

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	1 st April 2025
Application reference:	242909
Applicant:	Morgan Sindall/Smith Jenkins Ltd for the Department for Education
Location:	Burnside Secondary School, 2 Burnside Avenue, Chingford, London, E4 8YJ
Proposed development:	Redevelopment of school site, with phased demolition of the existing-buildings and the provision of a new part single, part two-storey building with a glazed link along with external MUGA (multi-use games area) and new site landscaping including changes to car parking facilities and other associated works.
Wards affected:	Valley Ward
Appendices:	None

1. RECOMMENDATION

1.1 That Planning Permission be **GRANTED** subject to conditions and informatives completion of a Section 106 Legal Agreement (S106) with the following Heads of Terms:

Biodiversity Net Gain (BNG)

- To register the site on the Biodiversity Gain Site Register
- To complete the Habitat Creation and Enhancement Works at the application site in accordance with the Habitat Management and Monitoring Plan
- To provide Management Plan Monitoring Reports to the Council for either on-site provision or biodiversity off setting scheme
- Financial contribution towards BNG monitoring, over periods including year 1, 2, 5, 10, 20 and 30 for either on-site provision or biodiversity off setting scheme.
- Any shortfall or failure to deliver 10% uplift on site, will require either of the following options to be taken up via either Biodiversity Offsetting scheme or statutory biodiversity credits.

Highways and Transportation:

- Facilitating Highway works under a S278 agreement will be required upon completion of the development, prior to occupation. The works will be funded by the Developer and carried out by the Council, relating to (not limited to):
 - Renewal of the footway along the frontage of the site along Burnside Avenue. The extent of the footway works needs to be start from the beginning of the school keep clear on the eastern side of the site.
 - Relay existing channel level and relocation of the existing footway gully on the eastern side of the vehicular access to reduce ponding.
 - Removal of the existing vehicular access on Burnside Avenue and the construction of a new wider dropped kerb to facilitate access.
- Financial contribution of £750 for CLP monitoring.
- Highway Condition survey: the developer would be required to carry out a pre and post construction highway condition survey of the adjoining carriageway and footway on Sunnyside Drive and the access road adjoining Pole Hill Road. Any damage to the highways as a result of the construction works would be reinstated by the Council and funded by the developer.

Energy:

- In the event that the 35% carbon reduction target has not been met, a financial contribution towards a carbon levy.
- “Second COF payment” required if not Zero Carbon at Post Construction stage.
- Be-Seen monitoring with completion of A/B/C:
 - A. Within 8 weeks of the grant of planning permission, to submit to the GLA accurate and verified estimates of the ‘Be Seen’ energy performance indicators.
 - B. Prior to occupation, the Owner shall provide updated accurate and verified ‘as-built’ design estimates of the ‘Be Seen’ energy performance indicators for each Reportable Unit of the development.
 - C. Upon completion of the first year of Occupation or following the end of the Defects Liability Period (whichever is the later) and at least for the following four years after that date, the Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each Reportable Unit of the development.

In the event that the 'In-use stage' evidence submitted under Clause c) shows that the 'As-built stage' performance estimates derived from Clause b) have not been or are not being met, the Owner should investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the 'Be Seen' in-use stage reporting webform. An action plan comprising measures identified in Clause c) shall be submitted to and approved in writing by the GLA, identifying measures which would be reasonably practicable to implement and a proposed timescale for implementation. The action plan and measures approved by the GLA should be implemented by the Owner as soon as reasonably practicable.)

Employment and Training:

- Construction should incorporate 30% Local Labour, 4 Apprenticeship Posts.

Monitoring and Implementation:

- Payment of 5% of the total amount of S106 contributions towards monitoring, implementation, and compliance of the legal agreement.

Legal Fees:

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

Minor Amendments

- 1.2 That authority to be given to the Assistant Director - Development Management and Building Control in consultation with the Council's Legal Services for the sealing of the S106 Agreement and to agree any minor amendments to the conditions or the legal agreement on the terms set out above.

2. REASONS REFFERED TO COMMITTEE

- 2.1 The case has been referred to Committee due to the financial liability to the Council.

3. SITE AND SURROUNDING AREA

- 3.1 The site is located at 2 Burnside Avenue. The site contains two single storey buildings, a temporary block and some sheds. The larger building on site hosts the Burnside School (1,011m²) and the more acute building is the Burnwood Centre (233m²) which is currently vacant.

- 3.2 The Burnside School is a pupil referral centre which has capacity for up to 48 pupils. The age group is for secondary school (children aged between 11 and 19 years old).
- 3.3 The area is predominantly residential in character with Chingford Mount Road, a neighbourhood retail parade, within 500m of the site. Immediately to the North sits three-storey, terraced residential properties.

Figure 1: Ariel View of subject site (in red)



- 3.4 The nearby adjoined roads are Silver Birch Avenue and Rowan Avenue which both sit at perpendicular angles to Burnside Avenue, and Chingford Way which sits to the west of the site all of which host predominantly residential dwellings. Such dwellings are predominantly 2-3 storey.
- 3.5 To the west and south sits Salisbury Manor Primary School which is 1-2 storey.
- 3.6 To the east is a pedestrian alley which directly adjoins to the western boundary, and then the Thames Water site which hosts the Chingford storm water tank.
- 3.7 To the south there is a small range of commercial uses at the single-storey level.
- 3.8 The site is located within a Flood Zone 2 and 3a. Flood Zone 2 is considered to have a medium probability of flooding and Flood Zone 3a is considered to have a high probability to flood. The site is also within a critical drainage area.
- 3.9 The site has a Public Transport Accessibility Level (PTAL) rating of 2.

3.10 The site does not fall within a designated conservation area nor are there any listed building within or in close proximity to the site. It does fall within the Borough-wide Air Quality Management Area (AQMA). The site is located within the North Circular Corridor strategic location.

3.11 There are numerous trees on site but none that are protected by a tree preservation order. There are 10 trees to the frontage of the site, and many others to the east and south boundaries. There are no street trees on Burnside Avenue.

4. APPLICATION PROPOSAL

4.1 The application seeks planning permission for the redevelopment of school site, with phased demolition of the existing-buildings and the provision of a new part single, part two-storey building with a glazed link along with external MUGA (multi-use games area) and new site landscaping including changes to car parking facilities and other associated works.

4.2 All existing buildings on site will be demolished to make way for the new development. The layout of the proposed new buildings seeks a linear, single and two storey building which fronts the road closely to Burnside Avenue.

4.3 The single-storey building to the centre would measure up to 5.4m and would be constructed out of brick, and glazing. The two-storeys buildings on the outer ends, measure up to 9.2m (inclusive of their parapet walls) and are constructed of brick and green glazed tiles. A stairwell to the roof is placed on the roof of the western block which is constructed of green aluminium cladding which is an additional 2.3m in height but set back from the street-scene.

Figure 2: Visualisation of the North facing elevations to Burnside Avenue



Figure 3: Visualisation of the South facing elevations to the playground and Salisbury Manor Primary School



View towards school from playground - looking north west



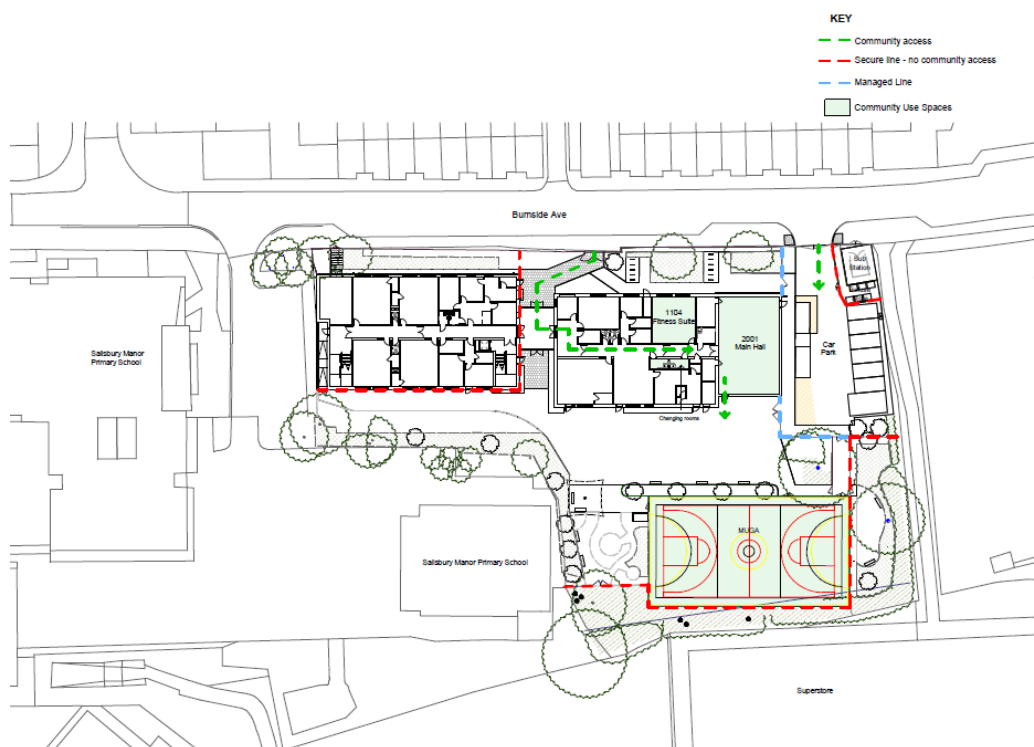
View towards school from playground - looking north east

- 4.4 Behind the buildings to the South, are the associated landscaping areas for playing and outdoor learning and a new MUGA. In front of the buildings is a small strip of landscaping whereby two trees will be retained. Cycle parking for students and staff will also be catered for in this area.
- 4.5 Pupils will access the building mainly through the north facing entrance either directly into the glazed linkage or into the lobby area. The glazed linkage is a single-storey glazed area which links both blocks together.
- 4.6 The car-park to the west of the site will remain in this location but will be reduced to accommodate 8 car-parking spaces, 1 DDA compliant space and 1 minibus space.
- 4.7 The two buildings have two different core purposes for their use. The western two-storey building is the two-storey main teaching block and the eastern single-storey building hosts the sports hall, kitchen, P.E and ICT and eating areas. Both blocks are split centrally with a corridor running through the core for movement thus with rooms north and south of the buildings. The western block has two stairwells, both in the southern half and one at each end of the building. The eastern block features the sports hall to the most eastern part.
- 4.8 The roof of the western block consists of an extensive green roof, photovoltaic panels a lift-overrun, a stairwell building and an associated paved pathway.
- 4.9 The roof of the single-story central building features an extensive green roof, photovoltaic panels, a roof escape hatch, a paved walkway and a vegetation barrier.
- 4.10 The roof of the two-storey sports hall features a green-roof, wind catchers and 4 rooflights.
- 4.11 The landscaping of the site consists of three main different areas. To the south-east below the car-park is a 'managed quite zone' consisting of a grassed area,

hedges, a wildflower meadow and some seating. To the west of this is the MUGA area and then the wildflower garden/seating area with an adjacent canopy. The remaining outdoor space is a mixture of hard and soft landscaped area for informal play.

