travel Plan to ensure that the development undertakes activities and meets the targets set out within the submitted Travel Plan. This is a fixed fee for the first 5 years of monitoring.

- Highway works are required upon completion of the development prior to first occupation of any part of the development. A Section 278 Agreement will be required. A Highway Plan must be submitted for approval and estimate. Works will be completed to the Council’s current standards. Works would include:
  - Removal of the existing crossover on the Tavistock Avenue frontage and amendments to the CPZ area to extend the parking bays including a Traffic Management Order subject to confirmation to whether this will be used for emergency access;
  - Removal of the existing crossover on the Clifton Avenue frontage opposite No. 9 and amendments to the CPZ area to extend the parking bays including a Traffic Management Order;
- Construction of a small dropped kerb on the Clifton Avenue frontage at the pedestrian entrance for bike access;
- Renewal of road markings on both frontages;
- Renewal of the footway on both frontages in Clifton Avenue and Tavistock Avenue, potentially including a change of material; and
- Review of the waiting and loading restrictions on Tavistock Avenue and Clifton Avenue subject to receiving swept paths using the permanent parking arrangements post-construction.

Works will be carried out by the Council and funded by the developer.

**Sustainability:**

The development would achieve at least a 35% reduction in carbon emissions over the 2013 Building Regulations. Any subsequent shortfall shall be compensated by payment to the Council's Carbon Offset Fund using the following calculations: CO2 emitted from the development (tonnes) per year minus CO2 target emissions (tonnes) per year x £1,800.

**Monitoring and Implementation:**

- Payment of 5% of the total amount of Section 106 contributions towards monitoring, implementation and compliance of the Section 106 Agreement.

**Legal Fees:**

- Payment of the Council’s legal fees for the preparation and completion of the Legal Agreement.

1.2 That authority to be given to the Head of Development Management and Building Control in consultation with the Council’s Legal Services for the sealing of the Section 106 Agreement and to agree any minor amendments to the conditions or the Legal Agreement on the terms set out above.

1.3 In the event that the Section 106 Agreement is not completed within 12 weeks from the date of this Planning Committee, the Head of Development Management and Building Control is hereby authorised to refuse the application. In the absence of this Section 106 Agreement, the proposed development would not be able to secure the provision of contributions towards: employment and training; transport

2 REASONS REFERRED TO COMMITTEE

2.1 Significant public interest.

3 SITE AND SURROUNDINGS

3.1 The application refers to a trapezium-shaped plot, with one broken side, wrapped around the periphery of an existing building fronting Clifton Avenue. The site has an approximate area of one hectare and extends across the block between Clifton Avenue to the south and Tavistock Avenue to the north. The site was occupied by Willowfield Secondary School until September 2015 and comprises the following:

- Two Victorian single-storey buildings, dating from 1901, grouped around a court onto Tavistock Avenue;
- A three-storey spine-block at the centre, dating from 1961 with links to all buildings; and
- Two temporary buildings to the southeast corner, a car park and hard play areas.

3.2 The west of the site borders properties Nos. 34-72 Blackhorse Lane; the east of the site borders properties No. 36 Clifton Avenue, Nos. 12-32 Pembar Avenue and No. 4 Tavistock Avenue. Clifton Avenue, to the south, has the main pedestrian and vehicular accesses. Tavistock Avenue, to the north, has the service vehicular access and the site has a line of existing trees to its south and eastern periphery.

3.3 Blackhorse Lane Area Action Plan (2015) (BHL AAP) identifies the site as BHL3. The BHL AAP (2015) states that the site is for an existing secondary school and surrounded by two-storey Victorian houses. The eastern and western boundaries of the site borders the rear gardens of properties facing onto Pembar Avenue and Blackhorse Lane, and the north and south face onto Tavistock Avenue and Clifton Avenue. The site has a PTAL rating of 3.

4 APPLICATION PROPOSAL

Big Creative Academy (BCA) Background

4.1 Big Creative Academy is currently operating from a temporary accommodation with approximately 250 students in attendance which currently operates from the retained building onsite and a remote site on Blackhorse Road. It caters to students between the ages of 16-19 who aim to pursue a career in music, media, film / TV, fashion and creative arts. The academy provides exceptional access to career opportunities in the creative industries; it focuses on wellbeing and enterprise through underpinning vocational and academic training. Students follow a programme of personal development and character
education, teaching values and social ethics underpinned by a focus on enterprise and freelance work practice with high profile employers from the creative sectors.

4.2 The current proposal would provide permanent teaching for up to 400 students and community facilities to allow the school to expand its curriculum and develop its ambitious plans for inspirational teaching.

Proposed Buildings

4.3 The proposed main building would sit behind the retained block with a minimum separation distance of almost 20 metres from Clifton Avenue. It would be a part-two- and part-three-storey tristar-shaped building; with an overall width of 67 metres and an overall depth of 35 metres. The two-storey element would be to the front of the south wing, on both sides of the theatre, with a height of 6.6 metres; the three-storey element would be across the rest of the building with a maximum height of 13.7 metres.

4.4 The proposal also includes a community café onto Clifton Avenue with an attached service area enclosure. This café would sit to the west of the retained building and east of the school’s main pedestrian entrance. It would have a frontage width of 7.2 metres, a depth of 9 metres, a hipped roof with eaves height of 2.3 metres and a maximum height of 5 metres. The attached enclosure would have a height of 2 metres.

4.5 Fig. 1: Proposed Site Plan

4.6 The proposal would accommodate 400 pupils with approximately 65 members of staff. The proposed building would be up to three storeys with a total surface area of 3,867 sqm. The building would be divided
into different zones determined by curriculum discipline as per the following:

- Music Zone;
- Performing Arts (which includes the theatre);
- Arts & Design, Media;
- Events;
- Core Skills;
- Enterprise; in addition to
- Reception and Social Area;
- Staff and administration areas;
- School's café and the external café;
- Storage, facilities and circulation areas.

A breakdown of these areas is attached as Appendix 1 of this report.

4.7 The ground floor would have the performing arts department towards the front of the building, which would contain the double-height and triple-height spaces. It would also accommodate administration offices, students’ dining and communal rooms, specialist teaching, and a gym with associate changing rooms and showers and plant rooms.

4.8 The first floor would incorporate the arts and fashion zones in addition to the conventional teaching spaces and classrooms; such as staffroom, fashion and core skills classrooms. The second floor would incorporate music and media zones. The upper floors would have an internal 'L-Shaped' layout to allow for the double- and triple-height of the ground floor spaces.

4.9 The proposal would also include a small substation to the east side and a bin store adjacent to the retained building. These two structures would sit behind the proposed delivery bays and car park respectively.

4.10 Clifton Avenue frontage would consist of the community café in front of the main building which would have a colourful façade made of rock-panel chameleon with a matt, non-reflective surface. This surface would softly scatter light and have a subtle change of colours from different viewing angles. The rest of the building would be rendered in grey or constructed in London stock brick.

Proposed Landscape

4.11 The scheme would involve a full landscape plan for the site around the proposed building. The landscape proposal would aim to highlight the heritage of the site by using the architecture line of the Victorian buildings following their demolition. It would be separated into four key areas:

- The entrance;
- Car park;
• Wellbeing zone; and
• Rear social and learning spaces.

4.12 The entrance area would sit towards the southwest corner of the site. It would act as an external reception, a gateway to the development and gathering area with a funnel-shape guiding students and visitors towards the school entrance. It would incorporate some outdoor seating for the school’s café. This entrance would use and widen the existing Clifton Avenue pedestrian entrance and would consist of porous hardstanding and different paving patterns. It would also incorporate a cycle store and uncovered cycle racks along the retained building and along the west boundary wall for students and visitors.

4.13 The car park area would sit in the southeast corner of the site, as existing, and would have Bitmac surfacing across. The car park would consist of 14 car parking spaces, including two disabled car parking spaces. This area would also accommodate staff cycle store, a delivery area, the main bin store and a temporary bin storage area for use on collection day. Gate posts would replace the existing piers, and the entrance would have a greater width than existing.

4.14 The Wellbeing zone would sit to the west of the proposed building. The rear social and learning spaces would be located to the north and east of the proposed building. These areas would include low-level hedging, at 1.2 meters, new trees of native species, grassed areas, a landscaped mound of wildflowers, kitchen / herb gardens and recreation / sports spaces.

4.15 Amendments were received during the course of the application. These amendments included the following:
• Community Café added to the edge of Clifton Avenue;
• Some windows and doors updated to include alterations to louvre sizes and positioning;
• Adding rain water pipes to elevation drawings;
• Parapets raised;
• Landscape planting details and extending the seating area to the north of the proposed building to the a more sunny part to the northeast side;
• Floor levels clarified on the elevation drawings;
• Signage added to the front of the school; and
• Canopy above entrance thickness increased.

5 RELEVANT SITE HISTORY

A. Planning

5.1 The site has extensive planning history with the most relevant and recent listed below:
182883  EIA Screening request for redevelopment of educational facility.  Not required  03/10/2018

171133  Construction of two storey temporary modular teaching block and retention of existing temporary modular teaching block for a period of 3 academic years.  Granted  22/05/2017

140537  Alterations to north elevation - Replacement of timber curtain walling with double glazed aluminium  Granted  02/05/2014

060316  Installation of security fencing to Tavistock Avenue and Blackhorse Lane boundaries  Granted  08/09/2006

B. Pre-Application

5.2 The current proposal involved two submissions for pre-application discussions under reference 180275. The last submitted plans were similar to the proposed building but lacked details of landscaping. Officers’ advice was supportive to the principle of the school subject to dealing with issues in relation to urban and landscape design and car parking spaces provision.

C. Enforcement

5.3 None.

D. Adjacent Sites

5.4 None.

6  PUBLIC CONSULTATIONS

6.1 The Council circulated 155 consultation letters to local residents on the 18th December 2018, as follows:

- Blackhorse Lane: 6, 16 and 18, 22 to 60 [even], 64 to 80 [even] and 92A;
- Tavistock Avenue: 1 to 47 [odd], 2, 4, and Flats 1 to 3 at No. 4
- Clifton Avenue: 1 to 38; and
- Pembar Avenue: 2 to 44 [even].

6.2 The application was published via a site notice on 17th December 2018. An advert was published in Waltham Forest News on 7th January 2019.
6.3 The application was published via a second site notice on 13th May 2019. An advert was published in Waltham Forest News on 13th May 2019 for re-consultation following amendments to the scheme.

6.4 The Council received a total of seven objection letters as a result of the public consultation. However only five of these letters had identified addresses.

6.5 The representations relating to the issues of concern raised are detailed in the table below, and are also matters which are addressed within the “Assessment” section of this report.

