

LONDON BOROUGH OF WALTHAM FOREST

Committee Date:	16th July 2024
Application reference:	240280
Applicant:	Mammoth Construction
Location:	491 - 495 Hale End Road, Chingford, London, E4 OPT
Proposed development:	Redevelopment of the Regal Cinema including retention and restoration of street-facing facades and the construction of part 2, part 6 storey building featuring a two-screen ('Sui Generis' use), an ancillary café bar (Class E use) at ground floor level and 33 residential apartments (18 x 1-bedroom; 15 x 2-bedroom) on the floors above.
Wards affected:	Hale End and Highams Park South
Appendices:	None.

1. RECOMMENDATION

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

Cinema Use

- **Use Restriction**

The ground floor shall only be occupied as a cinema complex with an ancillary café bar/restaurant (Use Class E) (Former D Use Class) and for no other purpose, including any other use other than a cinema use within Use Class Sui Generis (Former D Use Class) of The Town and Country Planning (Use Classes) Order 1987 (as amended).

- **Securing Cinema Operator**

A marketing strategy to secure a cinema operator shall be submitted to the local planning authority for approval in writing prior to commencement of development and carried out as agreed. This will include suitably qualified consultant to be commissioned within three months of grant of planning permission and for the Marketing Strategy to be submitted within 6 months to be reviewed and then agreed in writing. The site will then be marketed as agreed over 24 month period, with 12 months of marketing efforts to be done before practical completion of the development and 12 months after. During the marketing period Bi-Monthly updated will be provided to the Council

- **Securing Implementation of the Cinema Use**

- a) Sales of residential units are limited to 50% (17 units) until the cinema has been completed to shell and core.

- b) No more than 84.84% (28 units) of the residential units can be occupied until the cinema is first brought into use, unless otherwise agreed in writing with the local planning authority.

Viability Reassessment – Affordable Housing

Prior to the commencement of development, an early viability reassessment shall be submitted and agreed by the Council in writing, incorporating detailed evidence including costing relating to the cinema operator in order to determine whether affordable housing contribution can be provided.

A second viability review shall be undertaken submitted to and agreed in writing by the Local Planning Authority, prior to more than 83.84ng% (28 units) of the residential units have been occupied, incorporating detailed evidence including costing relating to the cinema operator in order to determine whether an affordable housing contribution can be provided.

The costs of the expert consultant commissioned by the Council shall be paid by the developer/applicant.

Wheelchair Housing:

Prepare a Wheelchair Accessible Dwelling Marketing Strategy for the development that sets out how the wheelchair units will be promoted and advertised during the exclusivity period of one year, to be agreed prior to commencement of that relevant part of the development.

The requirement for all wheelchair user dwellings to be exclusively marketed as such for a minimum period of 12 months.

Employment and Training Strategy

Employment and Skills Plan to be submitted to Council, no later than 6 weeks prior to the commencement and agreed in writing which shall include:

- 4 x Apprenticeships which lasts a minimum of 52 weeks per apprentice post and includes a salary of at least the London Living Wage.
- At least 1 x work placement for a minimum of 26 weeks to a local resident during the construction phase.
- To notify the Council of all jobs vacancies for the fit out of the development during the Construction Phase and to Encourage and procure 30% applications from Local Residents of all jobs or fit out of the Development during the Construction Phase are offered to Local Residents.
- To advertise all site-based vacancies locally through the Council's Employment and Training services. If a suitable local resident isn't appointed within 60 days of notifying the Council about the job vacancy, or if a more qualified candidate is found elsewhere, then candidates outside the Borough may be appointed.

- To provide the Council with 3 monthly monitoring reports during the construction phase and the end of the development.

In the event that the Owner and the Developer fails to provide Employment opportunities a Default Payment shall become payable by the Owner and the Developer to the Council. The development must not be occupied unless and until the Default Employment Contributions, the Apprenticeship Default Payment and Work Placement have been paid in full to the Council.

Highways and Transportation:

- **Car Free Housing**

The site will be car-free, and residents (except blue badge holders) will not be entitled to parking permits for any CPZ.