- 4.12 Due to the specialised nature of the school, as a pupil referral unit, a phased approach to construction was integral to ensure that disruption was minimised to the students as use of alternative facilities during construction was not found to be possible. The phased approach to construction will allow students to remain in their existing main building while the new education block is built.
- 4.13 During phase 1, the students will be moved into the existing main block whilst the existing Burnwood centre is demolished, and the new western teaching block is built. In phase 2, the students will be taught in the new western block whilst the existing main building is demolished, and construction of the eastern block begins. Phase 3 involves the eastern block being finalised and the glazed link being constructed.
- 4.14 The School proposes use of the external MUGA and internal sports hall and fitness suite within the eastern block to be available for community use outside of school operating hours, providing additional social infrastructure provision for local residents.

Figure 4: Community Use Boundary Plan



5. RELEVANT SITE HISOTRY

Pre-Application

5.1 The current application has been submitted after pre-application advice being given as part of pre-application reference numbers: PRE_22_0131, PRE_230254. The pre-app sought advice for the redevelopment of school with the design having evolved during the process, by way of: Discussion of alternative building footprints, heights, changes to materials, window design, landscaping and car-parking.

5.2 A Design Review Panel was held on the 20th October 2023. The current application is result of the pre-application engagement between the planners, Department for Education, Waltham Forest Education, Highways and Design team, to ensure an updated fit for purpose school facility could be provided. A number of considerations and positive changes were made to the proposal, including enhancing overall build design and to incorporate a more sustainable, landscape led development. An enhanced landscaping strategy to the external areas was developed and the development is ensuring to reach BREEAM compliance with accreditation.

Enforcement

5.3 There is no enforcement history for this site.

6. PUBLIC CONSULTATION

Pre-application stage

6.1 The applicants undertook their own public engagement exercise, as set out in the “The Statement of Community Involvement” document. This included:

- 1,500 leaflets were dropped into letterboxes of nearby properties and letters were sent to secondary schools within the borough, and as well as the neighbouring primary school Salisbury Manor.
- Web page for information was set up as part of the public consultation, allow for online feedback.
- A public consultation event was held to allow interested parents, staff and other stakeholders to attend a presentation of the proposals, participate in a Q&A session, and/or drop in to view the consultation boards at their own convenience on November 3rd 2023.

Formal Planning Application Consultation

6.2 The Council carried out the required statutory public consultation which included consultation letters sent out on the 12th December 2024 to the following surrounding properties:

- 32-34 Rowan Avenue, Chingford, London, E4 8QT
- 41-57 Rowan Avenue, Chingford, London, E4 8QT
- Morrisons Supermarket, 1 Morrison Avenue, Chingford, London, E4 8SA
- Hand Car Wash, Morrisons Supermarket, 1 Morrison Avenue, Chingford, London, E4 8SA
- Pharmacy, Morrisons Supermarket, 1 Morrison Avenue, Chingford, London, E4 8SA
- Timpson, Morrisons Supermarket, 1 Morrison Avenue, Chingford, London, E4 8SA
- Uk Ecig Kiosk, Morrisons Supermarket, 1 Morrison Avenue, Chingford, London, E4 8SA
- Atm Site NatWest Morrison Avenue, E4 8SA
- Osprey House Unit 1 and Ground Floor Front Unit 2 Trinity Park Trinity Way, Chingford, London, E4 8TD
- Osprey House Unit 1-5 Trinity Park Trinity Way, Chingford, London, E4 8TD
- 1-47 (odd) Burnside Avenue, Chingford, London, E4 8YJ
- Burnside Secondary School, 2 Burnside Avenue, Chingford, London, E4 8YJ
- Burwood Playcentre, 2a Burnside Avenue, Chingford, London, E4 8YJ
- 21- Burnside Avenue, Chingford, London, E4 8YJ
- Salisbury Manor Primary School, 4 Burnside Avenue, Chingford, London, E4 8YJ
- Salisbury Manor Childrens Centre, Salisbury Manor Primary School, 4 Burnside Avenue, Chingford, London, E4 8YJ

6.3 The application was also advertised via a site notice on the **16th December 2024**. A press advert was published on the **12th December 2024**.

6.4 The Council received a total of 2 letters as a result of the public consultation. 1 number of objections and 1 number of support letters were received.

- 6.5 The letter in support, stated that the proposed works are required to support the most vulnerable cohort of pupils in the Borough. The project is part of the DfE's school re-building programme providing investment for a high quality facility.
- 6.6 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.

Table 1: Summary of objections during public consultation

Objection Comment	Officer Response
Traffic and parking nuisance	A Transport Plan and Travel Assessment has been submitted as part of this application and approved by the Councils Highways and Transport Team. There should not be any significant disruption to parking in the area as a result of the development as there is no significant uplift in capacity at the school (staff uplift only). The scheme also includes enhanced cycle parking to encourage pupils/staff to cycle to school.
Construction length and disruption (noise dust, disruption of daily activities)	<p>Construction will be limited to sociable hours only, thus would be limited to between 8am - 6pm (Monday to Friday); 9am - 2pm (Saturday); No working is permitted on Sundays, bank holidays or other national holidays.</p> <p>Furthermore, the school is an existing school with external space and thus the premises of such noise from playing externally has already been established. The installation of a MUGA would not significantly enhance noise levels compared to the existing play spaces. An acoustics report has carried out a noise assessment and has confirmed that there is not expected to be any harmful noise or disturbance caused to nearby residents.</p> <p>An outline demolition and construction logistics plan has been submitted with this application and reviewed by the</p>

	Councils Highways Team. Part of this plan is required to manage and reduce disruption to residents in terms of noise and pollution. A detailed plan is required at conditions stage and must be adhered to as part of their planning conditions.
Noise of MUGA	<p>The school as existing has outdoor space for playing.</p> <p>Furthermore, an acoustics report has been carried out to assess noise impact from the proposed MUGA and the onsite plant machinery. The report confirms that expected noise levels would not exceed upper limits and would therefore not cause disturbance.</p>

OTHER CONSULTATIONS

6.6 The following internal and external consultees were consulted, with comments provided below:

Table 2: Summary of other internal responses

Consultee	Response
Transport Policy	In support of the proposal.
Highways	In support of the proposal, subject to the following conditions if supported: Updated Sustainable Urban Drainage Systems report, detailed Construction Logistics Plan.
Energy and Sustainability	In support of the proposal, subject to the following conditions if supported: Post-construction updated Energy report.
Urban Greening and Arboriculture Officer	Overall, in support of the proposal, subject to the following conditions if supported: Updated Arboriculture Impact Assessment, Habitats Plan, Updated Ecological Report, Planting Management Plan, Biodiversity Net Gain Conditions.
Design	<p>Proposal considered to be of high quality.</p> <p>The following matters were raised:</p>

	<ul style="list-style-type: none"> • Concern on loss of existing trees, include the front Mature Oak Tree (T4), and potential to retain this. • Would like to see details of fenestration treatments, to ensure appropriate design quality is achieved. • Further information would be required in terms of boundary treatment.
Environmental Health	In support of the proposal, subject to the following conditions if supported: Land contamination, Air-Quality, Noise, Updated Demolition and Construction.
Public Health	In support of the proposal.
Waste Management	In support of the proposal, subject to the following condition if supported: Refuse/recycling storage details

Table 5: Summary of External Comments

External Consultee	Comment Received
Sports England	In support of the proposal.
Thames Water	No observation to make of the proposal.
London Fire Brigade	No observation to make of the proposal.
Metropolitan Police	In support of the proposal, but development would need to comply with Secure by Design requirements.
Environment Agency	In support of the proposal.

7. DEVELOPMENT PLAN

7.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- a. the provisions of the development plan, so far as material to the application;
- b. any local finance considerations, so far as material to the application; and
- c. any other material considerations.

7.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Waltham Forest comprises the adopted Local Plan (2024), the Highams' Park Neighbourhood Plan (2020) and the London Plan. The NPPF does not change the legal status of the development plan.

London Plan (2021)

7.3 The London Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital from 2019 to 2041.

7.4 The policies relevant to this application are considered to include and not limited to:

- D1 London's form, character and capacity for growth
- D12 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D8 Public realm
- D11 Safety, security and resilience to emergency
- D12 Fire Safety
- D14 Noise
- E11 Skills and opportunities for all
- G4 Open Space
- G5 Urban Greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- G9 Geodiversity
- GG1 Building strong and inclusive communities
- GG2 Making best use of land
- GG3 Creating a healthy city
- GG5 Growing a good economy
- GG6 Increase efficiency and resilience
- HC3 Strategic and local views
- S1 Developing London's social infrastructure
- S2 Health and social care facilities
- S3 Education and Childcare facilities
- S4 Play and informal recreation
- S5 Sports and recreation facilities

- SI1 Improving air quality
- SI2 Minimising greenhouse gas emissions
- SI3 Energy infrastructure
- SI4 Managing heat risk
- SI5 Water infrastructure
- SI6 Digital connectivity infrastructure
- SI7 Reducing waste and supporting the circular economy
- SI12 Flood Risk Management
- SI13 Sustainable drainage
- T1 Strategic approach to transport
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car Parking
- T6.5 Non-residential disabled persons parking
- T7 Deliveries, servicing and construction

Shaping the Borough – Waltham Forest Local Plan LP1 (2024)

7.5 The draft version of the Local Plan underwent Regulation 18 public consultation between July 2019 and September 2019 and consultation on the proposed submission version between 26 October 2020 and 14 December 2020. It underwent examination and consultation on proposed modifications concluded on 21 September 2023. The Waltham Forest Local Plan (LP1) was subsequently adopted 29 February 2024 and therefore now forms a key part of the development plan in determining all planning applications. The previous Core Strategy (2012) and Development Management Policies (2013) are superseded by LP1. The relevant policies are:

- Policy 1 – Presumption in favour of sustainable development
- Policy 3 – Infrastructure for growth
- Policy 11 – North Waltham Forest
- Policy 24 – Supporting Economic Growth and Jobs
- Policy 33 – Local Jobs, Skills, Training and Procurement
- Policy 46 – Social and Community Infrastructure

- Policy 47 – Education and Childcare Facilities
- Policy 48 – Promoting Healthy Communities
- Policy 50 – Noise Vibration and Light Pollution
- Policy 53 – Delivering High Quality Design
- Policy 54 – Tall Buildings
- Policy 57 – Amenity
- Policy 58 – Making Places Safer and Designing Out Crime
- Policy 60 – Promoting Sustainable Transport
- Policy 61 – Active Travel
- Policy 62 – Public Transport
- Policy 63 – Development and Transport Impacts
- Policy 64 – Deliveries, Freight and Servicing
- Policy 65 – Construction Logistic Plans
- Policy 77 – Green Infrastructure and the Natural Environment
- Policy 79 – Biodiversity and Geodiversity
- Policy 80 – Trees and Enhancing Waterways and River Corridors
- Policy 85 – A zero Carbon Borough
- Policy 86 – Decentralised Energy
- Policy 87 – Sustainable Design and Construction
- Policy 88 – Air Pollution
- Policy 89 – Water Quality and Water Resources
- Policy 90 – Contaminated Land
- Policy 91 – Managing Flood Risk
- Policy 92 – Overheating
- Policy 93 – Waste Management
- Policy 94 – Infrastructure and Developer Contributions

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework (2024)

- 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 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination*".
- 8.3 The NPPF gives a centrality to design policies; homes should be locally led, well designed, and of a consistent and high quality standard. 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 considered to be most relevant to the assessment of this application are as follows:
- Achieving sustainable development
 - Promoting healthy and safe communities
 - Promoting sustainable transport
 - Making effective use of land
 - Achieving well-designed places
 - Meeting the challenge of climate change, flooding and coastal change

Other relevant guidance

Waltham Forest Local Plan Urban Design SPD (2010)

- 8.5 This document seeks to provide clear guidance on urban design to developers, applicants, planning officers, the public and other interested parties in bringing forward proposals for development in Waltham Forest. Whilst the majority of new development in the borough is residential, the urban design principles contained within the document relate to all new development. The document sets out a range

of principles for achieving good design with the key objective of significantly raising the quality of development within the borough.