6.6 Objections Received

<table>
<thead>
<tr>
<th>Objection Received</th>
<th>Response</th>
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<tbody>
<tr>
<td><strong>Design</strong></td>
<td></td>
</tr>
<tr>
<td>The proposed buildings would appear out of character with the immediate area.</td>
<td>In terms of massing and architectural design, officers are of the view that the proposal adequately responds to the urban form of the street scene, identifying the existing built form of the surrounding area and positively responds to the wider character and is considered to be acceptable by officers.</td>
</tr>
<tr>
<td>Proposal does not contribute to the streetscape.</td>
<td>The proposed building would be set back from the edge of the street to allow for a gathering space outside the entrance and the car park edge already exists. Additionally, the amended plans added a café along Clifton Avenue frontage, and a wall along Tavistock Avenue frontage to improve the relationship with the streetscene.</td>
</tr>
<tr>
<td>Proposed massing is much lower when compared to massing in the area and renders the site wasteful.</td>
<td>The proposal is for an educational facility which is different to the residential character of the area; accordingly, comparing massing / site coverage would not be relevant. Additionally, Officers are satisfied that the proposal developed through client engagement with the BCA and the Department for Education.</td>
</tr>
<tr>
<td>Loss of existing historic building is not justified.</td>
<td>Whilst this is not ideal, there are no objections raised from the Council’s Conservation Officer against the loss of the Victorian Buildings. The recording of their architecture merits would be secured as a condition to any planning permission to ensure the</td>
</tr>
</tbody>
</table>
Removal of half the mature trees in connection with the café and new entrance will spoil the character of the street. Whilst this is not ideal, the proposed café would create a different street edge to the existing line of trees. Additionally, officers are satisfied that the overall benefit of the proposal would outweigh the loss of the trees.

### Layout

| The proposal results in a muddled layout. | Officers are satisfied that the proposal would cater for the specific uses of the proposed academy. |
| The proposed bin stores are highly visible from the street and should be screened. | The proposed location for the bins would be at a considerable distance from the street and the respective edge would have screen planting. |
| The retained building would lose any external servicing space that it may need. | The retained building is not part of the current application; additionally, it does not have an existing service area due to the fence separating it from the car park. |
| Empty areas on the plan are for future development. | Potential future development of the site is not a constraint to the current proposal. |
| Proposed café does not have a kitchen or a toilet making it inaccessible to residents in practice. | The latest amendments which include a detached community café include the provision of toilet facilities. |
| Proposed surface areas of landscape is more than that under the DFE guidance. | The BCA, have a special curriculum and is not a standard school, and exceeding the DFE guidance would be acceptable. Full assessment within Section 10C of this report. |

### Neighbour Amenity

<p>| Outdoor activities are not in internal courtyards giving rise to noise onto neighbouring properties. | A condition is recommended, as part of any planning permission that would permit activities within the outdoor area to be between 0800-1700 hrs Monday to Friday only, to mitigate any noise impact on neighbouring properties. |
| Impact on noise from the school and evening activities onto nearby residents. | Evening activities would predominantly be constrained to the theatre, which would be sound insulated and for the benefit of the local community. |</p>
<table>
<thead>
<tr>
<th>The proposed façade material would result in sun pollution to residents.</th>
<th>The proposed material would not be reflective and carefully chosen to avoid sun reflection onto neighbouring properties.</th>
</tr>
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<tbody>
<tr>
<td><strong>Highways and Parking</strong></td>
<td>The site falls within a controlled parking zone. The proposal would result in the reduction in the number of car parking spaces from 31 to 14, which in turn would reduce the amount of generated traffic compared to that existing and that of the previous Willowfield School.</td>
</tr>
<tr>
<td>Impact on traffic in the area.</td>
<td>Requesting a limit on delivery times and refuse collection for the site.</td>
</tr>
<tr>
<td>Requesting a clear image of the access management for the garage to limit disruption to residents and counter existing situation on site.</td>
<td>Highways Development agreed with the principles set within the submitted Delivery Service Plan.</td>
</tr>
<tr>
<td>Proposal does not deal with the existing overflowing refuse on site.</td>
<td>Officers are satisfied with the capacity for the proposed bin store.</td>
</tr>
<tr>
<td>Impact on highway safety as a result from a widened Clifton Avenue entrance.</td>
<td>The Council’s Highway Development Section agrees with the proposed changes to the entrance.</td>
</tr>
<tr>
<td><strong>Secured by Design</strong></td>
<td>The area is designed to allow students to disperse smoothly without blocking the street or the pavement. It would be inside the boundary line of the school fence and would be under natural surveillance from the street and the school.</td>
</tr>
<tr>
<td>Proposed pedestrian setback would potentially create anti-social behaviour spot.</td>
<td>Impact on the area from the evening activities with potential anti-social behaviour.</td>
</tr>
<tr>
<td><strong>Other Matters</strong></td>
<td>Elevations do not show</td>
</tr>
</tbody>
</table>
The maximum building height (excluding lift shafts) would be 13.4 metres for the proposed three-storey element.

Retained trees on proposed plans are either not existing or would have to be moved to widen vehicular access.

The Council’s Tree and Nature Conservation Officer are satisfied with the submitted Arboricultural Assessment that addresses tree matters.

6.7 Amended elevations were sent following a resident objection to an error within the scale bar represented on the drawings. Consequently the Council re-consulted local residents on 14th January 2019 as listed under paragraph 6.1 of this report.

6.8 Further amended drawings were received following discussions with officers. The Council re-consulted local residents again on 13th May 2019 as listed under paragraph 6.1 of this report. These amendments included adding a Community Café to the edge of Clifton Avenue, some windows and doors updated to include alterations to louvre sizes and positioning as well as other minor matters.

7 OTHER CONSULTATIONS

7.1 External and Statutory Consultees

<table>
<thead>
<tr>
<th>Consultees</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department for Education</td>
<td>No response received, however DfE representatives attended pre-application meetings and the last meeting on 24th April 2019 with planning officers where they showed support to the proposal.</td>
</tr>
<tr>
<td>Historic England (The Greater London Archaeological Advisory Service)</td>
<td>Although not currently within an Archaeological Priority Zone (APZ), the size of the application site and its location close to the Lea Valley APZ merits its consideration for archaeological impact from redevelopment. The site occupies the gravel terrace overlooking the Lea, a location which in the past has often produced significant archaeology in the borough. The possible site of a Roman building is recorded on the Greater London Historic Environment Record as being around 100 metres south of the application site. Both Forest Road and Blackhorse Road are of at least mediaeval date and their junction just to the south west of the site may have been a focus for settlement. The submitted</td>
</tr>
</tbody>
</table>
Written Scheme of Investigation (WSI) Stage 1 was acceptable and a condition requiring WSI Stage 2 would be required.

The school buildings are of local heritage significance and recommended that the views of the borough Conservation Officer be sought on the principle of their loss. If consented, a record of the structures would be appropriate, pre-demolition.

| Designing Out Crime Officer | Requested to work with the developers to reach Secured by Design accreditation. |
| Thames Water                | No objection to the proposal and requested adding informative to the planning permission. |

7.2 LBWF Consultees

<table>
<thead>
<tr>
<th>Consultees</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation Officer (Historic Buildings)</td>
<td>No objection to the demolition of the existing Victorian Buildings, however, requested Level 1 recording (basic visual recording) for their merits as they represent an example of architect H Prosser work. Full assessment with section 10B of this report.</td>
</tr>
<tr>
<td>Families and Homes Directorate (Education)</td>
<td>No objection to the proposed development however raised a number of comments in relation to internal circulation and room proportions subject to approval of the school’s management. Full assessment within section 10A of this report.</td>
</tr>
<tr>
<td>Employment and Training</td>
<td>Encouraging the development and the Section 106 obligations listed within paragraph 1.1 of this report.</td>
</tr>
<tr>
<td>Environmental Health - Air Quality</td>
<td>No objections and agree with the submitted details. Full assessment within Section 10E of this report.</td>
</tr>
<tr>
<td>Environmental Health – Contaminated Land</td>
<td>The response advised that elevated ground gas, asbestos and elevated contaminants have been determined onsite. Accordingly request adding a mitigation condition to the decision notice.</td>
</tr>
<tr>
<td>Environmental Health -</td>
<td>No objections and recommended conditions to be added to the decision</td>
</tr>
</tbody>
</table>

Noise notice in the case of approval.

Highways Development
No objection to the proposal. Further assessment within Section 10 D of this report.

Waste and Recycling Team
No objection and satisfied with the proposed store size and management plan for the waste collection.

Transport Policy
No objection to the number of car parking spaces and cycle parking. Further assessment within Section 10 D of this report.

Tree Preservation and Nature Conservation Officer
No objections to the Arboricultural Assessment and the ecological assessment and their recommendations. Further assessment within Section 10F of this report.

Urban Design
Raised queries on some of the design aspects which were responded to by the applicant. Further assessment within Section 10B of this report.

8 DEVELOPMENT PLAN


8.1 The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as at the heart of the framework.

8.2 For decision-taking the NPPF (2019) states that the presumption means "approving development proposals that accord with an up-to-date development plan without delay" and where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless “…any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

8.3 The NPPF (2019) gives a centrality to design policies. Local Planning Authorities (LPAs) are to make sure that the quality of approved developments does not materially diminish ‘between permission and completion, as a result of changes being made to the permitted schemes’.

8.4 The specific policy areas of the NPPF (2019) considered to be most relevant to the assessment of this application are as follows:

- Building a strong, competitive economy
• Promoting healthy and safe communities
• Promoting sustainable transport
• Making effective use of land
• Achieve well-designed places

The London Plan (2016)

8.5 The London Plan (2016) is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years.

8.6 The policies relevant to this application are:
• 1.1 Delivering the strategic vision and objectives for London
• 3.18 Education facilities
• 4.1 Developing London’s economy
• 4.6 Support for and enhancement of arts, culture, sport and entertainment
• 5.2 Minimising carbon dioxide emissions
• 5.3 Sustainable design and construction
• 5.5 Decentralised energy networks
• 5.6 Decentralised energy in development proposals
• 5.7 Renewable energy
• 5.10 Urban greening
• 5.11 Green roofs and development site environs
• 5.12 Flood risk management
• 5.21 Contaminated land
• 6.9 Cycling
• 6.10 Walking
• 6.13 Parking
• 7.2 An inclusive environment
• 7.3 Designing out crime
• 7.4 Local character
• 7.5 Public realm
• 7.6 Architecture
• 7.8 Heritage assets and archaeology
• 7.14 Improving air quality
• 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
8.2 Planning obligations

The Draft London Plan (2018)

8.7 The Draft London Plan (2018) showing Minor Suggested Changes was published in August 2018. However, until this document is formally adopted, it does not carry as much weight as the adopted London Plan (2016) in terms of assessing the current application. It should also be noted the general principles further reinforce the provisions of the London Plan (2016), and the changes proposed are considered to raise only minor policy considerations pertinent to the assessment of the proposal under consideration.

8.8 The relevant policies within the Draft London Plan (2018) showing minor suggested changes are:

- D1 London’s form and characteristics
- D2 Delivering good design
- D3 Inclusive design
- D7 Public realm
- D10 Safety, Security and resilience to emergency
- D11 Fire Safety
- S3 Education and childcare facilities
- HC1 Heritage conservation and growth
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- DF1 Delivery of the Plan and Planning Obligations

Waltham Forest Local Plan Core Strategy (2012)

8.9 The Waltham Forest Local Plan Core Strategy (2012) (WFLP CS (2012)) was adopted on 1st March 2012.

8.10 The Core Strategy contains 16 policies designed to deliver the Council’s vision for the physical, economic, environmental and social development of the Borough. These policies will be used to direct and manage development and regeneration activity up to 2026.

