

20 January 2016

# Hawkswood Special School, Chingford

in the London Borough of Waltham Forest

planning application no.153429FUL

**Strategic planning application stage 1 referral**

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

**The proposal**

Full planning application for the erection of a new two-storey school building, extension of vehicular access, new footpath, cycle and bin storage (Phase 1); and, demolition of existing school building and landscaping of area to provide a dedicated play area (Phase 2).

**The applicant**

The applicant is **Kier Construction London Ltd**, the agent is **Maddox Associates** and the architect is **Hunters South Architects**.

**Strategic issues**

**Principle of land use: education facilities on Metropolitan Open Land, community use, urban design, access, sustainable development/energy, flooding and transport** are the key strategic issues relevant to this planning application.

**Recommendation**

That Waltham Forest Council be advised that while the application is generally acceptable in strategic planning terms, it does not fully comply with the London Plan, for the reasons set out in paragraph 43 of this report. However, the possible remedies set out in that paragraph could possibly lead to the application becoming compliant with the London Plan. The application does not need to be referred back to the Mayor if the Council resolves to refuse permission, but it must be referred back if the Council resolves to grant permission.

**Context**

1 On 4 December 2015 the Mayor of London received documents from Waltham Forest Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 21 January 2016 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Category 3D of the Schedule to the Order 2008: "*Development – (a) on land allocated as Green Belt or Metropolitan Open Land in the development*

*plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and (b) which would involve the construction of a building with a floor space of more than 1000 square metres or a material change in the use of such building.”*

3 Once Waltham Forest Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision, as to whether to direct refusal or allow the Council to determine it itself, unless otherwise advised. In this instance if the Council resolves to refuse permission it need not refer the application back to the Mayor.

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

## **Site description**

5 The application site which has an area of 1.54ha is owned by the Council. The site is part of the Metropolitan Open Land and it is situated on the edge of Epping Forest adjacent to Hawkswood and Yardley Hill Wood to the north and east, with Hawkswood nursery to the south, and residential housing to the south and west and further to the west the River Lee diversion and the King George’s and William Girling reservoirs. A watercourse runs along just outside the northern boundary flowing west to the River Lea. The site is bordered by woodland strips along its northern, eastern and southern boundaries.

6 The site is adjacent to a Site of Metropolitan Importance to Nature Conservation (SINC), a Special Area of Conservation and the Epping Forest Site of Special Scientific Interest (SSSI). It is designated as a Green Corridor in the Local Plan and listed as a Park and Garden of Local Historic Interest. There are no public rights of way through the site, however, a public footpath runs east-west along the northern boundary and leads to a national trail, running north to south.

7 The site is remote from the Transport for London Road Network (TLRN); approximately 4km south of the site at the A406 Lea Valley Viaduct/ Southend Road. The site is served by two bus services (215 and 379). The 379 operates as a hail and ride service in this area and runs adjacent to the site entrance. There is no London Overground, London Underground, or TfL Rail service operating within reasonable walking distance of the site; the nearest services are London Overground from Chingford Station approximately 3km southeast of the site. As such the site records a poor public transport accessibility level of 1b, (where 1a is the lowest and 6b is the highest).



*Aerial view of the application site: Source – applicant’s design and access statement.*

## Details of the proposal

8 The planning application seeks full planning permission for redevelopment of the site to erect a two-storey Pupil Referral Unit School building (incorporating primary and secondary school classes), extension of vehicular access, new footpath, cycle and bin storage (Phase 1); and, demolition of existing school building and landscaping of area to provide a dedicated play area (Phase 2).

## Case history

9 There is no planning history relevant to the current application.

## Strategic planning issues and relevant policies and guidance

10 The relevant issues and corresponding policies are as follows:

- Education *London Plan; Mayor's Social Infrastructure SPG;*
- Metropolitan Open Land *London Plan;*
- Urban design *London Plan;*
- Access *London Plan; Accessible London: achieving an inclusive environment SPG replacement;*
- Sustainable development *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy;*
- Flooding *London Plan;*
- Transport *London Plan; the Mayor's Transport Strategy;*

11 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plans in force for the area are the 2012 Waltham Forest Core Strategy DPD and the 2013 Waltham Forest Development Management Policies DPD and the 2015 London Plan (Consolidated with Alterations since 2011).