National Design Guide: Planning practice guidance for beautiful, enduring and successful places (Jan 2021)

8.6 This sets out the ten characteristics of good design: context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan. The purpose of ensure all forthcoming future developments are of high-quality design and standard in its entirety.

Public London Charter London Plan Guidance (2021)

8.7 The Public London Charter sets out eight principles owners and managers of public spaces need to follow to ensure that any new public spaces in London are safe, accessible, attractive and inclusive.

Design for Schools Charter (2018)

8.8 The Design Charter for Schools sets out the London Borough of Waltham Forest's ambitions for the quality of design in its schools.

Waltham Forest Supplementary Planning Document - Planning Obligations (2017)

8.9 This document seeks to provide transparent, clear and consistent information for the negotiation of planning contributions.

Local Finance Considerations

8.10 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).

- There are not grants which have been or will or could be received from central government in relation to this development.
- The Council has not received and does not expect to receive income from LBWF CIL in relation to this development.
- The Council has not received and does not expect to receive income from Mayoral CIL in relation to this development.

9. ASSESSMENT

- 9.1 The main issues for consideration, in relation to the proposed development are as follows:
- A. Principle of the Development
 - B. Urban Design
 - C. Quality of Facilities
 - D. Neighbour Amenity
 - E. Highways and Transport Impact
 - F. Waste Management
 - G. Sustainable Design and Energy Efficiency
 - H. Trees, Landscaping and Local Ecology
 - I. Environmental Impact
 - J. Safety and Security
 - K. Planning Obligations

A. Principle of the Development

- 9.2 The National Planning Policy Framework (NPPF) (2024) seeks, amongst other things, to make effective use of land. The NPPF also states that significant weight should be placed on the importance of new public service infrastructure when considering proposals for development. With regard to education specifically, planning authorities should take a proactive, positive and collaborative approach to meeting education needs and great weight should be given to the need to create, expand or alter education provision.

London Plan Policy S3 seeks to ensure that there is a sufficient supply of good quality education and childcare facilities to meet demand and offer educational choice. Part C of Policy S3 states that development proposals should ensure that there is no net loss of education or childcare facilities, unless it can be demonstrated that there is no ongoing or future need. This is also reflected in policy 47 of the Waltham Forest Local Plan (2024).

- 9.3 The development seeks to rebuild the existing established school facilities at Burnside Pupil Referral Unit. The need for the re-development is that the current site layout is inefficient, has large amounts of hardstanding and has a defensive street frontage. The onsite buildings are tired with rising damp and rotten materials and the existing Burnside School EEFA building is unsuitable for an additional upwards level to be added. It is argued that there would be significant

challenges in undertaking a refurbishment project to achieve contemporary standards including Net Zero Carbon in Operation.

- 9.4 The rebuild project is brought forward as a way of addressing these requirements and to achieve government policy objectives in relation to the development of schools; providing modernised and compliant purpose built accommodation which provides a positive learning environment, both internally and externally. Upon completion of the project there would be no net loss of educational facilities as the capacity of the school will remain as existing. Only staff numbers are seeking to be increased from 19.6 to 35 staff.
- 9.5 The existing school has significant hardstanding to the play areas south of the buildings. The proposed MUGA will be constructed here which will provide more opportunities for sport than that which is currently provided. The MUGA will also facilitate community use outside of school hours which will increase provision of sporting facilities for the wider area, providing additional social infrastructure provision for local community ensuring dual use of this resource. Cumulatively this represents a significant improvement in the level of provision for sport on the site. Sport England were consulted and had no comments to make.
- 9.6 Consequently the principle of this development is acceptable and accords with relevant planning policies including the NPPF, policy S3 of the London Plan and policy 47 of the Waltham Forest Local Plan Part 1 which, amongst other things, seek to use land efficiently and ensure a sufficient supply of education facilities.

B. Urban Design

- 9.7 The NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creating better places in which to live and work and helping make development acceptable to communities. Policies D4 and D6 of the London Plan states that development should be of a high quality of design and placemaking. Policy 53 of the Local Plan 2024 requires high quality design, demonstrating clearly how the proposal responds to design principles and reinforces or enhances local character and distinctiveness, also achieving exemplar design and architecture and landscaping that respects its context whilst not unduly restricting style.

(i) Loss of existing school

- 9.8 The building is not considered to be of any significant heritage interest such that it may be regarded as a non-designated heritage asset. This is due to its limited architectural distinction and the existing extent of alteration. There are no

designated heritage assets (either Conservation Areas or Listed Buildings) that would fall within the zone of visual influence of the new three storey building. Overall, therefore there are no design and character issues arising from the loss of the existing buildings on the site and no harm to heritage assets.

(ii) Appearance (including layout, scale and massing)

9.9 The overall height of part 1no. and part 2no. storeys is unconfontational for the street and is supported. Separating the school into two-parts, helps to visually break up the massing of a large building and the glazed linkage between the two is light, airy and visually non-obtrusive. The building would have greater presence on the street compared to the existing, without being overbearing.

9.10 The overall approach to materials set out in the DAS is supported and likely to result in a high-quality finish. The proposed brickwork is similar to that used on buildings in the existing area, namely the May Road housing development which is less than 100m from the Burnside School. The use of glazed green brick on elevations which face the street scene are elevating and provide interest to the entrance area.

(iii) External Space

9.11 The external space for the school sits south of the buildings. It was important for the School that the play areas were not facing the road or public areas due to the nature of the pupils attending the school for safeguarding purposes and thus options to have the play space the North of the site in front of school buildings was not in line with the needs of the pupils.

9.12 The external space has three main areas: informal play space, the MUGA and the wildflower sensory garden, and the calm/quiet zone. The quiet zone which exists nearby to the MUGA was a subject of debate, however it was concluded that with added landscaping to provide a visual separation between the two uses as well as ongoing management from staff, that both spaces could be effective despite their proximity. The wildflower sensory garden provides effective social space with seating and a canopy that promotes interest in nature due to the proposed sensory landscaping. The MUGA was considered a necessary inclusion in the re-development of the school given it is timetabled for usage for 50% the school day.

9.13 The MUGA would be surrounded by mesh fence which provides the openings necessary to provide surveillance across this part of the school grounds. This part of the development is acceptable in design terms.

- 9.14 It was discussed that picnic benches for external dining, as well as water fountains would provide effective uses for the external areas although these have not been added into the design. The school is advised to include these outside the remit of planning.
- 9.15 Overall, the external space is high-quality and presents much of an improved compared to the existing open bland area.

Internal Space

- 9.16 The overall approach to having two separate volumes linked by a glazed entrance area is logical reflecting the zoning of uses between each building. The eastern section is the main teaching block, and the western section contains a sports hall, the eating areas and ICT rooms.
- 9.17 The new building is highly functional and conventional in character. It has been designed in a way that seeks to meet relevant contemporary standards that apply to educational buildings including those relating to disabled access, as well as prioritising the safety of the pupils within this specialised school. The design ensures there are minimal 'hiding' spots created and thus follows a linear movement flow.
- 9.18 It is to be noted that the shared kitchen, changing room and wc area within the eastern block is for use by staff only. There is a small hygiene room that will be used by pupils for changing for sports. Due to management and safeguarding, a changing room for more than 1 pupil at a time would not be a viable option.
- 9.19 No elements of the internal layout would be regarded as a significant concern in planning terms.

(iv) Interrelationship with surrounding built environment

- 9.20 As noted previously the height, mass and materiality of the principal elevation facing Burnside Avenue would complement the prevailing built environment in this part of Chingford.
- 9.21 The rear elevation faces partially to a two-storey building which forms part of Salisbury Manor Primary School. The distance in between both buildings along with their similar height results in a harmonious relationship in terms of design and appearance.

- 9.22 Car parking is to remain in the same location as the existing, taking place within the site to the northern entrance point. The MUGA is adjacent to the southern site boundary with a large retail use. As such, the interrelationship with the surrounding built environment is acceptable.
- 9.23 Boundary treatments are labelled on the Site Landscaping Plans – South C05, West C05 and East C05 and Whole Site Plan Rev C11. The existing east and south boundary treatment is to remain as existing, however as parts of the existing boundary treatment shows signs of damage and inconsistent materials, a replacement boundary treatment will be required. The front boundary is shown to be 1.8m high weldmesh fencing. A full boundary treatment condition will be applied to any permission granted.

Conclusions on Design

- 9.24 The level of detail is generally appropriate at planning application stage. To achieve appropriate design quality a condition is included to enable the Council to have control of the design of the front entrance canopy, glazed tiles, windows, doorframes and boundary treatments are to be approved by planning condition to be in compliance with Policy 53, and 58 of Waltham Forests LP1 (2024).

C. Quality of Facilities

- 9.25 Paragraph 100 of the NPPF states that local authorities should give great weight to the need to expand or alter schools through decisions on applications. Policy S3 of the London Plan requires that proposals should ensure new developments are accessible and inclusive for a range of users, including disabled people, by adopting an inclusive design approach; and incorporates suitable, accessible outdoor space. Policy 53 of the Local Plan (2024) requires that, amongst other things, development facilitates inclusive, safe and accessible environments for all.