8.11 The policies considered relevant to this application are as follows:

- CS1: Location and Management Growth
- CS3: Providing Infrastructure
- CS6: Promoting Sustainable Waste Management and Recycling
- CS7: Developing Sustainable Transport
- CS9: Promoting Better Education
- CS10: Creating More Jobs and Reducing Worklessness
CS15: Well Designed Buildings, Places and Spaces
CS16: Making Waltham Forest Safer

Waltham Forest Local Plan Development Management Policies (2013)

8.12 The Waltham Forest Local Plan Development Management Policies (2013) (WFLP DM (2013)) was adopted in November 2013. This sets out the borough-wide policies that implement the Core Strategy and delivering the long term spatial vision and strategic place shaping objectives. There is an emphasis on collaboration and a positive proactive approach to reaching a balance agreement that solves problems rather than a compromise that fails to meet objectives. The following policies are relevant in this case:

- DM1 - Sustainable Development and Mixed Use Development
- DM10 - Resource Efficiency and High Environmental Standards
- DM11 - Decentralised and Renewable Energy
- DM14 - Sustainable Transport Network
- DM16 - Parking
- DM17 - Social and Physical Infrastructure
- DM21 - Improving Job Access and Training
- DM28 - Heritage Assets
- DM29 - Design Principles, Standards and Local Distinctiveness
- DM30 - Inclusive Design and the Built Environment
- DM32 - Managing Impact of Development on Occupiers and Neighbours
- DM34 - Water

9 MATERIAL PLANNING CONSIDERATIONS

Other policies

- Waltham Forest Design Charter for Schools (2018)
- Waltham Forest Local Plan Planning Obligations Supplementary Planning Document (2017)

Local Finance Considerations

9.1 Local Finance Considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council
has received or will or could receive in terms of Community Infrastructure Levy (CIL).

i) There are grants (DfE), which have been or will or could be received from central government in relation to this development.

ii) The Council has not received and does not expect to receive any income from LBWF CIL in relation to this development.

iii) The Council has not received and does not expect to receive any income from Mayoral CIL2 in relation to this development.

10 ASSESSMENT

10.1 The main issues for consideration, in relation to the proposed development are as follows:

A. Principle of Development and Land Use
B. Urban Design
C. Quality of Proposed Education Facility
D. Neighbour Amenity
E. Highways, Servicing and Transport Impact
F. Environmental Protection and Sustainable Design
G. Trees and Local Biodiversity
H. Planning Obligations

A. Principle of Development and Land Use

10.2 Policy 3.18 of the London Plan (2016) supports the provision of education facilities to meet the demands of growing and changing population and to enable greater educational choice, including through the expansion of existing facilities and schools.

10.3 Policy CS3 of the WFLP CS (2012) will seek to ensure appropriate infrastructure is provided to cater for the needs of existing and future populations, by promoting the enhancement of existing social infrastructure and, except where justified by other Core Strategy policies, resisting its unsubstituted loss where population growth and change requires its provision. Educational provision is a key element of social infrastructure and the Council aims to provide a high standard of education and training for everyone.

10.4 Policy CS9 of the WFLP CS (2012) deals specifically with the provision of education facilities in the Borough and seeks for the provision of different types of educational facilities and the expansion of existing facilities in order to maximise the potential of sites and promote high quality educational facilities within the Borough.

10.5 Policy DM17(B) of the WFLP DM Policies (2013) states that the Council will seek development schemes that result in any unmet additional need for social infrastructure to contribute towards
supporting upgrading or enhancing existing facilities or providing for new facilities. Policy DM17(C) refers to education facilities where new developments must be fit for purpose and acceptable in terms of appropriate space standards, located in proximity to playing fields that can be used and sited to maximise the shared community use of premises and its associated facilities.

10.6 The site is already in educational use (Use Class D1) and the proposal would maintain this use on the site. As stated above the site is identified within the Blackhorse Lane Area Action Plan, as ‘BHL3-Willowfield School’, which states that the site should retain its educational character. The proposed use would be a specialist institution for students from 16 to 19. Additionally, the theatre would be available for community use outside of school hours, providing a community facility in accordance with the goals of Policy DM17.

10.7 Waltham Forest has culture growth at the heart of its agenda as the London Borough of Culture in 2019. The current proposal would reflect the creative heritage of the borough; it would strengthen the emerging Creative Enterprise Zone promoted by the Council at Blackhorse Lane and would support the Think Work Strategy in the borough which has a sector focus on the creative industries.

10.8 In summary, the proposal for a new school on-site is acceptable in principle and would not raise concerns in terms of land use in accordance with Policy 3.18 of the London Plan (2016), Policies CS3 and CS9 of the WFLP Core Strategy (2012) and Policy DM17 of the WFLP Development Management Policies (2013).

B. Urban Design

10.9 The following issues are considered in relation to design of the development:

i) Loss of Designated / Undesignated Heritage Assets;

ii) Proposed Design and Layout;

iii) Bulk and Massing; and

iv) Detailing and Materials.

i) Loss of Designated / Undesignated Heritage Assets

10.10 Policy DM28 of the WFLP DM Policies (2013) states that development proposals which may affect the significance of heritage assets in Waltham Forest (both designated and undesignated) or their setting should demonstrate how these assets will be protected, conserved and where appropriate enhanced. A Heritage Statement required under paragraph 128 of the NPPF (2019) should accompany all applications that affect heritage assets. In considering proposals, the Council will have regard to the following: Conservation Areas and Statutorily Listed Buildings.

10.11 The site includes two parallel, almost identical two-storey buildings along Tavistock Avenue which were built circa 1901. These buildings
were designed by the architect H Prosser who headed up the Walthamstow School Board during that period and was responsible for several school buildings in the borough; all of which shared a common architectural language of stock brick with stone detailing, pitched slate roofs, gables, turrets, and lanterns, and with quite spacious external areas. The school buildings still retain some architectural interest; notably the lanterns at roof level and some of the brick and stone detailing, for instance, the curly gable door surround on the right-hand block.

The applicant submitted a Heritage Statement where it discussed the retention of existing Victorian buildings and incorporating them into the final design proposals was not economically viable. These buildings are in poor condition; their refurbishment and renovation would not be feasible due to the presence of asbestos, dampness of structural walls, rotten roof timbers, outdated lighting and systems, which would require complete replacement. Additionally, the existing buildings would not fully comply with the Department for Education (DfE) specification requirements for new schools and any refurbishments would not extend the life of the educational asset to the same degree as a new building. As a nod to the site's heritage, as per paragraph 10.22 of this report, the proposed landscaping would define the location and form of the buildings through raised sett-stones and seating areas that trace the outlines of the buildings.

In addition to the above, these buildings are neither statutory nor locally listed and not within a conservation area. The Council’s Conservation Officer stated there would be limited interest to locally list the building or ability to make a strong case for their retention. The applicant is requested to carry out a level-1 recording, basic visual record, of the building in order to preserve some of Prosser’s work for posterity.

Considering the above, although there would be significant harm to an undesignated heritage asset, the principle of the loss of the existing Victorian building would be acceptable and would not fall within the parameters of Policy DM28.

**Proposed Design and Layout:**

Policy CS15 of the WFLP CS (2012) states that new development proposals will be expected to respond positively to the local context and character, improve the way places function and promote distinctiveness and sense of place. Policy DM29 of the WFLP DM Policies (2013) states that the Council will expect a high standard of urban and architectural design for all new development. It expects proposals to provide a coherent layout and block structure with active street frontages onto the public realm, and to have a clear distinction between public and private space.

The proposed building would comprise a central core and two winged sections encapsulating the entrance of the academy. The proposal would provide all rooms with openable windows for a natural ventilation assisted strategy, except for where internal acoustic requirements take priority. The design of the windows would break up the mass of the
building with a sense of vertical rhythm with a contemporary appearance. The modern design of the proposed building in addition to the landscaped outdoor areas would provide a bright, and an updated bespoke facility with better spaces for pupils, staff and members of the local community.

10.17 Officers raised concerns in relation to the placement of the building, its relation to the streetscene and the big gap to the north of the site. The applicant explained that the building setback from Clifton Avenue edge would allow a space required for students and visitors gathering within the parameters of the site. The gap by the northern boundary would include landscape features, and its space would allow for future extensions. The location of the proposed building towards the southern part of the site followed the logical conclusion to retain the car park and the existing vehicular and pedestrian accesses. The applicant added that creating a street edge is not typical within school developments and that the proposal would form a better relationship with the street than the existing buildings on site.

10.18 Notwithstanding the previous comments from the applicant, plans amending the proposal to add a community cafe along Clifton Avenue edge have been submitted. This cafe would continue the built form and fill the gap between the existing and proposed buildings which would form a continuous edge leading to the big entrance of the school's main building.

10.19 Considering the above, the proposed design would reflect a well-thought through approach for the proposal which would fit its educational and community purposes and would improve the current site’s relationship with the area in accordance with Policies CS15 and DM29.

iii) Bulk and Massing

10.20 Policy DM29 of the WFLP DM Policies (2013) expects proposals to respond to their context in terms of scale, height and massing. The massing of the proposal would reinforce the function of the internal spaces; the three storeys bulk would reinforce the entrance foyer and the theatre. This three-storey element would sit in the middle of two-storey dance and drama studios. This transition in height would ease the visual transformation between the theatre and three-storeys linear massing of the L-shaped block.

10.21 The site falls within an area predominantly consisting of two-storey pitched-roof dwellings. The proposal at two and three storeys with a flat roof would integrate with its context, and would not significantly exceed the existing on-site building's height. The proposal would include part-two- and part-three-storey elements with diverse materials along its elevations and would sit behind the retained building; all of which would visually break up and reduce the mass and bulk of the building which may arise from its overall width seen from Clifton Avenue.

10.22 Considering the above, the bulk and massing of the proposed building would fit with the character of the area and would be acceptable as per Policy DM29.
iv) Detailing and Materials

10.23 Policy DM29 of the WFLP DM Policies (2013) expects proposals to be visually attractive and to include high quality materials which are attractive and durable. The materials proposed are a mixture of contemporary, bright, fashionable and traditional, which would reflect the forward-thinking use of the site whilst recognising the character of the area.

10.24 The use of London stock brick with the render would be sympathetic with the site context. The brickwork would generally cover the stair cores and the wings, providing contrast with the render areas of the elevation. The feature cladding onto the theatre frontage would have an interchangeable colour profile; the colour would gradually change through the spectrum of the panel depending on the amount of light and its angle. This cladding material, Chameleon Rockpanel, would have a matt finish with minimal light reflection onto the road and neighbouring properties; its location and limited coverage would identify the theatre without resulting in an overpowering appearance to the building.

10.25 Considering the above, the proposed detailing and stated materials would enhance the design of the building which would positively impact the character of the area and reflect the innovative character of the school as per Policy DM29. The decision notice would include a condition for materials samples to ensure the quality of the building.

10.26 In summary, the proposed development, given the height, scale, bulk, design, layout and materials, would be acceptable within the existing urban form in the vicinity and the wider locality in accordance with WFLP CS (2012) and Policy DM29 of the WFLP DM (2013).