12 The National Planning Policy Framework and Technical Guide to the National Planning Policy Framework, the Mayor's Social Infrastructure SPG (2015) and the draft Minor Alteration to the London Plan (MALP, 2015), are also relevant material considerations.

## Principle of land use: Provision of school on MOL

14 The planning statement states that "A Pupil Referral Unit (PRU) is a school maintained by a local authority to provide education for children who are excluded, sick, or otherwise unable to attend a mainstream school. Each local authority has a duty under section 19 of the Education Act 1996 to provide suitable education for children of compulsory school age who cannot attend school. Hawkswood PRU provides education to primary school children with behavioural issues and secondary school children regarded as vulnerable. It aims to support children on a short-term basis before returning them to mainstream education."

15 The school currently operates with 76 pupils across two forms (44 in the Primary and 32 in the Secondary School classes), with approximately 30 fulltime staff. The proposed redevelopment will provide accommodation for the same number of pupils and same number of staff. The proposal is required to replace the existing building which is dilapidated and has come to the end of its useful life.

16 In relation to the provision of educational facilities, policy 3.18 'Education facilities' of the London Plan states that "*Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing facilities or change of use to educational purposes*". This policy states "*The Mayor will support provision of early years, primary and secondary school and further education facilities adequate to meet the demands of a growing and changing population and to enable greater educational choice, particularly in parts of London with poor educational performance. ...Development proposals which enhance education provision will be supported, including new build, expansion of existing facilities or change of use to educational purposes.*"

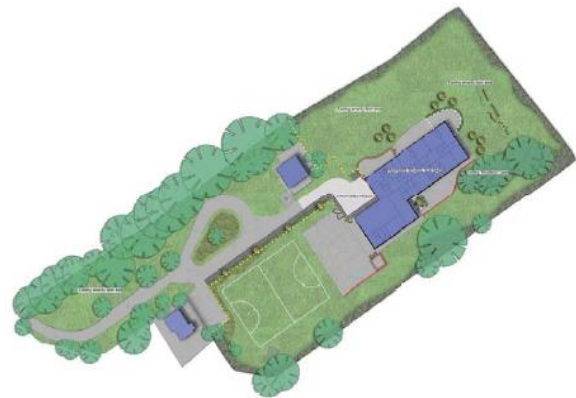
17 The application site is part of a larger area identified as MOL. The London Plan (policy 7.17) gives the MOL the same level of protection as in the Green Belt, and the National Planning Policy Framework (paragraph 89) sets out that only development associated with agriculture, forestry, outdoor sport and recreation, limited infilling and redevelopment of existing sites, the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; is appropriate in the Green Belt. All other forms of development are, by definition, ‘inappropriate’. In order for ‘inappropriate’ development to be acceptable in the MOL, very special circumstances must apply.

18 The applicant has stated that “the proposal comprises appropriate development in Metropolitan Open Land in NPPF Paragraph 89 as it is: *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*. The footprint of the proposed development is smaller than of the existing school, covering a footprint of 1,034sqm rather than 1,592sqm. Once demolition of the existing school building is complete the land it is sited on will be returned to landscaped open space, comprising grassed and tarmac play areas. Therefore, the application comprises appropriate development in the MOL.”

19 The planning statement further reiterates that the primary use of the proposed building will not vary from the existing use; the education of vulnerable young people who are unable to continue their education in mainstream Schools.

20 GLA officers concluded that the proposed redevelopment, as it is for the continuation of school use and that it does not have any significant increase in scale and massing (though the existing one and one-and half storey building is replaced with a building with a height of two storeys (but no larger than the existing 2-storey caretaker’s lodge), with smaller footprint and more consolidated, the proposal is an appropriate development. The proposal meets the exception of replacement of a building, as set out in para 89 of the NPPF and is supported in strategic land use context.

21 However, the Council should ensure that once demolition of the existing school building is completed, the land it is sited on is reinstated to MOL with improved quality. This is what the applicant has agreed and it should be secured.