(i) Internal and External Environment

- 9.26 As noted previously all key rooms for learning and recreation within the development would be of a regular shape and benefit from natural light. A detailed Climate Based Design Modelling study has been undertaken which concludes that the proposed design performs satisfactory to the environmental criteria that apply. The study outlines mitigation measures which will be incorporated such as blinds to the South facing classrooms to be used whereby illumination levels are too high. In all cases the outlook from the rooms within the development is good, as a consequence of the large windows and separation distances from windows in excess of 20m at a minimum.

- 9.27 The external areas including the new sports facilities and teaching areas are well planned for the reasons previously discussed and benefit from good outlook, daylight and sunlight.

(ii) Health

- 9.28 The proposed development follows contemporary standards and requirements for educational development. A rapid health impact assessment was undertaken whereby it was concluded that a range of potential health impacts and areas that will be improved through the development, and recognising that this is the redevelopment of an existing school, the public health team have confirmed that a more health impact assessment would not be required.
- 9.29 There are no significant grounds for concern in this respect. The proposal would result in significant improvements to the external space around the school and sports facilities associated with the school. In this respect the proposal would have health benefits for its users, particularly through improved quality of external space. The proposal is considered acceptable in this respect.

(iii) Access

- 9.30 Access is to remain largely similar to the existing development. Pedestrians and cyclists will enter through the main entrance fronting Burnside Avenue. Vehicles for staff, visitors and servicing will enter through a vehicle only entrance. This access point is to be widened to ensure the development enables emergency vehicles, inclusive of fire trucks to enter on site.

Conclusion

- 9.31 In conclusion, taking the above factors into account, the proposal achieves good quality of accommodation in accordance with relevant planning policies including the NPPF and policy 53 of the adopted local plan.

D. IMPACT ON AMENITY

- 9.32 The NPPF requires that places have a high standard of amenity for existing users. Policy 57 of the Local Plan (2024) states that new development should respect the amenity of existing occupiers, neighbours and the surrounding area by avoiding harmful impacts from overlooking, enclosure and/or the loss of privacy, outlook, and daylight/sunlight.

- 9.33 In terms of impact on neighbouring properties and uses, the development would be close to existing residents along Burnside Avenue. The site also shares a boundary with Salisbury Manor Primary School to the south of the site.

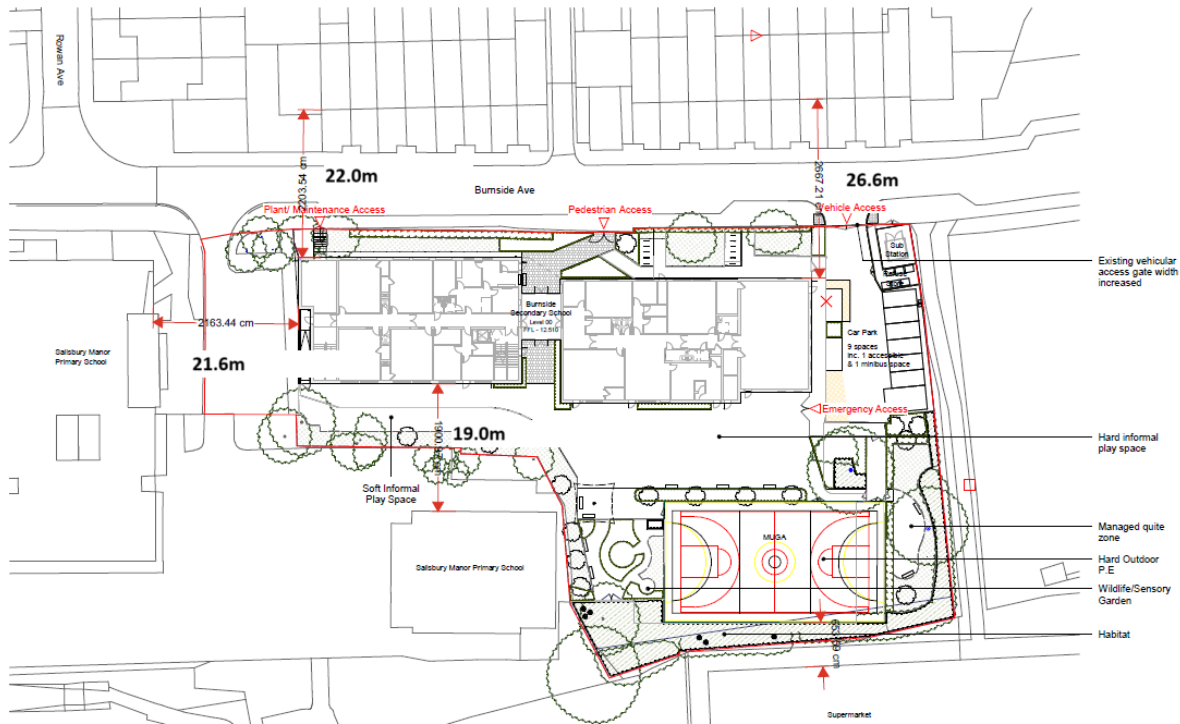
(i) Daylight, Sunlight and Overshadowing

- 9.34 A daylight and sunlight study was conducted using sketch up and is presented within the Design and Access statement. The study illustrates that there would be no impact of overshadowing on the houses opposite on Burnside Avenue during summer or spring. Due to the orientation of the site which is north facing with Salisbury Manor primary school to the rear, there will be no overshadowing onto the primary school. Given the separation distances between building, sufficient daylight and sunlight levels will remain to the surrounding buildings.
- 9.35 The closest distance between the school and any residential buildings is 22m between the two-storey block to the west and the properties which front Burnside Avenue. The Burnside Avenue properties are three-stories high and thus exceed the height of the new school, although the difference would be marginal.

(ii) Overlooking and Privacy

- 9.36 The proposed buildings would be separated by a minimum of 19.0m from other existing uses. A minimum distance of 22m to the nearest residential properties is achieved by way of separation with the public highway and the reasonably sized front gardens to properties on Burnside Avenue. Given this, the development is considered to have limited impact on the neighbouring residents in terms of overlooking, enclosure and/or the loss of privacy, outlook and daylight/sunlight. and this is considered to be suitable not to cause significant overlooking or privacy concerns to habitable rooms of properties on this road.

Figure 7: Separation distances from nearby existing uses



- 9.37 The Salisbury Manor Primary school sits 19m from the proposed two-storey block. Given that these uses are mutual and there is buffering in the form of trees along the boundary, this does not raise any concern of harmful privacy between classrooms.
- 9.38 The Salisbury Manor Primary School will overlook into the external play areas of the proposed site. This relationship exists already and thus the development does not create this relationship as new. Due to the mutually existing uses, this not considered to be a reason for objection to the development.
- 9.39 To Eastern and Southern directions, there lies the Chingford Storm Water Tank and retail park and thus there are no sensitive uses to overlook and there are significant distances between buildings.

(iii) Noise and Disturbance

- 9.40 Noise from the proposed plants as well as the onsite MUGA have been assessed within the submitted acoustics report.
- 9.41 The assessment indicates that the noise rating level from the proposed plant will be at least 5 dB below the background sound level during daytime hours. This would result in a Low Impact in accordance with BS 4142 guidance.
- 9.42 The assessment indicates that noise from use of the MUGA would not exceed upper limits for the nearby residential developments.

- 9.43 It is understood that none of the classrooms will be used for activities generating high levels of noise, such as music classes, amplified sounds, or workshops involving industrial noise levels. Consequently, noise breakout from the classrooms is not anticipated to pose a risk. Additionally, due to the relatively high levels of daytime background noise from busy local traffic, typical classroom activities are unlikely to disrupt local residents.

E. Highways and Transport Impacts

- 9.44 The National Planning Policy Framework (2023) at paragraph 109 sets out that transport issues should be considered at the earliest stages of development proposals in order to ensure that the impact of development on the transport networks can be assessed and that opportunities to promote the use of active travel and public transport are prioritised. This is carried forward in paragraphs 110 to 118 which amplify these priorities in a placemaking context, harnessed to need to ensure safe and suitable access to the site for all users.
- 9.45 London Plan (2021) Policies T1 and T5 set out proposals should support the delivery of the Mayor's Healthy Streets transport strategy which aims to ensure that by 2041, 80% of all trips in London are to be made by walking cycling or public transport. Policy T6 sets out the thresholds for car parking in new development which should be restricted in line with levels of existing and future public transport in the area. It states that developments should provide the minimum necessary parking, and that an absence of local on-street parking controls should not be a barrier to development.
- 9.46 Policy 60 of the Waltham Forest Local Plan LP1 (2024) sets out that the Council will promote sustainable with new developments expected to contribute to more attractive, accessible, healthy and safe streets, places and neighbourhoods.
- 9.47 Policy 66 sets out that proposals which (A) provide parking in less well-connected areas (e.g. the application site) must be accompanied by a robust Transport Assessment; and that (B) parking must not exceed maximum London Plan standards and those at Appendix 1 of LP1 and finally (C) that all development should provide Blue Badge spaces in accordance with best practice set in the London Plan and LP1.

(i) Car-parking

- 9.48 The site is not located within a Controlled Parking Zone (CPZ) and has a PTAL score of 2. This score indicates that the site has a moderate level of accessibility when compared to the other areas of London.

- 9.49 The proposal includes a car-parking area of 460m² which includes 9 car-parking spaces inclusive of 1 mini-bus and 1 accessible space. This is a reduction to the existing car-parking area which measures 720m². The parking would be accessed via Burnside Avenue. Whilst car parking exceeds the permitted maximum, this represents a significant reduction from the existing layout and thus a step in the right direction. Furthermore, the school is complimented by visiting professionals who support the social, emotional, mental health (SEMH) needs requirements of pupils attending the site who will often require on-site park and to support the specific requirement of the school, the proposed parking is acceptable.
- 9.50 In terms of parking infrastructure, two proposed parking spaces would be equipped with active electric vehicle charging and the remaining seven are marked as future spaces for electric vehicle charging, which meets the requirement of Local Plan 1 whereby at least 20% of parking spaces to have active charging facilities at the outset, with passive provisions for the remaining spaces. Details shown on drawing no.SRP1055-SIL-XX-XX-D-E-3602 P01 Oct'24 are sufficient for approval.
- 9.51 Overall, the proposal is considered to strike an appropriate balance between the compliance with maximum parking standards and impact on the surrounding road network. Overall, the proposal is compliant with regional and local policies of car parking for development of this scale in this location.

(ii) Cycle Parking

- 9.52 Policy T5 of the London Plan (2021) requires 1 space per 8 FTE staff + 1 space per 8 students for long-stay cycle parking and 1 space per 100 students for short-stay cycle parking.
- 9.53 Contained within Local Plan 1 (2024) the following cycle standards are outlined: 1 space per 4 pupils and 1 space per 4 staff with 1 short-stay per 100 students.
- 9.54 Accordingly, the development is proposing 12 pupil spaces, 10 staff spaces and 1 short stay, a total of 21 spaces which is in accordance with LP1 (2024) standards.
- 9.55 The cycle parking is shown on the plans as being located at the front of the site with separate storage for staff/pupils. Further detail on the cycle parking is required by planning condition to ensure the cycle parking is appropriately designed and is of an adequate specification.