C. Quality of Proposed Education Facility

10.27 The following issues are considered in relation to design of the development:

i) Internal Areas;

ii) Accessibility; and

iii) External Areas and Landscape;

i) Internal Areas:

10.28 Policy CS15 of the WFLP CS (2012) states that new development proposal will be expected to ensure the highest quality architecture and urban design, both in terms of providing attractive and functional development. Policy DM32 of WFLP DM Policies (2013) states that the Council will expect a high standard of urban and architectural design for all new development.

10.29 The Department for Education - Schools Areas Guidelines (Mainstream) sets out simple, non-statutory area guidelines for mainstream school buildings (part A) and sites (part B) for all age ranges from 3 to 19. This document recognises that in line with policies
which seek to increase choice and opportunity in state-funded education, these guidelines will not necessarily have to be met in every case and should always be applied flexibly in light of the particular circumstances. 'Applying the Principles' section of that document describes 'less common situations' which includes 'Unusual curriculum requirements'; this relates to schools such as university technical colleges and studio schools, which may require very different spaces so the guidelines for basic teaching, halls, teaching storage and site area may not be as applicable.

10.30 The BCA education provides unusual curriculum requirements. Accordingly, comparing the proposed internal and external areas with the Department for Education ‘non-statutory’ guidelines would not be particularly relevant to the assessment of this proposal. On the basis that the proposal would be purpose-built according to the requirements of the BCA, it is considered that the proposal would be acceptable and fit for its teaching purposes.

10.31 The consultation from the Council’s Families and Homes Directorate noted that the dance and drama studios were not following typical space standards proportions. The applicant explained that the Dance Studio’s longitudinal length would offer a longer mirror length which would give the teacher a better view of all students in the studio. Additionally, the proposed Drama Studio’s proportion would mimic the theatre’s proportion and its location in the single-storey wing would ensure a 4.5 metres clear-height without disturbing the building’s internal heights. The proportions of this space evolved through client engagement meeting process and in full agreement with the school.

10.32 The curriculum taught by the BCA is specialist and so the spaces within the proposals are bespoke to BCA needs such as media studios, make-up classes, music recording, mixing and control rooms, all centred around a fully functioning theatre to bring all courses together at the heart of the school. The theatre would be available for the community to use outside of school times which would provide a wider gain from the proposal along with the community cafe.

10.33 The application included a Sunlight and Daylight Assessment for the proposed internal spaces. This assessment followed the criteria set out in the ESFA (Education and Skills Funding Agency) Output Specification Technical Annex 2E: Daylight and Electric Lighting. It divided the proposed spaces into three Area Data Sheets (ADS) codes. ADS codes are the Department for Education spread-sheets which identify the requirements for each space, including area, services, environmental performance, and Fitting Furniture & Equipment. The submitted assessment concluded the following outcome for each code:

<table>
<thead>
<tr>
<th>ADS Code</th>
<th>Spaces Below Compliance Levels</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>L1 for Basic Teaching areas (excluding drama studios); and Performing arts class, Core skills office, Editing suite, IT office and store</td>
<td>A total of 84% of rooms achieve the Daylight Autonomy (sDA) and Useful Daylight Illuminance (UDI)</td>
<td></td>
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</tbody>
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administration offices and Radio studio compliance criteria, exceeding the ESFA threshold of 80%.

| L2 for Halls, dining and PE spaces; and libraries | Theatre hall, Dance studio and a Common room | A total of 40% of rooms achieve the UDI compliance criteria and therefore, not achieving the ESFA target of 75%. However, Should the Hall be omitted from the group on the basis of a specific requirement to omit/control natural light, this would further increase the proportion of compliant rooms from 60% to 75% |
| LE3 for Group rooms and study areas; staff areas | Two music rehearsal suites and a POD room | A total of 81% of rooms achieve the UDI compliance criteria and therefore, exceeding the ESFA target threshold of 60%.

10.34 Considering the above, the proposal would achieve the central Government criteria. Particularly as the non-compliant rooms would have a specific nature; where the BCA operational requirements would have them at light levels lower than other typical classrooms.

10.35 The orientation of the building would help mitigate the overheating of teaching spaces facing south and would allow a large proportion of teaching spaces to receive north light with reduced glare. Additionally, the retained building would provide shading to the south-facing first-floor teaching spaces, and there are no south-facing second-floor teaching spaces.

10.36 As such, the proposal would provide quality internal areas, suitable to their function and with sufficient internal sunlight and daylight in accordance with Policies CS15 and DM32.

ii) Accessibility:

10.37 Policy CS15 of the WFLP CS (2012) states that new development proposal will be expected to incorporate high quality and inclusive design measures to create an attractive, safe, healthy, accessible and sustainable environment throughout the borough. Policy DM30 of the WFLP DM Policies (2013) states that the Council will seek to ensure that inclusive design principles are applied at the very outset of any development. It further states ‘New development... to which the public have access should where practical and reasonable, be designed so that everyone, including disabled people, can conveniently reach, enter and use any buildings or use any open air facilities’.

10.38 The proposal would be fully accessible with lift access to all floors from the centre of the building. The proposed three staircases would have a
disabled refuge and call points on all levels for use during evacuation events. All doorways would have a clear opening width for disabled access; external doors from the dining area onto the external social space would have level thresholds allowing ease of access and independent use for anyone with a disability. The ground floor would have an accessible shower and a hygiene room. Additionally, each floor would have an accessible toilet with alternated handing from floor-to-floor to enable provision for facilities for people with sided disabilities.

10.39 The scheme would be compliant with all Building Regulations Approved Document (M) (2) and BS 8300; as well as the educational brief from the Department for Education and Regulations BB93 within the Approved Document (E) for schools. Inclusiveness is a key focus of BCA ethics and integral to the building’s design. Communal spaces and wayfinding attributes would serve all users; the scheme would provide for physical, visual, touch sensitivities, cognitive and hearing disabilities. It would include step-free access, colour contrast to surfaces like ironmongery, doors, walls, floors and stair nosing. The reception and theatre areas would have permanent hearing loops, and the building would have a portable system for hearing-impaired users. Additionally, the proposal would minimise the use of artificial lighting and maximise natural light to ensure all users, including those with cognitive disabilities, would experience a comfortable environment.

10.40 Accordingly, the proposed design would provide convenient reach, access and use within the building in accordance with Policy DM30.

### iii) External Areas and Landscape:

10.41 Policy DM32 of WFLP DM Policies (2013) states that the Council will expect a high standard of urban and architectural design for all new development and that proposal should incorporate high quality landscaping and tree planting where appropriate.

10.42 The performing arts department would be the heart of the school. It would project towards the site entrance, creating a feature and focal point to emphasise the mass of the theatre, and the general creative spaces. The theatre is easily accessible, which works well for community use, and the layout would allow the school to create a secure and flexible lockdown strategy when required. Additionally, the proposed school cafe to the front of the building would add to the hub of activity and the inviting entrance behind the community café, which brings more life to the street edge.

10.43 The proposed landscape plan would provide a number of external spaces which would form an extension to many of the internal teaching spaces. The proposed areas identified a mix of social and educational purposes; in addition to separate areas for wellbeing and meditation, and workshop space for the performing arts department where outdoor filming can take place.

10.44 The proposal would provide quality soft and hard landscaping. Its features would:
• Highlight the heritage of the site and the existing Victorian buildings using stone sets, raised blockwork and seating along with their footprint and outline;

• Improve the biodiversity onsite through the contrast between areas of amenity grass, ornamental shrub planting and wild flora. This contrast would create a wide diversity of vibrant coloured and textured plants, providing ecological benefits and wildlife habitats;

• Provide shelter and noise reduction through the screening trees around the site, which would be native or naturalised species of high wildlife interest; and

• The low-level shrubbery around the boundary at 1.2 metres would allow active surveillance and informal interaction with the street.

Accordingly, the proposed landscape plan would result in an optimum use for the site, provide quality soft and hard landscaping which would increase the biodiversity value of the site, providing shelter and appropriate screening to establish visual and amenity boundary with neighbouring properties and the streetscene.

In summary, the quality of the proposed design would be acceptable in terms of internal areas, accessibility, landscape and external areas in accordance with Policy CS15 of the WFLP Core Strategy (2012), Policies DM29 and DM30 of the WFLP Development Management Policies (2013).

D. Neighbour Amenity

Policy 7.6 of the London Plan (2016) states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.

Policy DM32 of the WFLP DM Policies (2013) aims to manage the impact of new development on neighbouring amenity and states that new developments should ensure that daylight and sunlight, outlook and privacy are maintained for existing occupants in their homes and gardens.

The site extends across the full block of Clifton Avenue, the west of the site borders properties Nos. 34-72 Blackhorse Lane; the east of the site borders properties No. 36 Clifton Avenue, Nos. 12-32 Pembar Avenue and No. 4 Tavistock Avenue. The following issues are considered in relation to neighbouring impact:

i) Overlooking and Impact on Privacy;

ii) Outlook and Overbearing Impact;

iii) Impact on Sunlight and Daylight; and

iv) Noise and Disturbance.
i) Overlooking and Impact on Privacy

10.50 Properties Nos. 12-32 Pembar Avenue and 4 Tavistock Avenue: The proposed building would sit at a minimum distance of 55 metres from these properties. This distance would be sufficient to diffuse any overlooking resulting from the windows proposed within the east elevation. Particularly as the proposal would retain the existing line of trees along the eastern boundary.

10.51 Properties Nos. 34-72 Blackhorse Lane: The proposed building would sit at a minimum distance of approximately 26 metres from these properties. The proposal would also have a high number of upper-floor windows overlooking the rear of these neighbouring properties. However, considering the nature of these rooms as media, editing and staff rooms, a condition is recommended as part of any planning permission to restrict the opening of these windows which would allow for ventilation and natural light whilst protecting the privacy of these neighbouring properties. Furthermore, this elevation would sit along with the proposed well-being and meditation zone, which would have a high number of grouped trees; naturally restricting overlooking onto neighbouring properties.

10.52 Accordingly, the proposal would not be considered to result in undue overlooking and impact on the privacy of neighbouring properties in accordance with Policy 7.6 and Policy DM32.

ii) Outlook and Overbearing Impact

10.53 As stated above, the proposed three-storey building would sit at distances of 55 metres and 26 metres from the east and west neighbouring properties respectively. This distance would be sufficient to mitigate any impact on the outlook of neighbouring properties or with the overbearing impact of the proposed building. Particularly as the proposal would demolish the existing three-storey building which extends across most of the width of the site. As such, the proposal would not result in significant overbearing to neighbouring properties as per Policy DM32.

iii) Impact on Sunlight and Daylight

10.54 The proposed building at three-storey height would have a minimum separation distance of 27 metres from the rear of the nearest neighbouring properties on Blackhorse Lane. This distance would be sufficient to protect the horizontal 45° sightlines and the vertical 25° lines for these neighbouring properties and subsequently the neighbouring terrace onto Blackhorse Lane.

10.55 The application included a Sunlight and Daylight Assessment for the impact of the proposed building onto neighbouring properties. This study assessed the Vertical Sky Component (VSC) and the Probable Sunlight Hours (PSH) for the rear windows of neighbouring properties along Blackhorse Lane. The BRE Guide states that if the VSC is less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The
submitted Assessment concluded that the VSC values would potentially reduce for some properties with the development in place, but the new calculated values would be greater than 27% and not less than 0.8 times their former values and so the reduction in daylight should not be noticed.