*Existing & proposed site plans, respectively, Source- applicant’s design and access statement.*

## Community use

22 The London Plan policy (3.18E) expects community use of educational facilities to be maximised. The applicant needs to consider that community use of the facilities outside of school hours will be actively promoted, and that it should engage with the local community, nearby schools and sport clubs in the production of its community use plan, which demonstrates the extent of proposed community use of the facilities, in a form that can be secured by the Council to ensure delivery.

## Urban design

23 The proposed layout is more consolidated with a smaller footprint that optimises the open quality of the MOL. The consolidation of the school into a single, two-storey building provides a clearly defined new footpath between the parking area and the proposed courtyard, overcoming the shortcomings in the existing layout. The applicant has submitted views analysis, including key views from north and south, and west and east of the site. On balance, the modest two storey height of the school will not result in an unduly overbearing effect on the open quality of the MOL.



View of the external dining area

*Perspective views of the proposed main entrance and the dining area, respectively, Source – applicant's design and access statement.*

24 The layout of the school building is broadly supported and draws on the design principals of EFA guidance in terms of teaching and circulation floor space, daylight/sunlight penetration requirements and the provision of natural ventilation. The landscaping strategy is aligned to form a well-defined entrance area to the school, pedestrian routes, external eating area and the piazza. The large proportion of the soft landscape would be amenity lawn which would be predominately located to the west and east of the site. A 5-a-side football pitch would be marked out to the west of the proposed development. The form and massing strategy raise no specific strategic issues, and the Council is encouraged to secure key details of facing materials.

## Access

25 The design and access statement states that the building will be designed to fully compliant with part M of the Building Regulations and confirms that the external landscape areas would offer full accessibility for the disabled, which is welcomed. However, the applicant should ensure that all staircases meet the ambulant stair criteria and have wheelchair refuges at each landing with an intercom call point linked back to the reception/administration office. Unisex wheelchair accessible WCs should be provided at each floor level with a combination of left and right handed transfer arrangements. The provision of one blue badge parking space, out of the proposed nine is welcomed.

26 The proposed inclusive design measures and those recommended above should be secured by appropriate conditions in order that the scheme complies with policy 7.2 of the London Plan.

## Sustainable development/energy

27 An energy statement outlining how the proposals comply with London Plan energy policy should be submitted. Latest guidance on the format and content of the energy statement can be found here: <https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/pre-planning-application-meeting-service-0>

28 The Mayor applies the 35% carbon reduction target beyond Part L 2013 of the Building Regulations as set out in the revised energy assessment guidance available on the GLA website. The applicant should commit to meet Part L 2013 by energy efficiency alone and provide evidence of how it is proposed that this will be achieved. Sample BRUKL sheets (energy modelling outputs) including efficiency measures alone should be provided to support the savings claimed. Evidence should be provided on how the demand for cooling will be minimised through passive design in line with London



Plan policy 5.9 (cooling hierarchy). Dynamic overheating modelling in line with CIBSE Guidance TM52 and TM49 is recommended. There should be a presumption that comfort cooling will not be specified where it is demonstrated that passive or other measures have successfully addressed the risk of overheating.

29 The applicant should investigate opportunities for connection to nearby district heating networks and should commit to providing a site wide heating network suitable for connection to wider district networks now or in the future. The site heat network (if present) should be served by a single energy centre. A plan showing the size and proposed location of the energy centre should be provided. The applicant should follow the energy hierarchy when considering the potential for CHP and renewable energy technologies. If solar technologies are proposed, a plan showing the proposed location of the installation should be provided.

30 In summary, the applicant must submit a detailed energy report that complies with the energy policies of the London Plan to the GLA, a minimum of six weeks prior to the stage 2 referral and before the proposed development is considered by the Waltham Forest Council Planning Committee.

## **Flooding**

31 Flood Risk: The site is within Flood Zone 1 with a low risk of surface water flooding. However, areas in the wider catchment are at high risk, such as Yardley Lane and the stream along the northern boundary. The FRA proposes to minimise flood risk and increase resilience by:

- Providing solid (i.e. concrete floors) where possible on the ground floor with waterproof membrane;
- Raising ground floor levels 300mm above the external ground level to mitigate surface water;
- Fitting anti-syphon to all toilets;
- Fitting non-return valves to all drain and sewer outlets;

32 The proposals are acceptable in flood risk terms (London Plan policy 5.12).

33 Drainage: Given the risk of surface water flooding in the wider catchment, the development proposals should not contribute to off-site surface water flooding. As a result, the application of London Plan policy 5.13 will be important. The FRA states that the impermeable surface area will be reduced from the existing 4,570sqm to the proposed 3,505sqm. No calculations have been provided to identify how this will impact surface water runoff rates and no further drainage measures are proposed. This is not an acceptable implementation of London Plan policy 5.13.