(iii) Highways Works

9.56 A Section 278 Agreement has been requested by Highways as a way of addressing highways works required to facilitate the development. The extent of works will include but are not limited to:

- Renewal of the footway along the frontage of the site along Burnside Avenue. The extent of the footway works needs to be start from the beginning of the school keep clear on the eastern side of the site.
- Relay existing channel level and relocation of the existing footway gully on the eastern side of the vehicular access to reduce ponding.
- Removal of the existing vehicular access on Burnside Avenue and the construction of a new wider dropped kerb to facilitate access.
- Removal of any required enabling works as outlined within the Detailed CLP

These works would be carried out by the Local Highway Authority funded by the developer.

(iv) Construction Logistics Plan

9.57 Policy T7 of the London Plan (2021) set out the policy for assessing the effects of development on transport capacity.

9.58 Policy 63 and 65 of Waltham Forest Local Plan (2024) sets out that a Construction Logistics Plan (CLP) setting out the potential impacts of construction traffic, and how this will be reduced. An Outline CLP should be submitted at application stage, followed by a Detailed CLP at the pre-construction phase.

9.59 The Outline Construction Logistics Plan was submitted and reviewed by Highways Officers. Highways appreciate the effort the applicant has made to address our previous set of comments, however overall quality of the CLP is still lacking. However, the comments can be addressed through the process of reviewing the detailed CLP and therefore would not justify holding up this planning application. Highways highly recommend a Transport Consultant is appointed to produce the Outline and Detailed CLPs.

9.60 During construction, all large vehicles associated with the works will be required to enter the site from Burnside Avenue, via George Road, the A112 and A406 and depart the site via Leonard Road, the A112 and A406. Currently it is envisaged that construction access will be provided from Burnside Avenue to the west of the site boundary.

- 9.61 There is also no significant highway nor pedestrian safety concern raised by Highways. Planning condition would be included to for the submission of Detailed CLP to be submitted prior to the commencement of the development.
- 9.62 To ensure compliance with the CLP, a S106 contribution of £2,000 would be requested towards CLP monitoring which is required to facilitate cost incurred on the Highways Team for directly monitoring of the development, ensure that there is no damage public realm and should there be any damage to facilitate any claims required in terms of remedial works required. The monitoring of the development is an additional service commitment for the Highways Team, above and beyond the statutory Local Highways Authorities role and monitoring is directly related to the facilitating the development during the construction phase and protecting the public realm.

(v) Conditions Survey

- 9.63 A condition survey will be required of the adjoining carriageway and footway on Burnside Avenue. The condition survey should cover the site frontage, 20m on both sides including any area on the public highway identified for loading/offloading and any key junctions in the routing. The condition survey must include a site plan showing the location of where the photographs were taken on the public highway. This will be required, to ensure, if the public highway is damaged as a result of the construction works this would be reinstated by the Council and funded by the developer.

F. Waste Management

- 9.64 Policy SI7 of the London Plan (2021) seeks to reduce waste and support the circular economy.
- 9.65 Policies 57 and 93 of the Local Plan states the requirement that new development should ensure that waste is managed in the most environmentally friendly way in order to protect human health and the environment from pests and other environmentally damaging effects.
- 9.66 The refuse store is proposed at the front of the site within the car-park in an enclosed area. There are doors which open outwards towards the car-park. The plans show three separate bins to be provided. Other than this, no further details have been provided.
- 9.67 A condition will be added in light of an approval to ensure adequate waste storage and capacity is secured in line with the minimum requirements as such information has not been provided within the development.

- 9.68 In light of the circular economy, a site survey were carried out and it was found that there are no materials within the existing school buildings which could be re-used in construction of the school. The approach to materials is explained more fully in the Construction Management Plan. As the school is being developed as a new building, the London Guidance on Circular Economy sets out size principles that can be applied to new building throughout the design process. The design of Burnside Secondary School follows these principles through the reduction of demolition, construction and operational waste.
- 9.69 In light of the above and subject to a pre-commencement condition, the proposal would comply with the objectives of adopted Local Plan policies 57 and 93.

G. Sustainable Design and Energy Efficiency

- 9.70 The NPPF encourages proposals, which support renewable and low carbon energy and associated infrastructure.
- 9.71 Policy 87 of Waltham Forests LP1 (2024) ensures that non-residential development greater than 100sqm achieves a minimum of BREEAM 'very good' (or equivalent) standards, and encouraging major non-residential development to achieve 'excellent' (or equivalent).

(i) Water efficiency

- 9.72 Policy SI5 of the London Plan states that development should minimise the use of mains water in line with the Operational Requirements of the Building Regulations to achieve mains water consumption of 105 litres or less per head per day.
- 9.73 The BREEAM water calculator tool has been used in conjunction with the above flow rates to determine that two credits could be awarded, exceeding the mandatory Wat 01 requirements for an Excellent rating (one credit), in accordance with London Plan Policy SI 5.
- 9.74 A condition will be applied to ensure that consumption of water does not exceed 105 litres per head per day in accordance with Policy SI5 of the London Plan and Policy 89 of the Local Plan.

(ii) Energy Efficiency

- 9.75 Policy SI2 of the London Plan (2021) sets out a carbon dioxide reduction target for regulated emissions of 35% against Building Regulations 2013. This policy also requires major developments to be net zero-carbon.
- 9.76 This position is also reflected in policies 85, 86 and 87 of the Adopted Local Plan. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:
- Be lean: use less energy and manage demand during operation.
 - Be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly.
 - Be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site.
 - Be seen: monitor, verify and report on energy performance.
- 9.77 The energy statement 'Rev C03' Report outlines that all space heating will be generated by air source heat pumps. The air-source heat pumps are located on the roof of the buildings – as shown in the roof plans. A specification sheet has been submitted for the proposed air-source heat pumps. Furthermore, a large photo voltaic array of 69kWp will be mounted on the building roof and coordinate with other roof mounted services, and in conjunction with the heat pumps results in a total 143% CO2 reduction over Part L 2021, meaning the building is assessed as zero emission (regulated).
- 9.78 The submitted information shows that the development would well exceed policy SI2 requirements. The development seeks to achieve BREEAM 'very good' which is accordance with Policy 87. Subject to conditions and a S106 to ensure compliance, the development would achieve the required sustainability targets and would be acceptable.

H. Trees, Landscaping and Local Geology

- 9.79 The NPPF (2023) states that developments shall contribute to and enhance the natural and local environment.
- 9.80 Policies G1 and G5 of the London Plan (2021) require new development to incorporate urban greening features such as street trees, green roofs, green walls, raingardens and nature-based sustainable drainage.
- 9.81 Policy 79 of the Local Plan sets out proposals should seek to protect and enhance biodiversity and geodiversity resources in the borough and achieve biodiversity net gain.



9.83 The impacts on existing trees, and in particular the loss of the oak identified as T04, resulted in the proposal being difficult to support in arboricultural terms. Extensive discussion and alternative building footprints were considered through the pre-applications, in order to avoid the removal of T04 amongst the others. The applicant has set out their justification for its removal extensively. After some time, it was concluded that an appropriate alternative could not be found to work for the needs of the school. The viability of the project became to be compromised due to such discussions, and on balance officers accept the removal of trees in this occasion only given that the re-development of the school has significant weight.

9.84 The report includes ambiguity in respect of boundary tree planting trees, stating:

- *‘The existing field maple trees adjacent to the boundary should be retained is[?] possible. A detailed assessment will be required at the next design stage’.*

9.85 The AIA and outline AMS, leave some matters unresolved to be clarified once further construction details are finalised. The report states that a more detail AMS will be required to address those points and as such, a detailed AMS will be conditioned into the approved planning application.

9.86 The scheme includes a biodiverse green roof and naturalistic planting that is incorporated alongside existing vegetation, suggests that a considered approach to urban greening has been taken. The given Urban Greening Factor score at 0.49 is successful and exceeds required targets.

9.87 Generally, the urban greening proposed is encouraging and should be beneficial to biodiversity and, in turn, lead to positive, biophilic spaces for the pupils and staff in the school. The planting mixes focus on ornamental rather than native planting, but in the context of a school setting, this is acceptable as it includes pollinator friendly planting and a range of grasses, forbs, ferns, and shrubs.

(ii) Landscaping

9.88 The landscaping consists of hard-landscaped PE area (MUGA), hard-landscaped informal and social area, soft-landscaped informal and social areas and a habitat area. Overall, there is a mix of landscaping to provide a range of uses which makes the outdoor space purposeful, and encourages social interaction, sports and learning.

9.89 The landscape strategy for the proposed development has been guided across the site to create high quality landscape and a visually attractive environment with planting and functional amenity space, facilitating an enhancement of the sites ecology *Figure 9: Landscaping proposals (South)*



Figure 10: Landscaping proposals (West)



- 9.90 The mix of planting types across the scheme is welcomed, with wildflowers, perennial planting, tree planting and green roofs proposed. A management plan will be applied as a condition to ensure maintenance and upkeep of such planting types given that the types proposed require special care.

(iii) *Biodiversity*

- 9.91 Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) specifies that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (“the biodiversity gain condition”) that development may not begin unless:
- 9.92 All planning permissions granted in England have to deliver at least 10% biodiversity net gain, effective from 12 February 2024.
- 9.93 There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 9.94 Policies GG1, G1 and G5 of the London Plan (2021) require new development to incorporate urban greening features such as street trees, green roofs, green walls, raingardens and nature-based sustainable drainage.
- 9.95 Policy 79 of Waltham Forest Local Plan LP1 (2024) sets out that schemes should demonstrate a minimum 10% biodiversity net gain using the Defra Biodiversity Metric 2.0 (or subsequent version), even where development proposals do not result in biodiversity loss.
- 9.96 The baseline habitat of the site is 1.38. The post-development habitat unit on site would be 1.52 thus an uplift of 0.14. The submitted biodiversity net gain assessment states that a net gain of 10.31% would be achieved on site through the development.
- 9.97 This score was arrived at by a suitably qualified ecologist who has set out the factors which determined this score. It is recognised that determination factors of the health of trees will differ for an ecologist and an arboriculturist, however this was reviewed, and officers understand that an ecological assessment is to be applied here, and therefore based on the ecologist’s review, the Biodiversity Net Gain assessment is acceptable.

- 9.98 The scheme includes a wide-ranging planting and soft-landscaping proposal which will significantly enhance biodiversity in terms of planting for the site. Given that the proposal is ambitious, it is highly important that the planting is managed well and consistently over time for it to be successful. To meet the projected Biodiversity Net Gain outcomes, a Habitat Management and Monitoring Plan for a 30 year period would be required.
- 9.99 The plans indicate that habitat boxes for wildlife would be incorporated into the scheme, bringing further benefits for biodiversity, and this is welcomed. However, a further plan is required to show that the boundary treatments are permeable for ground-based wildlife.