10.56 The results of the PSH calculations, for the same neighbouring properties, concluded that all receptors would meet the guidelines for sunlight hours with the development in place. The calculations show that some properties will have a negligible reduction in probable sunlight hours. This summary would be in Appendix 2 of this report.

10.57 In conclusion, the daylight, sunlight and overshadowing assessment showed that the proposed development would have a minimal effect on existing sensitive receptors in the neighbouring area. It showed that although properties would experience some loss of daylight and sunlight availability, the impact of the new development would be negligible and all identified receptors would maintain the guidelines for daylight and sunlight as set out in the BRE Guidance. Accordingly, the proposal would be acceptable and accords with Policy 7.6 and Policy DM32.

**iv) Noise and Disturbance**

10.58 Officers note that the nature of the academy as a creative educational facility may translate to more music and subsequently more levels of noise. However, this concern would be unquantifiable when compared to music and drama classes within the previous Willowfield Secondary school and not justified considering that the school already operates from the existing building on site.

10.59 The scheme undertook an Environmental Noise Survey of the site for background and ambient noise levels within the current school. This Survey informed the use of different glazing and background ventilation strategies within the proposed building.

10.60 The Survey showed that the measured noise levels resulted mainly from road traffic noise and existing school facilities. Existing ambient noise levels are such that typical building constructions would be sufficient to mitigate and any noise outbreaks from the proposed school uses would be consistent with background and ambient noise levels after implementing appropriate sound insulation mitigation. The purposefully-built scheme would mitigate noise pollution between the school’s spaces and to the neighbouring properties.

10.61 Furthermore, the Council’s Environmental Health officers agreed with the submitted Environmental Noise Survey findings and noted that any noise in the outdoor areas would be normal school noise during typical use hours, 08.00-17.00 hrs Monday to Friday, and would not be considered a nuisance. Particularly as the site was previously a secondary school with an outdoor play area; the nature of the noise from the use of the outdoor space would not change significantly to that existing.
In summary, the proposal is located centrally in the site, the proposed design is for a three storey building which would sit comfortably within the scale of the local buildings and without creating direct overlooking into private gardens or impacting their sunlight and daylight. The potential for impact on residential amenity arising from noise and outdoor areas can be controlled via a suitably worded condition. As such, the proposal would accord Policy 7.6 of the London Plan (2016), and Policy DM17 of the WFLP DM Policies (2013).

E. Highways, Servicing and Transport Impact

The following issues are considered in relation to highways and transport impact:

i) Sustainable Transport, Access and Vehicular Servicing;

ii) Highway Works and Improvements;

iii) Vehicle and Cycle Parking; and

iv) Refuse and Recycling.

i) Sustainable Transport, Access and Vehicular Servicing

Policy 6.1 of the London Plan (2016) encourages development which reduces the need to travel and supports development at locations with high public transport accessibility. The Mayor’s overall strategic vision is to encourage development to reduce car-borne travel. Transport for London (TfL) has an accreditation scheme for London schools and nurseries called STARS, which stands for Sustainable Travel: Active, Responsible, Safe. This scheme inspires young Londoners to travel to school sustainably, actively, responsibly and safely by championing walking, scooting and cycling, and supports pupils' wellbeing, helps to reduce congestion at the school gates and improve road safety and air quality.

Policy DM14 of the WFLP DM Policies (2013) states that the Council will actively encourage sustainable travel. Major developments should be developed and contribute to a well-connected network of streets that optimises permeability and legibility. Developments should not have a harmful impact on the walking and cycling environment.

The submitted Transport Assessment showed that the net impact of the proposed development would be positive, which means that the proposed uses would generate substantially lower trips for the majority of the day, compared to the previous secondary school.

The submitted Travel Plan included achievable targets; 97% of travel by sustainable modes walk/cycle/public transport, which would be an increase from their existing 92%. This target would be in line with a general increase in sustainable modes of travel the Council is aiming to achieve. The school would promote transport information through welcome packs and to existing staff and students via notice boards.

The proposed monitoring method would be acceptable as the development would aim to reach a ‘Gold’ STARS accreditation within
three years and will provide annual monitoring reports to LBWF to ensure all targets would be on track. Surveying will be completed on years one, three & five of the monitoring period. Section 106 Agreement would include a fee to allow the Council monitor the development and ensure it would meet the targets set out within the agreed Travel Plan.

10.69 The proposed pedestrian access would be similar to that existing and would lead to the plaza area proposed on the northern side of Clifton Avenue. It would be at a grade to facilitate mobility for pushchairs and wheelchair users.

10.70 The main vehicular access, serving the car park, deliveries and emergency vehicles would be in a similar location to the existing eastern car park access from Clifton Avenue. The proposal would remove the existing vehicular access to the western corner of the site along Clifton Avenue which would result in a gain of almost 13 metres to on-street parking bays. This would be stipulated through a separate Section 278 Agreement with Highways.

10.71 The proposal would also retain the existing access from Tavistock Avenue for maintenance purposes only and would be used on an occasional basis. Considering all above, the proposal would provide sustainable transport and a permeable, legible development in accordance with Policy 6.1 and Policy DM14.

ii) Highway Works and Improvements

10.72 Policy DM13 of the WFLP DM Policies (2013) states that the Council will ensure that development is properly integrated with the transport network by requiring development proposals to submit Construction Logistics Plans, Delivery and Servicing Plans and the uptake of the Freight Operators Recognition Scheme where appropriate in accordance with the London Freight Plan and coordinated with travel plans.

10.73 The proposal would include works to widen the vehicular access to accommodate large vehicles including delivery trucks, coaches and fire engines. These works would be required upon completion of the development, prior to occupation and would come under a Section 278 Agreement with the Council’s Highway Development Department. This Agreement would include a highway plan for approval to ensure the works would match the Council’s current standards. Works should include:

- Removal of the existing crossover on the Tavistock Avenue frontage and amendments to the CPZ area to extend the parking bays including a traffic management order, subject to confirmation to whether this should be retained for emergency access;
- Removal of the existing crossover on Clifton Avenue frontage opposite No. 9 and amendments to the CPZ area to extend the parking bays including a traffic management order;
• Construction of a small dropped kerb on the Clifton Avenue frontage at the pedestrian entrance for bike access;
• Renewal of road markings on both Clifton Avenue and Tavistock Avenue;
• Renewal of the footway on both Clifton Avenue and Tavistock Avenue, potentially including a change of material; and
• Review of the waiting and loading restrictions in Tavistock Avenue and Clifton Avenue subject to receiving swept paths using the permanent parking arrangements post construction.

10.74 In addition to the above, the Section 106 Agreement would include a Head of Term for a financial contribution of £30,000 towards implementing an area-based scheme to upgrade walking, cycling and public transport connectivity. As such, the proposal would be property integrated within the transport network in accordance with Policy DM13.

iii) Vehicle and Cycle Parking

10.75 Policy CS7 of the WFLP CS (2012) states that the Council will promote sustainable travel by managing parking requirements effectively across the Borough to minimise the negative impacts of traffic and reducing reliance on car for journeys by requiring car, motorcycle and cycle parking facilities. Policy DM16 of the WFLP DM Policies (2013) states that the Council will seek to effectively manage parking and to ensure the provision of safe and attractive parking facilities by requiring development proposals to provide for well designed, high quality parking facilities in accordance with the Council’s maximum car parking and minimum cycle parking standards as set out in Appendix 4; as a general guide, the Council will encourage lower car parking provision than the stated maximum standards.

10.76 The proposal would reduce the existing car parking spaces from 31 to 14 spaces (including two disabled parking bays). The proposed parking standards would provide nine spaces for staff plus four spaces for the retained building, and an additional disabled car parking space to offset the theatre use. The proposed vehicle parking would be managed via a booking system, would be shared between the school and theatre as they would be in use at different times of the day. The proposed parking provision would not cater to the students and would include active and passive electric vehicle charging points as illustrated on the approved drawings secured under Condition 2. As such, the proposal would accord with the necessary standards for staff and visitors according to LBWF Policy DM16 for educational and theatre uses.

10.77 The proposed academy would cater for 400 students; however, it would have a maximum of 200 students onsite at any one time. The development would have a total of 94 cycle parking spaces; which would accord with Policy DM16’s cycle parking standards for a higher education facility for 400 students. The proposed cycle parking would be close to the entrance, behind the community cafe, and divided into
short term open racks and long-term sheltered lockable stores for the use of students, staff and visitors.

10.78 The theatre's cycle parking would overlap with the school's proposed parking; particularly as the theatre would only be open for the community use out of school hours and the theatre use would only require approximately ten cycle racks. As such, the proposal would provide adequate vehicle and cycle parking spaces in accordance with Policy DM16.

iv) Refuse and Recycling

10.79 Policy DM32 of the WFLP DM Policies (2013) states that in managing the impact of new development on neighbouring amenity, new developments should ensure the provision of facilities for the storage, collection and disposal of refuse.

10.80 The proposed bin store would sit to the north of the proposed car parking and the east of the proposed building. This store would cater to the regular use of the school's staff. However, collection vehicles would not be able to enter and turn within the site. Accordingly, the refuse management plan, within the Delivery & Servicing Plan, would propose moving bins from the store to the temporary bins storage area, which would sit by the proposed vehicular entrance.

10.81 This collection strategy would be similar to the arrangement with the existing school. The Council’s Waste and Recycling team did not raise an objection to the size of the store or the proposed collection strategy. Accordingly, the proposal would be acceptable and in accordance with Policy DM32.

10.82 In summary, the proposal would provide sustainable travel, reduce the journeys made to the site when compared with existing, would provide improvements to existing highways and would have appropriate servicing to the development and appropriate levels of vehicle and cycle parking. As such, the proposal would accord with Policies 6.1 of the London Plan (2016), Policy CS7 of the WFLP CS (2012) and Policies DM13, DM14, DM16 and DM32 of the WFLP DM (2013).

F. Environmental Protection and Sustainable Design

10.83 The following issues are considered in relation to environmental and sustainable design:

i) Contaminated Land;

ii) Air Quality;

iii) Sustainability; and

iv) Water Efficiency.

i) Contaminated Land

10.84 Policy CS13 of the WFLP CS (2012) requires all new developments to meet appropriate environmental standards that address the risks
arising from contaminated land and hazardous substance. Policy DM24 of the WFLP DM Policies (2013) states that when considering applications for development on sites which are potentially contaminated, the Council will need to be satisfied that the development can safely be constructed and used.

10.85 The application included a Contaminated Land Report which included a Site Contamination Risk Assessment and a review of gas emissions. The Site Risk Assessment works comprised four boreholes sunk by light cable percussion method, each to a depth of 20.45 metres below ground level and five trenches across the site. This Assessment concluded that contamination risks to construction workers, neighbouring site users, groundwater and surface water were all low/moderate or negligible level.