- **Facilitating Highway works**

A S278 will be required upon development completion, prior to occupation. The works will be funded by the Developer and carried out by the Council:

- Renewal of footways on both sides of the site.
- Public realm improvements on both frontages, including the junctions.
- Relocation of the existing zebra crossing.
- Construction of a dropped kerb for bin collection.
- Installation of a blue badge parking bay.
- Changes to waiting and loading restrictions.
- Stage 1 and 2 Road Safety Audits for the S287 design.
- SS8 Agreement may be required in the case of the adoption of land as publicly maintainable footway.
- A S38 Agreement may be required in the case of any areas proposed for future adoption.

- **Pre and Post development Highway Condition Survey**

Survey showing the footways adjacent to the site is also required, including photos before and after the development, to ensure that any damage to the public highway resulting from the construction works is reinstated by the Council and funded by the developer.

- **Car Club**

Contribution towards car club membership, with future residents provided with 2 years' free membership of a local car club.

- **Travel Plan**

Submission of Travel Plan Statement in support of sustainable means of travel, to be approved by the Local Planning Authority and thereafter to be adopted by the site management team.

- **Hiighway Related Financial Contributions:**

- £ 40,000 for future CPZ consultation
- £ 40,000 for walking and cycling
- £7,500 for CLP Monitoring Fee
- £7,000 A Travel Plan Monitoring Fee

Air Quality:

A financial contribution of £3,300 towards implementation of the Air Quality Action Plan.

Carbon Offset Fund:

A financial contribution of up to £25,474 towards the Carbon Offset Fund will be required to address any shortfall in carbon emission reductions for the residential development if Option 1 (Electric Panel Heaters (EPH) with Photovoltaics (PV)) is implemented. If the proposal fails to meet the Carbon Zero target as outlined in the approved energy report, any outstanding payment towards achieving Carbon Zero must be made in full prior to implementation.

Epping Forest Special Area of Conservation (SAC):

A financial contribution of £627 per new homes towards Strategic Access Management and Monitoring (SAMM) with a total of £20,691.

Architect Retention

The applicant shall retain the architect during the build phase until completion unless otherwise agreed in writing by the Council.

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.
- 1.3 In the event that the S106 Agreement is not completed within a reasonable timeframe following the date of Planning Committee, the Assistant Director - Development Management and Building Control is hereby authorised to refuse the application in consultation with the Chair of the Planning Committee. In the absence of this S106 Agreement, the proposed development would not be able to deliver the development on the site. The implication of this happening is that the opportunity for securing the provision of affordable housing would be lost. Additionally, other financial and non-financial commitments would be lost, which otherwise would be secured by the S106 Agreement.

2. REASONS REFERRED TO COMMITTEE

- 2.1 The case has been referred to Committee due to the extensive level of public interest.

3. SITE AND SURROUNDING AREA



Figure 1 showing a bird's-eye view of the application site located at the junction of Hale End Road and Beech Hall Road in Highams Park District Centre, which is identified as a Strategic Area for Regeneration in the Waltham Forest Local Plan (2024).

- 3.1 The application site (Figure 1) encompasses two adjoining plots of land known as The Sheltz (Nos. 491-493 Hale End Road) and The Regal (No. 495 Hale End Road) located on the south side of Hale End Road, at the junction with Beech Hall Road. Together, these plots form a broadly square site with a footprint of 1,017 square metres.
- 3.2 The Sheltz plot (Nos. 491-493 Hale End Road) historically featured a single-story building that remained vacant for many years. It was last occupied as a restaurant/café (Use Class E). The building was demolished in 2014 to prepare the site for the construction of a new office building, but the intended development did not proceed.
- 3.3 The Regal plot (No. 495 Hale End Road) occupies its entire rectangular site at a prominent corner junction, with the main frontage facing Hale End Road and a secondary frontage on Beech Hall Road. Originally built in 1911, the building received a modern Art Deco-style façade and entrance foyer in 1935. The Art Deco frontage is Locally Listed due to its heritage value. The rear section of the building lacks any architectural merit.
- 3.4 In 1911, The Regal opened as "The Highams Park Electric Theatre" (Use Class Sui generis), operating as a cinema until 1971. During a brief period in the early 1960s, it functioned as a bingo hall (Use Class Sui generis). After the cinema closed permanently in 1971, the building was used as a bingo hall and later as a bar and nightclub (Use Class Sui generis) for a short period. The last use of the rear section of the site was as a snooker club (Use Class E), which ceased operations in 2015.