(iv) Ecology

- 9.100 An Ecological feasibility report has been submitted with the application and this is based on a survey undertaken on 23rd March 2022. The report remained valid for 18 months from the date of issue, and so a review of its findings would be necessary thereafter if used to support an application. To meet this requirement, a subsequent site visit was carried out by another ecologist in July 2023 and an assessment of the previous recommendations summarised in a letter dated 21st August 2023. Whilst the reassessment concluded that the findings of the previous ecological report were sound, with no changes in the site condition noted, the subsequent assessment itself was limited to a year from date of issue.
- 9.101 Therefore, due to the stated time limitations of the submitted reports, officers recommend that a further survey of the site is carried out by a suitably qualified ecologist prior to commencement of development.
- 9.102 Overall, the urban greening and enhancements in soft-landscaping are successful on site and a thoughtful approach has been taken. A planning balance had to be made in terms of the loss of T4 compared to the need for the school, the pupils and the re-development of the school being able to continue. As such, subject to conditions the development is acceptable in accordance with Policies 46, 47 of the Local Plan (2024).

I. Environmental Impact

- 9.103 Policy 50 of the Waltham Forest Local Plan Part 1 seeks to control and mitigate pollution in all its forms, including noise, vibration, light, smell as well as land, water, and air-based considerations.

(i) Flooding and Sustainable Drainage

- 9.104 Paragraph 165 of the NPPF requires that inappropriate development in areas at risk of flooding should be avoided. The 'sequential test' seeks to steer new development away from land at risk of flooding. Policy SI12 of the London Plan states that development proposals should ensure that flood risk is minimised and mitigated and residual risk addressed. These principles are also reflected in Policy 91 of the Local Plan which requires a Flood Risk Assessment for all development in flood zones 2 or 3.
- 9.105 A FRA and Flood Evacuation Plan were submitted with the application and prepared by Glanville. The Environment Agency flood maps indicates that the majority of the site is located within Flood Zone 2 with Flood Zone 3 adjacent to the western boundary. The Government Flood Risk Summary website indicates Groundwater flooding is unlikely. As the groundwater is perched and flooding is considered unlikely the risk is considered low as no basements are proposed on site. The Environment Agency flood maps indicate the site has a low risk of surface water flooding on site. There is a risk of reservoir flooding, however the risk is still low due to management and maintenance by the reservoir team.
- 9.106 The FRA concludes that the development proposals have been designed after consideration of national planning policy and best practice guidance. The design includes features to reduce flood and pollution risks and to promote sustainable drainage practice.
- 9.107 Flood risks within the site have been assessed. Although the site is located partly in Flood Zone 2 and Flood Zone 3, the site use is considered appropriate in terms of flood risk vulnerability classification. As such, the proposed redevelopment of the site is considered appropriate in terms of fluvial flood risk. The development's foul water drainage strategy utilises existing infrastructure to take effluent to the sewage treatment works. The design includes many access points for maintenance.
- 9.108 To ensure that water is efficiently managed, an updated drainage plan will be required as part of a planning condition to detail the following: arrows showing exceedance flows which should be retained on site as much as possible, and details to show that either site perimeter levels should have a full back in to the site, or drainage should be provided to incept exceedance flows.

(ii) Noise and Vibration

- 9.109 The issue of noise and vibration impacts has been considered in section 8.1 (D) of this report which deals with residential amenity. It is considered that the plant associated with the development is set a sufficient distance away from the site boundaries to avoid environmental disturbance through noise and disturbance and the development is acceptable in this respect.

(iii) Air Quality

9.110 Paragraph 174 of the NPPF seeks to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Policy SI1 of the London Plan (2021) sets out the requirement for new developments to tackle poor air quality. All new developments must be at least air quality neutral. In the London Borough of Waltham Forest, a borough wide Air Quality Management Area (AQMA) has been declared. Policy 88 of the Local Plan (2024) requires that new development should ensure the avoidance of any adverse air pollution impacts and aim to improve air quality in the borough.

9.111 Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority. It is not considered necessary to delay the planning application to have this information provided prior to determination. Subject to this condition, the proposal is acceptable in air quality terms and there is no conflict with relevant NPPF, London Plan or Local Plan policies in this respect.

(iv) Contaminated Land

9.112 The NPPF (para 189) requires that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land stability or contamination. Policy 90 of the adopted local plan (2024) states that in order to manage contaminated land and prevent the spread of contamination site investigation and desk-based research should be submitted with all planning applications.

9.113 Ground investigation reports have been submitted by the applicant and were prepared by Geosphere Environmental. With regards to environmental considerations, significant risks to sensitive receptors have been identified and thus it was considered that a Remediation Method Statement shall be essential in mitigating the risk to End Users. This has been submitted and reviewed. None of the findings were regarded as a barrier to future development subject to following the findings and suggestions within the report, as well as a land contamination condition. The Environmental Health Officer is supportive of this approach.

9.114 As such subject to conditions the proposal is acceptable in relation to contaminated land impacts, there is no conflict with the NPPF or the adopted local plan. Furthermore, the remediation measures upon implementation will improve the environmental quality of the site.

J. Safety and Security

(i) Fire Safety

9.115 The London Plan (2021) Policy D12 'Fire Safety' states that all major development proposals should be accompanied by a Fire Statement in the interests of fire safety and to ensure the safety of all building users. As per criterion B of policy D12, the Fire Statement should be produced by a third-party, independent and suitably qualified assessor. This should be a qualified engineer with relevant experience in fire safety, such as a chartered engineer registered with the Engineering Council by the Institution of Fire Engineers.

9.116 The works involve the construction of a new part single, part-two storey school building with easy access from one access point. Vehicular and emergency access to the site can be from the main road Burnside Avenue E4, with additional access to the rear of the building via the side entrance gate.

9.117 A Fire Safety report has been carried out by Salus whom are suitably qualified fire risk consultants. This demonstrates that appropriate consideration has been given to fire risk at application stage. The report demonstrates reasonable compliance with the general principles outlined in BS9999:2017 compliant and will in terms of fire safety design will satisfy the functional requirements of the Building Regulations 2010. A fire risk assessment is needed at occupation to ensure the requirements of the Regulatory Reform Fire safety order has been complied with. This report will assist in the preparation of this document which needs to include fire safety management.

9.118 It is recommended that an informative is added advising the applicant to work with the relevant authorities (Building Control and the London Fire Brigade) in developing the proposal further in the post decision phase. Matters relating to the management of fire risk across the lifetime of the development, including of emergency fire evacuation procedures, would be the responsibility of the school in the operational phase of the development.

9.119 In conclusion, and subject to the informative set out above, the proposal would not raise concerns about fire safety such that would justify delaying or refusing planning permission. As such, subject to condition, it is considered that the proposed development acceptable in accordance with London Plan (2021) Policy D12.

(ii) Crime Prevention

- 9.120 Policy D11 of the London Plan (2021) set out policy which requires all new developments to design out crime and incorporate an acceptable level of safety and security measures and ensure development is resilient to emergency. Policy 58 of the adopted local plan seeks to make places safer and design out crime, requiring all major development to seek to achieve for Secured By Design accreditation via the Secured by Design scheme.
- 9.121 The applicant has engaged with the Police Secure By Design Advisor there are something the outstanding matters relate to technical detail that require further consideration in order to meet the secure by design principles which can be conditioned in relation to any forthcoming consent.

K. Planning Obligations

- 9.122 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.
- 9.123 In terms of the S106 Agreement, the required Heads of Terms, having regard to planning policy, the Waltham Forest Local Plan Revised Planning Obligations SPD (2017) for this development relate to the following Heads of Terms which are also outlined in Section 1 of this report.
- 9.124 The applicant has agreed with the Heads of Terms therefore, the development would be in compliance with planning policy, viability and the Council's Planning Obligations SPD (2017), the Waltham Forest Supplementary Planning Document "Affordable Housing and Viability" (2018) and Policy 94 of the Local Plan (2024).

10. ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

- 10.1 The public sector equality duty (PSED) under s.149 of the Equalities Act requires the Council to 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.

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

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.

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

Human Rights

- 10.3 Under the Human Rights Act 1998, 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. It is not considered that the recommendation to grant 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 freedoms 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.

11. CONCLUSIONS

- 11.1 The principle of the re-development of the existing Burnside School in this location is acceptable. The proposal would provide a well-designed, high quality educational facility which would achieve satisfactory facility for existing and future students and would not have an adverse impact on neighbouring amenity or highway safety. Subject to compliance with the requirements of conditions to be imposed on the development and the completion of a Section 106 agreement, the proposal is in compliance with relevant policy and can be recommended for approval accordingly.

11.2 The conditions set out in the agreed s.106 Heads of Terms (set out in paragraph 1.1 of this committee report) would ensure that any adverse impact of the scheme is mitigated against, and the positive aspects of the proposal advanced by the applicant are carried out through the implementation.

11.3 Overall, officers have given careful consideration to the material considerations and where impacts are forecast to arise from the proposed development, adequate mitigation measures have been introduced to make the proposed development acceptable in planning terms.

12. RECOMMENDATION

12.1 The Planning Committee is recommended to grant planning permission subject to the conditions and informatives below and the completion of a s106 agreement with the agreed Heads of Terms, as set out in paragraph 1.1 of this committee report.

Planning Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To adhere to the statutory timeframes for the commencement of development.