10.86 The Council’s Contaminated Land officer agreed with the methods and results of the report. A condition is recommended as part of any planning permission to ensure site remediation would be in accordance with the details given in the Remediation Method Statement and to involve the LPA in case of any unforeseen contamination found during construction works. As such, the proposal would be acceptable and in line with Policy CS13 of the WFLP CS (2012) and Policy DM24 of the WFLP DM (2013).

ii) Air Quality

10.87 Policy CS13 of the WFLP CS (2012) requires all new development to meet appropriate environmental standards that minimise air pollution. Policy DM24 of the WFLP DM Policies (2013) states that new developments should neither contribute to, nor suffer from unacceptable levels of air pollution, measured having regard to DEFRA’s Local Air Quality Management Technical Guidance LAQMTG (09) and London Council’s Air Quality and Planning Guidance or successor documents. On major applications, this should be demonstrated through an Air Quality Assessment and, if necessary, proposed mitigation measures. The proposal included an internal and an external air quality assessment for the development.

10.88 The internal Air Quality Assessment prescribed the adopted steps within the design, construction, commissioning and handover of the new school to ensure that the indoor air quality would be acceptable.

10.89 The external report concluded that the road traffic impact on air quality would be insignificant. Explaining that the impact of local traffic on the air quality for local residents was acceptable, at the worst-case locations assessed, with concentrations being well below the air quality objectives. The Assessment also concluded that the proposed development would be air quality neutral with regards to buildings and transport emissions. Additionally, dust arising from construction would be for a short term and included measures to overcome its impact on local neighbours.

10.90 The Council’s Air Quality Officer reviewed the submitted information and agreed with its conclusions. The decision notice would include a condition to ensure the development would incorporate the proposed
mitigation measures. As such, the proposal would be acceptable and in line with Policy CS13 of the WFLP CS (2012) and Policy DM24 of the WFLP DM (2013).

iii) **Sustainability**

10.91 Policy 5.2 of the London Plan (2016) sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013. Policy CS4 of the WFLP CS (2012) states that the Council will tackle climate change locally and promote resource efficiency and high environmental development standards during design, construction, and occupation of new developments by reduction of carbon emission. Policy DM10 of the WFLP DM Policies (2013) requires developments greater than 100 square metres to be designed with regards to sustainable development principles and to achieve the Council’s stepped targets towards zero carbon by 2016 for residential development and by 2019 for non-residential developments.

10.92 Policy 5.3 of the London Plan (2016) states that development proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process. Policy DM24 of the WFLP DM Policies (2013) require non-residential development greater than 100 sqm to achieve BREEAM ‘very good’ or equivalent standards and encouraging major non-residential developments to achieve BREEAM ‘excellent’ or equivalent”.

10.93 Policy 5.6 of the London Plan (2016) states that major development proposals should select energy systems in accordance with the following hierarchy: 1) Connection to existing heating or cooling networks; 2) Site wide CHP network; or 3) Communal heating and cooling. Policy DM11 of the WFLP DM Policies (2013) require major developments located in the proximity of an existing, or a committed future decentralised energy network to assess opportunities for, and to implement links into, these decentralised energy networks except when an efficient connection would not be feasible.

10.94 The submitted Energy Statement outlined the estimated energy and emissions performance of the new building along with the incorporated features into the building’s design and systems to minimise energy demand, energy consumption and resultant carbon dioxide emissions. The proposed development adopted an energy strategy which would target energy demand reduction and on-site energy generation through ensuring a lower requirement for space heating, heat recovery ventilation systems, efficient gas boilers, LED lighting & a solar photovoltaic array.

10.95 The proposed development would achieve a 35.2% annual CO2 saving against the baseline. The proposal would meet ‘BREEAM’ Very Good in accordance with Policy DM10 for non-residential uses which would be acceptable and in line with London Policies and LBWF Policy DM10. It is recommended that conditions are imposed to any planning
permission to ensure the scheme would adopt the strategies within their Energy Statement.

10.96 The proposed development sits in the immediate vicinity of the planned Upper Lee Valley heat network. The Energy Statement identified the proposal as a potential anchor heat load site and would have features for connecting to this future network. However, the Energy Statement identified the site-wide CHP (carbon heating plant) as unfeasible for the development as the heat demand for the school is less than the GLA guidance requirement. The Council’s Sustainability and Energy Efficiency Officers agreed with the submitted details and the proposal would accord with Policy 5.6 and Policy DM11.

10.97 In summary, the proposal, would achieve carbon emission reduction, would demonstrate sustainable design and would have connection features for future network in accordance with Policies 5.2, 5.3 and 5.6 of the London Plan (2016), Policy CS4 of the WFLP CS (2012) and Policies DM10, DM11 and DM24 of the WFLP DM (2013).

iv) Water Efficiency

10.98 Policy 5.15 of the London Plan (2016) states that development should minimise the use of mains water by incorporating water saving measures and equipment; and designing residential development so that mains water consumption would meet a target of 105 litres or less per head per day.

10.99 Policy DM34 of the WFLP DM Policies (2013) states that proposals should implement water efficiency measures to achieve usage of less than or equal to 105 litres/person/day for residential developments and incorporate water saving measures and equipment for any new development of greater than 100 sqm.

10.100 The submitted Energy Statement included water saving measures and equipment such as low-flow sanitary ware, dual flush toilets and leak detection; in addition to metering and monitoring water consumption via BMS. The Council’s Sustainability and Efficiency Officer supported the proposed measures.

10.101 Accordingly, the proposal would be acceptable and in line with Policies 5.15 of the London Plan (2016) and Policy DM34 of the WFLP DM (2013).

G. Trees and Local Biodiversity

10.102 The following issues are considered in relation to the impact on trees and biodiversity:

i) Trees;

ii) Biodiversity; and

iii) Flooding and Sustainable Urban Drainage System (SUDs).
i) Trees

10.103 Policy CS5 of the WFLP CS (2012) states that protecting existing healthy trees and encouraging the planting of new trees as informed by the Waltham Forest Tree Strategy. Policy DM12 of WFLP DM Policies (2013) states that new high quality and usable open spaces and/or landscape infrastructure must be provided in major new developments. Policy DM35 of WFLP DM Policies states that an Arboricultural report must be submitted at the planning application stage where a development proposal will impact on trees. The loss or damage of trees should be avoided where possible; and that mitigation and compensation measures should be outlined and implemented.

10.104 The proposal would include the removal of a total of four trees, three at the frontage of Clifton Avenue and one to the east of the site. The removal of these trees would be pertinent to the construction of the new buildings and for the facilitation of the vehicular service area. Nevertheless, the proposal would enhance and add to the existing planting on site to encourage an improved learning and creative environment. The landscaping and external spaces would aim to promote innovative permanent spaces as an extension to many of the internal teaching spaces. The proposed trees throughout the site would serve for the amenity of students and as a screening shelter and noise abatement for existing neighbours.

10.105 The Council’s Tree Preservation and Nature Conservation Officer agreed with the submitted Arboricultural Impact Assessment (AIA) assuming the development would adhere to its recommendations. It is recommended that conditions are imposed to any planning permission to ensure the scheme would adhere to the submitted AIA and soft landscaping scheme which would include genus species and cultivar, plant types, numbers, sizes, positions, support and aftercare / management. Accordingly, the proposal would be in accordance with Policy CS5 and Policy DM12.

ii) Biodiversity

10.106 Policy CS5 of WFLP CS (2012) aims to protect and improve biodiversity and nature conservation by creating and capturing opportunities for increasing the area and number of priority and locally important habitats. Policy DM35 of WFLP DM Policies (2013) states that where opportunities arise, development proposals must provide measures to support species and habitats through the use of landscaping on or adjacent to buildings. This may involve the inclusion of living roofs and walls or other measures which provide space for species to nest, roost or hibernate.

10.107 The proposal would include biodiversity and environmental conservation measures such as the installation of birds nesting boxes for different bird types, bat boxes, insect houses, bee bricks, bumblebee box and hedgehog houses. These measures would enhance the value of the site for wildlife. In addition to flora enhancements such as a double row hedgerow along Tavistock Avenue; an urban garden at the northern section of the site, with areas
of unmanaged grassland, sown with a wildflower seed mix and some standard trees and a flower garden to provide nectar opportunities. A condition is recommended as part of any planning permission to ensure the development would conform to the submitted Ecology Appraisal; accordingly, the proposal would accord with Policy CS5 and DM35.

### iii) Flooding and Sustainable Drainage System (SUDs)

10.108 Policy CS4 of the WFLP CS (2012) requires developments to be designed in a manner that minimises potential for flooding. Policy DM34 of the WFLP DM (2013) states that flood risk should be managed by achieving greenfield run-off rates through the maximisation of Sustainable Urban Drainage Systems (SuDS) where possible.

10.109 The site does not fall within a flood zone. The Flood Risk Assessment states the site is underlain with Taplow Gravel which would support the provision of using infiltration SuDS techniques on site. A condition would require a detailed SuDs design submission including details of any proposed green roofs, green walls, permeable paving, water butts, rainwater harvesting systems, rain gardens, and soakaway designs together with infiltration test results, the location of hydro-brakes and recommended soakage rates where soil conditions are suitable for infiltration. Accordingly, the proposal would meet the requirements of Policy CS4 and Policy DM34.

10.110 In summary, the proposal would enhance and biodiversity on site; in addition to providing SuDs to mitigate potential flood risk. As such, the proposal would be acceptable and in line with Policies CS4 and CS5 of the WFLP CS (2012) and Policies DM12, DM34 and DM35 of the WFLP DM Policies (2013).

### H. Planning Obligations

10.111 Section 106 (s106) Agreements are a material consideration in the determination of a planning application. The purpose of such an Agreement is to make otherwise unacceptable development acceptable and they should only be sought where they meet all of the following tests:

i) Necessary to make the development acceptable in planning terms;

ii) Directly related to the development; and

iii) Fairly and reasonably related in scale and kind to the development.

10.112 In terms of the Section 106 Agreement, the required Heads of Terms, having regard to planning policy, the Waltham Forest Local Plan Planning Obligations Supplementary Planning Document (2017), for this development relate to:

- Employment and Training;
- Highways Development; and
Monitoring and Implementation.

10.113 The details of these requirements are set out in the recommendation section of this report, as follows:

**Employment and Training Strategy:**

- Notify the Council of all job vacancies for the construction or fit-out of the Development during the Construction Phase and encourage or procure encouragement of applications from Local Residents through liaison with Built Environment Construction Innovation Centre (BECIC), the borough’s job brokerage service, Steps Into Work and local employment and training providers.

- To engage in Council-led community engagement events, which relate to construction, in support of efforts to meet local labour, apprenticeship and work placement targets e.g. Meet the buyer events, Job Fairs and recruitment days.

- **Local Labour**
  - Procure that 20% of all jobs available for the construction or fit-out of the Development during the Construction Phase are offered to Local Residents

- **Work Placements**
  - To provide a minimum of 1 Work Placement in the construction trade during the Construction Phase of the Development with such posts being first offered to Local Residents.
  - Provide a minimum of 3 placements as part of End Use, in the creative industries (or in-house) linked to the Council’s job brokerage service, Steps Into Work or (CLP) Business Growth, Investment and Employment Team’s Cultural Leadership Programme.

- **Local Suppliers**
  - Procure a minimum of 20% Local Suppliers during the Construction Phase of the Development

- Provide the Council with quarterly monitoring reports on performance towards the targets listed in paragraphs 1.1 to 1.6 of this Schedule 2 during the Construction Phase and an end of Development report or procure that its contractor or sub-contractors do so.
Highways:

- A financial contribution of £30,000 towards implementing an area-based scheme in the vicinity of the site which aims to upgrade walking, cycling and public transport connectivity. The scheme will include traffic calming measures and improvements to key junctions to provide a safer environment for pedestrians and cyclists enabling more staff and students to walk and cycle.