- 3.5 The Regal building is currently vacant and in poor condition. In 2018, Planning Committee resolved to grant planning permission reference 173877 to redevelop the Regal and the adjoining site to provide two cinema screens with an ancillary café bar (Use Class A3) and a total of 30 residential apartments (22 x 1-bed, 6 x 2-bed, and 2 x 3-bed).
- 3.6 The site subsequently changed ownership and the new owners sought amendments to the draft section 106 heads of terms. Given the scope of these changes and changes to planning policy the application was re-determined by Planning Committee on 7th July 2020 and permission was issued on 2nd November 2021. This planning permission has not been implemented and expires on 2nd November 2024.
- 3.7 The surrounding area is predominantly mixed- use residential and commercial. To the east, the site adjoins a narrow access pathway shared with the adjacent two-storey Victorian terrace property at No. 489 Hale End Road. This property is currently occupied by a fish & chip shop, with a self-contained residential unit at 1st floor level.
- 3.8 To the south, the site is bounded by the rear garden and flank elevation of No. 1 Beech Hall Road, a two storey Victorian end of terrace property and a corner section of the rear garden boundary of 1A Preston Avenue, a two-storey detached residential property.
- 3.9 To the west, on the opposite side of Beech Hall Road, is a two-storey Edwardian dwelling house at 2 Beech Hall Road, and a three-story corner Victorian property at 499 Hale End Road, which has commercial use on the ground floor and residential units above.
- 3.10 To the north of the site, on the opposite side of Hale End Road, is The County Arms Public House, a two-story building that adjoins a three-story commercial terrace block.
- 3.11 The building is not in a conservation area; however, the Art Deco frontage of the Regal (No. 495 Hale End Road) is Locally Listed due to its heritage value. The site is situated within the south side of the secondary frontage of the designated Highams Park District Shopping Centre and the Highams Park Strategic Location.
- 3.12 Highams Park District Centre has good transport links, both in terms of public transport and the strategic road network, with a PTAL rating of 3, indicating moderate accessibility as defined by Transport for London. The site is just south of Chingford station, which provides an overground train service from Chingford to Liverpool Street, offering direct access to Central London, with interchange to Victoria Line at Walthamstow Central.

4. APPLICATION PROPOSAL

- 4.1 Planning permission is sought for the redevelopment of The Sheltz and The Regal sites and it includes (1) the refurbishment and retention of the Art Deco façade of The Regal fronting Hale End Road and Beech Hall Road and (2) the erection of a part 2, part 6-storey new building on The Sheltz site and adjacent site following the demolition of the rear section of The Regal to facilitate a two-screen cinema, an ancillary café bar at ground floor level and 33 residential apartments on the floors above.

(1) The Regal Cinema:

The Art Deco facade of The Regal, which fronts Hale End Road and curves around the corner of Beech Hall Road, will be retained. The renovation and improvements would include:

- Restoring neon lights to poster panels.
- Cleaning and repairing The Regal sign.
- Cleaning and repairing faience.
- Reinstating flagpoles.
- Cleaning and repointing brickwork with matching mortar.
- Retaining and refurbishing the canopy, with new external lighting based on historical photos.
- Retention of the canopy.
- Refurbishing windows.
- Installing ramps.

Two cinema screens would provide 80–90 seats each, located in the eastern section of the site.

The proposed hours of operation for the cinema's use would be between the hours of 08:00 to 24:00 (midnight) Mondays to Sundays and Bank Holidays.

The ancillary café bar/ restaurant (Use Class E) associated to the Cinema would be open for the serving of customers between the hours of 10:00 to 23:00 Mondays to Sundays and Bank Holidays.