Approved Plans and Documents

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:

Drawing Reference(s):

- Site Location Plan, C04, 12/11/2024
- Existing Site Block Plan, C05, 28/10/2024
- Existing North & South Elevation, C02, 28/10/2024
- Existing East & West Elevations, C03 08/11/2024
- Existing Site Sections, C03, 08/11/2024
- Existing Site Landscaping Plan, C02 24/07/2023
- Vehicle Tracking Mini-Bus and Car, C03, 24/12/2024

- Site Planning Boundary C02 29/09/2023
- Proposed Site Plan, C07, dated 12/11/2024
- Whole Site Plan, C11, 09/02/2024

- Landscape Zoning Strategy Plan, C03, 09/10/2024
- Planting Sheet 1 C01, 14/10/2024
- Planting Sheet 2 C01, 14/10/2024
- Planting Sheet 3 C01, 14/10/2024
- Site Landscape Plan West, C05, 09/10/2024
- Site Landscape Plan East, C05, 09/10/2024
- Site Landscape Plan South, C05, 09/10/2024
- General Arrangement BB 104 Areas, C05, 09/10/2024
- Proposed GF Plan, C08, 12/11/2024
- Proposed FF Plan, C09, 12/11/2024
- Proposed Roof Plans C07 28/10/2024
- Proposed Site Section 01 and 02, C08, 12/11/2024
- Proposed Section AA, C07, 12/11/2024
- Proposed Section CC, C07, 12/11/2024
- Proposed North & South Elevations, C08, 12/11/2024
- Proposed West & Elevations, C07 12/11/2024
- Proposed West & East Link Elevations, C07 12/11/2024
- Proposed Site Elevation Facing Street, C04, 08/01/2025
- Detailed Section A_A, C05, 28/10/2024
- Entrance Bay Elevation, C01, 28/10/2024
- External Visuals 1, C06, 15/11/2024
- External Visuals 2, C05, 13/11/2024
- External Visuals 3, C04, 18/10/2024
- Design and Access Statement, C06, 13/11/24

- Substation Plan, C03, 12/11/2024
- Site Plan Fire Strategy, C07, 12/11/2024
- Tetra Tech Phase 1 Habitat Plan, Revision No.A, 28th March 2022
- Community Use Site Plan, C08, 12/11/2024
- Community Use Zoning GF plan, C07 12/11/2024
- External Lighting Plan, P01, 28/10/2024
- Electric Vehicle Charging P01 xx/10/2024
- Site Demolition Plan, C05 11/08/2023
- Demolition Plan, C06, 08/11/2024
- Tree Removal Plan, C03 20/07/2023
- Tree Protection Plan, C05, 09/10/2024
- Mechanical Services, District Heat Networking, Future Proofing: SRP1055-SIL-XX-XX-D-M-3603, Rev P01, 07/03/2025
- Mechanical Services, Plant Room Layout: SRP1055-SIL-XX-00-D-ME-080, Rev C03, 07/01/2024
- Vehicle Tracking Mini-Bus and Car, 24/12/2024

- Smith Jenkins, Planning Statement, Ref: 1362, November 2024
- Smith Jenkins, Cover Letter, Ref:1362, 22nd November 2024
- Smith Jenkins, Statement of Community Involvement, October 2024 Ref: 1362
- Glanville Flood Risk Assessment 1 Issue 5: January 2025
- Glanville Flood Risk Assessment 2 (Appendices) Issue 4: 18th October 2024
- Flood evacuation plan, Issue 1, 18th October 2024

- Encore Environment, Resource Efficiency Management Plan 1st November 2024
- Salus, Planning Fire Statement, 511703 Stage 3 Version 2.0, 6th September 2023
- SCP, Travel Plan, 230260, September 2023
- SCP, Transport Statement, 230260, September 2023
- Tetra Tech, Structural Condition Survey Stage 1, Gleeds, 22/03/2022
- Morgan Sindall, Construction Method Statement, Rev 01 08/11/2024
- Scott White and Hopkins, BREEAM Pre-Assessment, 10/10/2024
- Morgan Sindall Construction, Logistics and Access During Different Stages of Construction
- Goody Demolition, Method Statement & DEMP, Project Number G3178, 29/10/2024
- GEO, Ground Investigation, 2549, GI, GROUND, AD, SG, JD, 25-09-23, V.1, 25/09/2023
- RPS, Archaeological Impact Assessment, JAC29157, Version 1, September 2023
- Rapid Health Impact Assessment Matrix, Self-completion form, 17/09/2024
- GEO, Remediation Method Statement, Report no. 7549, GI, RS, RMS, AD, JD, 07-11-24, V4 date 7th November 2024
- Anderson Acoustics, Noise Impact Assessment, Project no. 6668 6/11/2024
- Silcock Dawson & Partners, Overheating Risk Assessment, Rev C04 06/01/2025
- Silcock Dawson & Partners, Energy Strategy, Rev C04, 07/03/2025
- Silcock Dawson & Partners, Planning Responses Letter: 8th January 2025
- Silcock Dawson & Partners, Climate-based Daylight Assessment, Rev C03, 25/10/2024
- Silcock Dawson & Partners, Sustainability Statement, Rev P01
- Wynne-Williams Associates, Tree Survey, Arboricultural Impact Assessment & Outline Method Statement, October 2024
- Wynne-Williams Associates, CAVAT Assessment, October 2024
- Richard Graves Associates, Biodiversity Net Gain Report, V0.4, Nov 2024
- Mitsubishi Electric, CAHV-R450YA-HPB Ecodan Air Source Heat Pump Specification Sheet

REASON: For the avoidance of doubt and in the interests of proper planning.

Contamination

3. The developer must either submit evidence that the site building(s) were built post 2000 or provide an intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 supported by appropriate and appropriate mitigation scheme to control risks to future occupiers. The scheme must be written by a suitably qualified person and submitted to the Local Planning Authority (LPA) for approval, before commencement. The scheme as submitted shall demonstrably identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed use. Detailed working methods are not required but the

scheme of mitigation shall be independently verified to the satisfaction of the LPA prior to occupation.

REASON: To avoid any adverse air quality impacts to local residents in relation to policy 88 of Waltham Forests Local Plan (2024).

4. Prior to commencement of Phase 1 (as outlined in pg.25 Rivington Street Studio DAS, November 2024) construction works, a scheme including the following components (where applicable) to address the risk associated with site contamination shall be submitted to and approved in writing by the Local Planning Authority (LPA):

A) A Desk Study report including a preliminary risk assessment and conceptual site model.

B) A ground investigation based on the findings of the Desk Study Report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

C) The results of the investigation and revised risk assessment and based on these, in the event that remediation measures are identified necessary a remediation strategy including a verification plan shall be submitted giving full details of the remediation measures required, how they will be undertaken and data requirements, including compliance criteria and monitoring details.

Any investigation and risk assessment must be undertaken in accordance with the Environment Agency's Land contamination risk management (LCRM). In the event that additional significant contamination is found at any time when carrying out the approved development it must be reported immediately to the LPA.

(For the avoidance of doubt, this condition can be discharged on a section by section basis.)

REASON: To ensure the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 90 of the adopted Waltham Forest Local Plan LP1 (2024).

5. Prior to the occupation of the Western block to be constructed during Phase 1 (as outlined in the pg.25 Rivington Street Studio DAS November 2024) , a verification report relating to contamination, if remedial works are required in relation to condition 4, shall be provided setting out a complete record of all remediation activities and evidence that it has been successful including quality assurance certificates and photographic evidence shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies 48, 89 and 90 adopted Waltham Forest Local Plan LP1 (2024).

Construction

6. Prior to the commencement of the development, a detailed Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the local planning authority. The Construction and Logistics Plan and Delivery and Servicing Plan must be submitted using the TfL template and guidance found here:

www.constructionlogistics.org.uk. The logistics plan shall include details of site access, journey planning, access routes, hours of deliveries, temporary traffic arrangements or restrictions, site operation times, loading and unloading locations and material storage. All works shall be carried out in accordance with the approved details and the Construction and Logistics Plan should be implemented throughout all demolition and construction works.

REASON: To ensure that disruption is kept to a minimum and does not affect highway traffic flows to comply with Policies T1 and T5 of London Plan (2021), Policies 50, 57, 63, 65, 87 and 89 of the adopted Waltham Forest Local Plan LP1 (2024).

7. Prior to the commencement of any part of the development, including demolition and site clearance, an updated Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of the following:

- 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 noisy working audible at the site boundary being permitted on Sundays or Bank Holidays
- Construction Vehicle Access Strategy
- Likely noise levels to be generated from plant
- Details of any noise screening measures
- Proposals for monitoring noise and procedures to be put in place where agreed noise levels are exceeded
- Where works are likely to lead to vibration impacts on surrounding residential properties, proposals for monitoring vibration and procedures to be put in place if agreed vibration levels are exceeded. Note: it is expected that vibration over 1mm/s measured as a peak particle velocity would constitute unreasonable vibration.
- The method statement shall make reference to and comply with The Mayor of London's supplementary planning guidance (SPG) 'The control of dust and emissions from construction and demolition' <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/control-dust-and-emissions-from-construction-and-demolition>

In particular the applicant shall:

- Submit for approval an Air Quality (dust) risk assessment
- Submit for approval an Air Quality & Dust management Plan (AQDMP)
- Equipment and plant used on site shall comply with the requirements for 'Non-Road
- Mobile Machinery' (NRMM)
- Submit a for approval Dust monitoring programme

All the above submissions shall have regard to the Mayor's SPG. Reference shall be made to:

- BRE four part Pollution Control Guides 'Controlling particles and noise pollution from construction sites'.
- BS 5228: Noise and vibration on construction and open sites Unexploded Ordnance Desktop Survey

REASON: To ensure considerate construction and to protect the amenities of the nearby residents from excessive noise and dust and to comply with Policies D6 and SI1 of London Plan (2021), Policies 57, 63, 64, 87 and 88 of the adopted Waltham Forest Local Plan LP1 (2024).

8.No NRMM shall be used on the site unless it is compliant with the NRMM Low Emission Zone requirements (or any superseding requirements) and until it has been registered for use on the site on the NRMM register (or any superseding register).

REASON: To ensure that air quality is not adversely affected by the development in line with the Mayor's SPG: The Control of Dust and Emissions during Construction and Demolition, to comply with Policy SI1 of the London Plan (2021)

Architecture and Design

9.Notwithstanding the submitted plans, prior to the commencement of development, notwithstanding site clearance and investigation works, demolition and construction to slab level, samples and a schedule of all external facing materials as noted on the approved planning elevations (but not including the perforated metal fencing to the pupil entrance) have been submitted to, and approved in writing by, the local planning authority. This should include a) mortar choices and b) material junctures. The development shall be carried out in accordance with the approved details prior to occupation and thereafter retained as such for the lifetime of the development.

REASON: To ensure a high standard of design is achieved in compliance with Policy 53 and Policy 57 of the Adopted Waltham Forest Local Plan Part 1 (2024).

10.Notwithstanding the submitted plans, prior to the commencement of development on site, notwithstanding site clearance and investigation works, demolition and construction to slab level hereby approved shall take place until details of the front entrance canopy, including soffit details and the dimensions of the letters for the signage have been submitted to, and approved in writing by, the local planning

authority. The works shall be carried out as agreed and thereafter maintained for the lifetime of the development.

REASON: To ensure a high standard of design is achieved in compliance with Policy 53 and Policy 57 of the Adopted Waltham Forest Local Plan Part 1 (2024).

11. Prior to the commencement of Phase 3 (as outlined in pg.25 DAS November 2024) 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, inclusive of permeability of site boundaries for ground-based wildlife 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 uses, and permeability for ground-based wildlife to move freely in and out of the site accordance with Policies 53, 57 and 79 of the adopted Waltham Forest Local Plan Part 1 (2024).

Security and Safety

12. Prior to the commencement of Phase 3 (as outlined in pg.25 DAS November 2024), full details of measures to be incorporated into the development, demonstrating how site security would be achieved and include details of CCTV, lighting and entry control systems on site (including the access points to the car parking spaces and Muga), along with how the development can achieve the principles of Secure by Design accreditation and this shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to the first occupation of the development and shall thereafter be retained for the lifetime of the development.

REASON: In the interest of security and to protect the living conditions of existing and future residents in the locality in accordance with Policy D11 of the London Plan (2021) and Policy 58 of the adopted Waltham Forest Local Plan LP1 (2024).