- A financial contribution of £3,000 towards monitoring of the Travel Plan to ensure that the development undertakes activities and meets the targets set out within the submitted Travel Plan. This is a fixed fee for the first 5 years of monitoring.

- Highway works are required upon completion of the development prior to first occupation of any part of the development. A Section 278 Agreement will be required. A Highway Plan must be submitted for approval and estimate. Works will be completed to the Council’s current standards. Works would include:
  - Removal of the existing crossover on the Tavistock Avenue frontage and amendments to the CPZ area to extend the parking bays including a Traffic Management Order subject to confirmation to whether this will be used for emergency access;
  - Removal of the existing crossover on the Clifton Avenue frontage opposite No. 9 and amendments to the CPZ area to extend the parking bays including a Traffic Management Order;
  - Construction of a small dropped kerb on the Clifton Avenue frontage at the pedestrian entrance for bike access;
  - Renewal of road markings on both frontages;
  - Renewal of the footway on both frontages in Clifton Avenue and Tavistock Avenue, potentially including a change of material; and
  - Review of the waiting and loading restrictions on Tavistock Avenue and Clifton Avenue subject to receiving swept paths using the permanent parking arrangements post-construction.

Works will be carried out by the Council and funded by the developer.

Sustainability:

The development would achieve at least a 35% reduction in carbon emissions over the 2013 Building Regulations. Any subsequent shortfall shall be compensated by payment to the Council's Carbon Offset Fund using the following calculations: CO2 emitted from the
development (tonnes) per year minus CO2 target emissions (tonnes) per year x £1800.

**Monitoring and Implementation:**

- Payment of 5% of the total amount of Section 106 contributions towards monitoring, implementation and compliance of the Section 106 Agreement.

**Legal Fees:**

- Payment of the Council’s legal fees for the preparation and completion of the Legal Agreement.

## 11 CONCLUSION

11.1 The proposal would provide a permanent bespoke development to learn academic and vocational skills in the creative arts, related fields and core skills.

11.2 The academy would meet the growing demand for new talent in the creative sector providing industry standard training environment. It would fill the gap for Level 4 curriculum in the borough, supporting social mobility and the borough’s Life Chances project.

11.3 The proposed theatre would benefit the academy curriculum as well as local community groups; the proposal would also provide fit for purpose spaces for community events, workshops and social activities when not used for teaching.

11.4 All material considerations have been taken into account and the proposal is considered to be acceptable for the reasons stated below.

11.5 The principle of development would be acceptable as the proposed land use would be similar to the existing and in accordance with the Blackhorse Area Action Plan.

11.6 The proposed urban design would be acceptable as the proposed development would respond appropriately to the scale, height and massing of the local context. The design, materials and appearance of the resulting building would be of high quality that would complement the local area.

11.7 The quality of proposed education facility would be acceptable as the proposal would be purpose-built for the BCA operational requirements and curriculum needs and was designed through client engagement meeting process. The proposed internal spaces would be suitable for their function, and the external areas would provide optimum use for the site.

11.8 The impact on neighbour amenity would be acceptable as the proposed development would not have significant amenity impacts on neighbouring residential within acceptable bounds.
11.9 The proposal’s highways, servicing and transport would be acceptable as the proposed development would have an acceptable impact on highway safety/traffic and would involve highways works that would enhance the public realm and highways around the site.

11.10 The proposal’s environmental protection strategies and proposed sustainable design would be acceptable as the development would incorporate the highest environmental standards; delivering target energy reduction measures and meeting the required carbon dioxide reduction targets and water efficiency.

11.11 The impact on trees and local biodiversity would be acceptable as the development would provide a landscaping plan that enhances planting and biodiversity on-site.

11.12 All material planning considerations have been taken into account, including responses to consultation, and it is not considered that there are any grounds that would warrant a refusal of the planning application. Due to the above considerations and taking into account the merits of the scheme and the consistency of the development when assessed against the Development Plan, the proposed development is supported.

11.13 The conditions and s106 clauses recommended would ensure that any impacts of the scheme would be mitigated. Taking into account the consistency of the scheme with the Development Plan and weighing this against all other material planning considerations, the proposal is considered to be acceptable in planning policy terms.

12 ADDITIONAL CONSIDERATIONS

12.1 Public Sector Equality Duty (PSED) under s.149 of the Equalities Act means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

D. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

12.2 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149
is only one factor that needs to be considered, and may be balance against other relevant factors.

12.3 It is considered that the recommendation to refuse permission in this case would not have a disproportionately adverse impact on a protected characteristic.

**Human Rights Act (1998)**

12.4 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as the London Borough of Waltham Forest to act in a manner that is incompatible with the European Convention on Human Rights.

12.5 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to refuse permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedom of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

13 **RECOMMENDATION**

11.1 The Planning Committee is requested to grant planning permission subject to the conditions, informatives below and completion of Section 106 Agreement with the Heads of Terms as outlined in Section 1 of this report.

13.1 That authority to be given to the Head of Development Management and Building Control in consultation with the Council’s Legal Services for the sealing of the Section 106 Agreement and to agree any minor amendments to the conditions or the Section 106 Agreement on the terms set out above.

13.2 In the event that the Section 106 Agreement is not completed within 12 weeks following committee, the Head of Development Management and Building Control is hereby authorised to refuse the application.

13.3 **Conditions and Reasons:**

**Time and Plans**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.

   **Reason:** To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents and thereafter maintained as such for the lifetime of the development:

**Drawings:**

- TUV-XX-RL-DR-ME-9001, Rev P02, dated FEB.19;
- 0002028969-EX-R0-050219, Rev R0, dated 05.02.2019; and

**Documents:**

- LTHW System - Boilers Schedule, Issue P01 and dated 08.02.2019;
- Ventilation System - AHU Schedule, Issue P01 and dated 08.02.2019;
- Ventilation Terminal Schedule, Issue P01 and dated 08.02.2019;
- Draft Travel Plan, Ref R02-KH—Travel Plan 190218, Issue 3, dated 18.02.2019;
- Delivery & Servicing Plan, Ref R03-KH-Delivery Servicing Plan 190405, Issue 4, dated 05/04/19;
- BIG CREATIVE ACADEMY -DESIGN AND ACCESS STATEMENT ADDENDUM - ACCESSIBILITY STATEMENT OVERVIEW, dated March 2019
- Air Quality Report, Ref P2454.3.2, dated 9 November 2018;
- Big Creative Academy – Walthamstow, Indoor Air Quality Plan, Ref ZED-XX-XX-RP-ME-004-02, dated Oct 18; and

**Reason:** For the avoidance of doubt and in the interests of proper planning.
3. Prior to the commencement of the development hereby approved, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority, which include inter alia:
   - Journey planning, highlighting access routes;
   - Method of access and parking of construction vehicles;
   - Measures to prevent deposition of mud on the highway;
   - Dust mitigation and suppression measures to control the spread of dust from demolition, disposal and construction;
   - Site operation times;
   - Loading and unloading locations, taking into consideration existing parking restrictions.

The development shall be implemented in accordance with the approved details.

**Reason:** In the interests of highway and pedestrian safety in accordance with Policies CS7 and CS15 of the Waltham Forest Local Plan Core Strategy (2012).

4. No demolition or development shall commence until full details of the proposed mitigation measures for impact on air quality and dust emissions, in the form of an Air Quality and Dust Management Plan (AQDMP), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and subsequently implemented in full throughout the demolition and construction stages. In preparing the AQDMP the applicant should follow the guidance on mitigation measures for sites set out in Appendix 7 of the Control of Dust and Emissions during Construction and Demolition SPG 2014. Both ‘highly recommended’ and ‘desirable’ measures should be included. If the development is located in or near an air quality focus area the applicant should follow the guidance on mitigation measures for Medium Risk as a minimum.

**Reason:** Development must not commence before this condition is discharged to manage and mitigate the impact of the development on the air quality and dust emissions in the area and London as a whole, and to avoid irreversible and unacceptable damage to the environment (London Plan policies 5.3 and 7.14, and the London Plan SPGs for Sustainable Design and Construction and Control of Dust and Emissions during Construction and Demolition).

5. Prior to commencement of development hereby permitted, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Car Park Management Plan shall be implemented prior to first use of the car park and thereafter be retained as such for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.
**Reason:** In the interest of highway and pedestrian safety, in order to comply with Policies CS7 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM14, DM15 and DM29 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

6. Prior to commencement of the development, a programme of historic building recording and analysis shall be carried out in accordance with the submitted Written Scheme of Investigation for Historic Building Recording, Document Reference 210961.01, and dated March 2019. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as agreed in writing by the Local Planning Authority.

**Reason:** In order to ensure that an appropriate record is made of the historic building fabric that may be affected by the development in accordance with Policies CS12 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM28 and DM29 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

7. The development shall fully conform to the Written Scheme of Investigation for Archaeological Evaluation, Document Ref: 210962.1 submitted with this application dated [May 2019]. The development shall be carried out solely in accordance with the approved details. If heritage assets of archaeological interest are identified then a Stage 2 WSI, for those parts of the site which have an archaeological interest, shall be submitted to and approved in writing by the Local Planning Authority. No demolition or development shall take place, for those parts of the site included within the Stage 2 WSI, other than in accordance with the agreed Stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

The development shall be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the development.

**Reason:** Historic assets of Archaeological interest are present on site, which the Local Planning Authority seeks to ensure investigated and conserved, in compliance with Policy CS12 of the adopted Waltham Forest Local Plan - Core Strategy (2012) and Policy DM28 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).
8. Prior to commencement of development, notwithstanding site clearance and investigation works, demolition and construction to slab level, a schedule of materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the development.

**Reason:** To safeguard and enhance the visual amenities of the locality, in accordance with Policy CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policy DM29 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

9. Prior to commencement of the development, notwithstanding site investigation and clearance works and demolition, full details relating to the following shall be submitted to and approved in writing by the Local Planning Authority:
   a. The design of secure and lockable cycle stores,
   b. Refuse and recycling facilities.

The development shall be carried out fully in accordance with the approved details prior to first occupation of the development and shall thereafter be maintained as such for the lifetime of the development.

**Reason:** In the interest of security and sustainable development, and to ensure that adequate arrangements are made for the storage and collection of refuse and recycling. In compliance with Policies CS6, CS13, CS15 and CS16 of the adopted Waltham Forest Local Plan - Core Strategy 2012 and Policies DM13, DM14, DM23, DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

10. Prior to commencement of development on site, notwithstanding site investigation work, clearance and demolition, a SUDS (Sustainable Urban Drainage System) to deal with all surface water drainage from the site, including details of proposed rainwater harvesting systems, green roofs and proposed soakaway designs together with infiltration test results and recommended soakage rates, shall be submitted to and approved by the Local Planning Authority. The approved SUDS shall be fully implemented prior to first occupation of any building and thereafter maintained in accordance with the agreed details for the lifetime of the development.