34 The applicant therefore needs to identify the nature and scale of sustainable drainage proposals to meet London Plan policy. For this site, the following techniques are likely to be applicable:

- Green roofs, possibly designed to maximise water attenuation,
- Landscaping specifically designed to maximise rainwater attenuation,
- Permeable play surfaces,
- Infiltration/soakaways – subject to soakage testing of soils on site, and
- Design for exceedance – where some areas of open space are specifically designed to hold and attenuation rainwater for less frequent storms (say 1 in 10 years or less often).

35 There may also be scope for discharging rainwater from the site into the surrounding woodland. The use of 'green' sustainable drainage measures, such as green roofs and ponds, has the added benefits of providing educational opportunities and contributing to London Plan policies 5.11 (green roofs) and 7.19 (biodiversity and access to nature). For example, green roofs can be combined with food growing.

## **Transport for London's Comments**

36 As the proposed redevelopment of the School does not trigger changes in the number of pupils and staff, TfL does not have strategic transport concerns.

37 It is noted that that nine car parking spaces will be provided, including one blue badge space with the existing loop access road within the site expected to accommodate overspill. This is welcomed. It is proposed that pick up / drop off activity will occur on site and the applicant has also identified kerb space on the local highway network that could be used. To minimise disruption to bus operations on narrow carriageways during peak times, TfL advises that the proposed layout should enable any pick up / drop off activity to occur on site, whilst not impacting upon the safety and accessibility of pedestrians within the site.

38 A total of ten cycle parking spaces are proposed. This is a shortfall of three spaces from the London Plan standards and should be increased accordingly to encourage sustainable travel. Cycle parking should not only be in keeping with the London Plan standards set out by the Mayor, but also designed in line with TfL's Best Practice Guidance, the London Cycle Design Standards.

39 Given the scale of the proposals, TfL is satisfied that the site will not require any further mitigation towards the transport network. TfL is satisfied that the proposed method of servicing the site will be satisfactory. A delivery and servicing plan should be secured by condition. In addition, TfL would expect a construction logistics plan and travel plan to be secured.

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

40 Waltham Forest planning officers have yet to confirm their position.

### **Legal considerations**

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

### **Financial considerations**

42 There are no financial considerations at this stage.

### **Conclusion**

43 London Plan policies on principle of land use: provision of school on MOL, community use, urban design, access, sustainable development/energy, flooding and transport are the key strategic issues relevant to this planning application. Whilst the application is broadly acceptable in strategic planning terms, on balance, the application does not comply with the London Plan. The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

- **Principle of land use-provision of school on MOL:** The redevelopment of the Pupil Referral Unit School is supported as it complies with policy 3.18 of the London Plan. As the replacement of the building, is in the same use and not materially larger than the one it replaces, it meets the exception in the NPPF, and the scheme is an appropriate use in MOL.
- **Community use:** The applicant should engage with the local community, in the production of its community use plan that demonstrates the extent of proposed community use of the facilities, in a form that can be secured by the Council to ensure delivery.
- **Urban design:** The form and massing strategy raises no specific strategic issues, and the Council is encouraged to secure key details of facing materials.

- **Access:** The proposed inclusive design measures and those recommended above should be secured in order that the scheme complies with policy (7.2) of the London Plan.
- **Sustainable development/energy:** The applicant must submit a detailed energy report to the GLA that complies with energy policies of the London Plan.
- **Flooding:** The proposed measures to minimise flood risk are supported and comply with policy 5.12 of the London Plan. However, the applicant needs to identify the nature and scale of sustainable drainage proposals to meet London Plan policy 5.13.
- **Transport:** There are no strategic transport concerns. However, the number of cycle parking spaces should be increased; a delivery and servicing plan, a construction logistics plan and travel plan should be secured.

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