Sustainable Design

13. Prior to the commencement of development on site, notwithstanding site investigation work, clearance and demolition, a drainage strategy including SuDS (Sustainable Drainage System) to deal with all surface water drainage from the site, including details of exceedance flows with arrows shown, perimeter levels shown to either have a full-back into the site or channel drainage provided, 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. No discharge of foul or surface water from

the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. 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 achieve a satisfactory standard of development that mitigates the risk of surface water flooding in accordance with policy 83, 89 and 91 of the adopted Waltham Forest Local Plan Part 1 (2024).

14. Prior to the occupation of the eastern building built in phase 2 (as outlined in pg.25 of the Rivington Street Studio DAS dated November 2024) of the development hereby permitted, the report demonstrating how the scheme reduces the carbon dioxide emissions of the development by at least 35% compared to the 2021 Building Regulations shall be updated to explain how what measures have been implemented during construction of the development, shall be submitted to, and approved in writing by, the Local Planning Authority. 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 SI 2 of the London Plan and Policy 85 of the London Borough of Waltham Forest Local Plan.

15. The approved external lighting plan hereby permitted (Silcock Dawson & Partners, P01 dated October 2024) shall be implemented as detailed within the plan and no upper limit should be exceeded, and therefore maintained for the lifetime of the development.

REASON: To protect the amenities of adjoining occupiers and the surrounding area, in order to comply with Policies 53 and 57 of the adopted Waltham Forest Local Plan Part 1 (2024).

NOISE

16. The approved noise report hereby permitted (Anderson Acoustics, Noise Impact Assessment dated November 2024) shall be implemented as detailed within the report and maintained for the lifetime of the development.

REASON: To protect the amenities of adjoining occupiers and the surrounding area, in order to comply with Policies 50 and 57 of the adopted Waltham Forest Local Plan Part 1 (2024).

Biodiversity and Landscaping

17. Prior to commencement of any works, a fully detailed Arboricultural Method Statement which is subject to the recommendations of a tree survey carried out by a suitably qualified arborist in line with British Standard 5837:2012, must be submitted

for approval by the Local Planning Authority. Such details should include protection measures, foundation design, root barriers and any other steps required to ensure the protection of the trees on and adjacent to the site.

REASON: In the interest of tree preservation, biodiversity and the environment in accordance with policy 79 and 80 of Waltham Forests LP1 (2024)

18. Prior to the commencement of the development on site, notwithstanding site investigation work, no other work including any site clearance or demolition shall take place until a Biodiversity Gain Plan has been prepared in accordance with the Richard Graves Associates, Biodiversity Net Gain Report, Nov 2024 and submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full and retained thereafter in accordance with approved Biodiversity Gain Plan, failure to achieve 10% Biodiversity Net Gain or any shortfall, will require for the developer to either enter "A Biodiversity Offsetting Scheme" or "Statutory Biodiversity Credits" as set out in the s106 legal agreement.

REASON: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990, Policies G6 of the London Plan (2021) and Policy 79 of the Waltham Forest Local Plan LP1 (2024)

19. Prior to the commencement of development on site, notwithstanding site investigation and clearance works, demolition and constructions to slab level, a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration of 30 years, in accordance with terms set out within the s106 agreement.

REASON: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990, Policies G6 of the London Plan (2021) and Policy 79 of the Waltham Forest Local Plan LP1 (2024).

20. Prior to the commencement of Phase 3 (as outlined in pg.25 DAS November 2024), a Landscape Management Plan, which includes long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The approved Landscape Management Plan shall be implemented prior to the commencement of phase 2 (as outlined in the Smith Jenkins Planning Statement 2024) of the development hereby approved and thereafter maintained for the lifetime of the development.

REASON: To ensure maintenance and successful integration of the soft-landscaping and planting strategy in the long-term, in accordance with policy 79 of Waltham Forests LP1 (2024).

21. Prior to the commencement of Phase 3 (as outlined in the Rivington Street Studio DAS dated November 2024) of the development hereby permitted, details of the proposed external canopy shall be submitted to the Local Planning Authority for approval. Details shall include a product specification of size, material, colour. The canopy shall be installed as approved and implemented and maintained for the lifetime of the development.

REASON: In the interests of the school and quality of external equipment for playing and enjoyment, in accordance with Policy 47 and 53 of Waltham Forests LP1 (2024).

22. Prior to the commencement of the development on site, notwithstanding site investigation work an updated Ecological Appraisal as well as a schedule of habitat details inclusive of the number and type of habitat bricks and boxes proposed for birds, bats and invertebrates is to be submitted for approval by the Local Planning Authority and will run with the lifetime of the development.

REASON: In the interest of any onsite habitats, species which may require mitigation from construction and demolition processes and biodiversity and local amenity, in accordance with policy 79 and 87 of Waltham Forests LP1 (2024).

Air Quality

23. a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority. The development shall be at least “Air Quality Neutral” and an air quality neutral assessment for both buildings and transport shall be included in the report. The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority’s Review and Assessment process and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. This shall include mitigation for when air quality neutral transport and building assessments do not meet the benchmarks.

c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To manage and mitigate air pollution and dust emissions during the construction phase of the development, in line with policy 88 of Waltham Forest Plan and London Plan policy SI 1. **Cycle Storage**

24. Prior to the commencement of Phase 3 (as outlined in the Rivington Street Studio DAS dated November 2024), full details relating to the following shall be submitted to and approved 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 be thereafter maintained as such for the lifetime of the development.

REASON: To ensure that adequate arrangements are made for the storage and collection of refuse and recycling and to comply with Policies 50, 57, 61 and 93 of the adopted Waltham Forest Local Plan Part 1 (2024).

Waste Management

25. Prior to the commencement of the development, notwithstanding site investigation and clearance works, demolition and construction to slab level, a statement of waste and recycling storage and collection for the construction process must be submitted for the Local Planning Authority to approve. This must be maintained during the process of construction until

REASON: To ensure that adequate arrangements are made for the storage and collection of refuse and recycling during the construction and phasing process, to comply with Policies 57 and 93 of the adopted Waltham Forest Local Plan Part 1 (2024).

26. Prior to the commencement of the Phase 3 notwithstanding site investigation and clearance works, demolition and construction to slab level, full details of waste and recycling storage containers and enclosures 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 with refuse, waste and recycling storage being provided before the development is first brought into use and together with the management plan shall be subsequently implemented in full and thereafter maintained and available for use for the lifetime of the development.

REASON: To ensure that adequate arrangements are made for the storage and collection of refuse and recycling and to comply with Policies 57 and 93 of the adopted Waltham Forest Local Plan Part 1 (2024).

Community Use

27. The community use of the development, inclusive of the use of the MUGA, fitness suite or sports hall by persons other than pupils or staff, must not begin until a community use agreement has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the Multi-Use Games Area and internal sports hall and fitness suite hereby permitted and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The

development shall not be used otherwise than in strict compliance with the approved agreement.

REASON: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and in accordance with Policy 78 of the adopted Waltham Forest Local Plan Part 1 (2024).

Informatives:

1. To assist applicants the Local Planning Authority has produced policies and provided written guidance, all of which is available on the Council's website and which have been followed in this instance.
2. A legal agreement has been entered into with the London Borough of Waltham Forest in conjunction with this grant of planning permission to ensure appropriate facilitating highway works; energy and carbon consumption, employment and apprenticeship placements, monitoring of Construction Logistics Plans; on site BNG delivery and monitoring; along with relevant legal fees and s106 monitoring fees.
3. The Biodiversity Gain Plan will need to include the following information:
 - a. information about the steps taken or to be taken to minimise the adverse effect of the development on the existing biodiversity of the onsite habitat and any other habitat;
 - b. the pre-development biodiversity value of the onsite habitat;
 - c. the post-development biodiversity value of the onsite habitat;
 - d. any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
 - e. any biodiversity credits purchased for the development; and
 - f. any such other matters as the Secretary of State may by regulations specify.
4. The Habitat Monitoring and Management Plan (HMMP) will need to include the following information:
 - a) Description and evaluation of the features to be managed;
 - b) Ecological trends and constraints on site that may influence management;

- c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
 - d) Description of the management operations necessary to achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a works schedule, including annual works schedule;
 - g) Details of the monitoring needed to measure the effectiveness of management;
 - h) Details of the timetable for each element of the monitoring programme;
 - i) Details of the persons responsible for the implementation and monitoring;
 - j) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
 - k) Reporting on year 1,2,5,10,20 and 30, with biodiversity reconciliation calculations at each stage.
5. **IMPORTANT:** Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences. You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
 - Beginning development in breach of a planning condition will invalidate your planning permission.
 - If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a Certificate of Lawfulness.
6. 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.
7. 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 track out):

- i. A summary of work to be carried out;
 - ii. 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;
 - iii. Inventory and timetable of all dust and NO_x air pollutant generating activities;
 - iv. List of all dust and emission control methods to be employed and how they relate to the Air Quality (Dust) Risk Assessment;
 - v. Details of any fuel stored on-site;
 - vi. Details of a trained and responsible person on-site for air quality (with knowledge of pollution monitoring and control methods, and vehicle emissions);
 - vii. Summary of monitoring protocols and agreed procedure of notification to the local authority; and
 - viii. 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. No demolition or development shall commence until all necessary pre-commencement measures described in the AQDMP have been put in place and set out on site. The demolition and development shall thereafter be carried out and monitored in accordance with the details and measures approved in the AQDMP. The IAQM "Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites" details appropriate monitoring for the scale of the site or project.
8. Air Quality ADMS-Roads input data and output files must be provided to LB of Waltham Forest on validation of the planning application. AQ modelling must be based on transport related inputs which have been approved by LB of

Waltham Forest Transport Assessment team. It is essential that junctions and heavily congested roads are modelled accurately, and this is reflected in the choice of relevant node spacing and vehicle speed inputs – clearly showing the node distance with speed reduction as the vehicle approaches the area of congestion/junction. This also applies to pedestrian crossings, roundabouts and any street layout which causes congestion such as single lanes with a bus stop. Where under predictions occur nodes must be scrutinised and where necessary vehicle speeds adjusted to reflect queuing. It is the responsibility of the applicant to ensure that their appointed consultants' modelling verification is robust and adjustment factors clearly explained and justified, calculations and graphs must be provided at validation. Margin of error must not exceed 4 (refer to LAQM guidance as best practice). Contrary to the values given in the EPUK guidance a magnitude of change greater than $0.5 \mu\text{g}/\text{m}^3$ is considered significant in areas where present concentrations are approaching / breaching limit values and shall be assessed as such. Any other scenarios should be considered which are relevant to this site.

9. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via <https://protect-eu.mimecast.com/s/NnT8CPjLVhNRRj4lzKCJR>.
10. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
11. 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.
12. This notice is without prejudice to your responsibilities under any other legislation.