**Reason:** To prevent the increased risk of flooding, both on- and off-site ensure that adequate drainage facilities are provided in accordance with Policies CS4 and CS15 of the adopted Waltham Forest Local Plan - Core Strategy (2012) and Policy DM34 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

11. Prior to commencement of development on site, notwithstanding site investigation work, clearance and demolition, details of hard and soft landscaping onsite shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of the retained and proposed planting around the site, along with the
requirement to demonstrate that all hardstanding areas are permeable. The
development shall be carried out solely in accordance with the approved
details and all approved planting shall be carried out in the first planting
season following the occupation of the development hereby permitted or
the substantial completion of the development, whichever is the sooner.
Any trees, hedges, shrubs and greenspaces forming part of the approved
scheme which within a period of five years, dies, is removed or becomes
seriously damaged or diseased shall be replaced with others of similar size
and species.

Reason: To ensure a satisfactory appearance and in the interest of local
amenity and biodiversity in accordance with Policies CS5 and CS15 of the
adopted Waltham Forest Local Plan Core Strategy (2012), and Policies
DM29 and DM35 of the adopted Waltham Forest Local Plan –

12. Prior to the commencement of the development on site, notwithstanding
site investigation and clearance works, demolition and construction to slab
level details relating to the siting, design and height and finish of all new
walls, gates, fencing, railings and other means of enclosure shall be
submitted to and approved in writing by the Local Planning Authority. The
development shall be carried out solely in accordance with the approved
details, prior to the first occupation of the use hereby approved and
thereafter shall be fully retained and maintained accordingly for the lifetime
of the development.

Reason: In the interest of general visual amenity, and amenity of
neighbouring occupants, in accordance with Policies CS13 and CS15 of
the adopted Waltham Forest Local Plan – Core Strategy (2012) and
Policies DM29 and DM32 of the adopted Waltham Forest Local Plan –

Prior to Occupation Conditions

13. Prior to first occupation of the development hereby permitted, the first and
second floors’ west flank elevation windows shall be fitted with awning
windows, obscured glass and shall be permanently retained as such for the
lifetime of the development, or such other details as agreed in writing by
the Local Planning Authority.

Reason: To prevent overlooking and loss of privacy in the interests of the
amenities of the adjoining property, in accordance with Policies CS13 and
CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012)
and Policies DM4, DM29 and DM32 of the adopted Waltham Forest Local

14. Prior to the development hereby approved first being brought into use, the
means of vehicular access and means of pedestrian / cycle access as
detailed on the approved plan no. [118027-MLA-ZZ-XX-DR-L-1001-P13,
dated Apr 19] shall be constructed, completed and made available for use
and shall thereafter be maintained as such for the lifetime of the development.

**Reason:** In the interest of highway and pedestrian safety, in order to comply with Policy CS7 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM14 and DM15 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

15. The development shall not be occupied until space has been laid out and made available for use in accordance with the site layout plan [1118027 - WGI - ZZ - ZZ - DR - A - 1001 Rev P3, dated 10/05/2019] for 94 bicycles to be parked. The cycle parking shall thereafter be maintained as such for lifetime of the development.

**Reason:** In the interest of highway and pedestrian safety, in order to comply with Policies CS7 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM14, DM15 and DM29 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

16. Prior to first occupation, the development shall achieve a Certificate of Compliance to the relevant Secure by Design Guide(s) or alternatively achieve Crime Prevention Standards submitted to and approved in writing by the Local Planning Authority in conjunction with the Metropolitan Police. The development shall be carried out in accordance with the approved details and thereafter shall be fully retained and maintained as such for the lifetime of the development.


17. The development hereby permitted shall be constructed to achieve not less than BREEAM ‘Very Good’ in accordance with the submitted Retail and Nursery BREEAM Pre-Assessment Reports (or the equivalent standard in such measure of sustainability for non-residential building design which may replace that scheme). The development shall not be occupied until formal certification has been issued confirming that not less than ‘Very Good’ has been achieved and this certification has been submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** To ensure the development is sustainable and to comply with Policy CS4 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM10, DM11 and DM24 of the adopted Waltham Forest Local Plan – Development Management Policies (2013) and Policy 5.2 of the London Plan (consolidated with alterations since 2011).

18. Prior to first occupation of the development hereby permitted, a report demonstrating how the scheme reduces the carbon dioxide emissions of the development by at least 35% compared to the 2013 Building Regulations shall be submitted to and approved in writing by the Local
Planning Authority. The report shall reference the measures set out in the Energy Statement [Energy Statement, Ref ZED-XX-XX-RP-ME-001-03] [by ZED] dated [FEB 19] accompanying the planning application, and shall explain what measures have been implemented in the construction of the development. The development and energy efficiency measures shall thereafter be retained for the lifetime of the development.

**Reason:** In the interests of the sustainability and energy efficiency of the development and to meet the requirements of Policy 5.2 of the London Plan (2016) and Policy DM10 of the Waltham Forest Waltham Forest Local Plan Development Management Policies (2013).

**Standard and Prescriptive Conditions:**


   a) During the course of the construction and carrying out of the approved development, if any unforeseen contamination not previously identified is found at any time during clearance or construction works, it must be reported without delay to the LPA. The development shall not proceed further until an assessment of that contamination and the preferred remedial measure to remove or break the relevant pollutant linkage has been submitted to and approved in writing by the Local Planning Authority.

   b) The developer shall be required to provide certification on completion of remediation works from the specialist contractor that the works were completed wholly in accordance with the agreed details.

   **Reason:** In the interests of future health of occupiers of the development and to protect pollution of groundwater, in accordance with policies CS4 and CS13 of the adopted Waltham Forest Local Plan - Core Strategy (2012) and policies DM23, DM24 and DM34 of the adopted Waltham Forest Local Plan Development Management Policies (Oct 2013).

20. Works of demolition and construction shall be carried out during normal working hours, i.e. 08:00 to 18:00 hours Monday to Friday, and 08:00 to 13:00 hours on Saturdays, with no noise audible at the site boundary being permitted on Sundays or Bank Holidays.

   **Reason:** To ensure that air quality is not adversely affected by the development in line with London Plan policy 7.14 and the Mayor’s SPG: The Control of Dust and Emissions during Construction and Demolition.

21. Noise arising from the use of the extractor fan or any other site equipment shall not increase the existing background noise level (LA90 5mins) when measured (LAeq 5mins) 1 metre external from the nearest residential or noise sensitive premises. The applicant shall also ensure that
vibration/structure borne noise derived from the use of the extractor fan does not cause noise nuisance within residential or noise sensitive premises.


22. The outdoor areas hereby approved shall only operate between the hours of [08:00 and 17:00] on Mondays to Fridays, and at no time on Saturdays, Sundays or Bank Holidays.


23. The development shall fully conform to the recommendations of the LANDSCAPE MANAGEMENT PLAN, submitted with this application [Ref: 118027-MLA-ZZ-XX-SP-L-2001-A; dated November 2018] and Arboricultural Impact Assessment, [Ref P2454.2.1, dated 27 November 2018]. The development shall be carried out solely in accordance with the approved details, and all works shall comply with BS 3998:2010(Tree Work - Recommendations) and shall be supervised by a suitably qualified Arboriculturalist and any post-construction mitigation measures shall thereafter be maintained for the lifetime of the development.

**Reason:** To ensure the well-being of the trees and in the interest of biodiversity and the amenity of the surrounding area, in accordance with Policies CS5 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM29 and DM35 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

24. All trees shall be planted in accordance with the approved details, plans, specifications and times [Drawing No. 118027-MLA-ZZ-XX-DR-L-1001-P09, dated May 19] and in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General.

**Reason:** To ensure the well-being of the trees and in the interest of biodiversity and the amenity of the surrounding area, in accordance with Policies CS5 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM29 and DM35 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

25. The development shall fully conform to the recommendations of the Preliminary Ecological Appraisal, submitted with this application dated [Ref. P2452.1.1, dated 26 September 2018]. The development shall be carried out solely in accordance with the approved details, and all works shall comply with BS 3998:2010(Tree Work - Recommendations) and shall be
supervised by a suitably qualified Arboriculturalist and any post-construction mitigation measures shall thereafter be maintained for the lifetime of the development.

**Reason:** To ensure the well-being of the trees and in the interest of biodiversity and the amenity of the surrounding area, in accordance with Policies CS5 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM29 and DM35 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

26. The 14 parking spaces (including two disabled spaces) as shown on the approved plans shall be kept available for the parking of motor vehicles at all times. The parking spaces shall be used solely for the benefit of the users of the approved development and for no other purpose and permanently retained as such thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the retention of on-site parking to avoid obstruction of the surrounding streets to comply with Policies CS7 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM14 and DM15 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

27. The proposal shall meet a target water use of 105 litres or less per person, per day, and shall be constructed in accordance with the approved scheme and thereafter retained as such for the lifetime of the development.

**Reason:** To minimise the water use of the development, in accordance with the requirements of Policy 5.15 of the London Plan (2016).

13.4 **Informatives**

1. To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council’s website and which offers a pre planning application advice service. The scheme was submitted in accordance with guidance following pre application discussions and the decision was delivered in a timely manner.

2. Construction and demolition works audible beyond the boundary of the site should only be carried out between the hours of 0800 and 1800 hours Mondays to Fridays and 0800 and 1300 hours on Saturdays, and not at all on Sundays or Public/Bank Holidays.

3. For information on the NRMM Low Emission Zone requirements and to register NRMM, visit http://nrmm.london/.

4. For Construction activities must not affect traffic flows on the highway. No materials can be stored on the highway and no construction related activities can take place on the highway. It is an offence to place scaffolding, skip or hoarding on the highway without permission. Early contact with the Council’s Network Operations is advisable, as it may affect the construction programme.
5. This determination does not constitute permission to build under the building regulations 2010. Works should not commence until any appropriate building regulation applications have been submitted and where necessary approved.

6. This notice is without prejudice to your responsibilities under any other legislation.

7. For the purpose of Condition 7, Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England’s Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

8. For the purpose of Condition 4, The AQDMP can form part of the Construction Environmental Management Plan (CEMP). The AQDMP shall include the following for each relevant phase of work (demolition, earthworks, construction and trackout):
   a. A summary of work to be carried out;
   b. Proposed haul routes, location of site equipment including supply of water for damping down, source of water, drainage and enclosed areas to prevent contaminated water leaving the site;
   c. Inventory and timetable of all dust and NOx air pollutant generating activities;
   d. List of all dust and emission control methods to be employed and how they relate to the Air Quality (Dust) Risk Assessment;
   e. Details of any fuel stored on-site;
   f. Details of a trained and responsible person on-site for air quality (with knowledge of pollution monitoring and control methods, and vehicle emissions);
   g. Summary of monitoring protocols and agreed procedure of notification to the local authority; and
   h. A log book for action taken in response to incidents or dust-causing episodes and the mitigation measure taken to remedy any harm caused, and measures employed to prevent a similar incident reoccurring.

Developments assessed to be medium risk or greater for any of the steps required in an Air Quality and Dust Risk Assessment (AQDRA) regular or continuous PM10 monitoring should be carried out on site. Baseline monitoring should commence 3 months before the commencement of works and continue throughout all construction phases. Details of the equipment to be used, its positioning, additional mitigation to be employed during high pollution episodes and a proposed alert system should be submitted to the Council for approval.

14 BACKGROUND DOCUMENTS

None