The primary entrance to the cinema will be through the original Art Deco frontage and original entrance, leading into the foyer area. The café will be situated in the northern section of the ground floor.

An emergency secondary access, equipped with a ramp, would be created from Hale End Road. Back of House (BOH) areas and separate plant rooms for the cinema and residential units will be located in the southern section of the building.

A total of 12 cycle parking spaces would be provided for the cinema, with six short-stay spaces adjacent to the cinema entrance and six secure spaces internally for cinema staff via the Service Entrance off Beech Hall Road.

Refuse from the cinema and residential use will be segregated, with four 1100L bins allocated to the Cinema bin store, accessible within the building and via the service entrance off Beech Hall Road.

One on-street disabled parking space is located on Beech Hall Road. However, it is not dedicated to development.

(2) Residential element:

The proposal would be for a part two, part six-storey building, and it would create two new primary elevations on Hale End Road and Beech Hall Road.

Materials for both primary elevations include buff-coloured extensions with Art Deco design elements, such as horizontal corbelling, balcony balustrades, coloured tiles, and multi-step reveals.

The two-storey extension above The Regal façade would be clad in pigmented green zinc, and the upper two floors, set back and clad in lighter grey zinc.

A total of 33 residential apartments with a dwelling mix consisting of 18 one-bedroom and 15 two-bedroom units, three of which will be designated as accessible units.

Units 01-03 (1 bed, 2 person), 02-04 (1 bed, 2 person), and 03-06 (2 bed, 3 person) would be designated as accessible units.

Private amenity space will be provided for the majority of the units in the form of balconies or terraces.

Residential entrances are accessed from Beech Hall Road on the ground floor, leading to a staircase and lift that connect all residential floors.

61 secure spaces would be provided within an internal bike store, on the ground floor via level access off the Beech Hall Road pavement.

A bin store with external access would provide a total of 7 x 1100L bins for the residents' refuse facilities. This is, based on a weekly collection for refuse & recycling.

Plant rooms, including a communal heating system, will be accessible from the cinema bin store and the back-of-house lobby.

Fire escape and service entrances would be accessed from Hale End Road and Beech Hall Road.

At roof level, a bio solar roof is proposed, integrating a green roof with solar panels to enhance biodiversity and generate renewable energy. The Mechanical plant room is also on the roof.

The area surrounding the site on Hale End Road and Beech Hall Road would be landscaped with planters and trees.

5. RELEVANT HISTORY

A. Planning History



Figure 2 showing the development granted planning permission. This planning permission has not been implemented and will expire on 2nd November 2024.

- 5.1. Reference 173877 (Figure 2): Is the most recent permission that was granted for redevelopment of the Regal and adjoining site to provide two cinema screens with an ancillary café bar (Use Class A3) and a total of 30 residential apartments (22 X 1 bed, 6 x 2 bed and 2 x 3 bed). The scheme was intended to be developed as follows: On the Regal site there will be a 1 x cinema screen, bar and seating area on the ground floor with four floors of residential above. On the adjoining site there will be a ground floor with 1 x cinema screen, seating area for cafe and five floors of residential above. (Dated 02/11/2021). Planning Committee resolved to grant permission on the 20th of March 2018.
- 5.2. This application was brought back to planning committee for re-determination in 2021 for the following reasons:
- Time elapsed since the resolution by planning committee to grant planning permission.
 - Changes were proposed to the Heads of Terms (HoT) that were agreed in principle for the Section 106 on the 20th March 2018 planning committee.
 - Changes to National and Local Planning Policy since the resolution to granted planning permission at Planning Committee on the 20th March 2018.
- 5.3. The scheme, as originally presented to Members and approved in principle at the Planning Committee on the 20th March 2018 remained the same, in terms of its design, form, layout, and use.
- 5.4. This planning permission has not been implemented and will expire on 2nd November 2024. The current application proposes 2 cinema screens of the same size, an increased number of residential units, and changes in massing and materials.
- 5.5. Prior to the 2017 application, a there was a pre-application enquiry, reference 172024, which involved extensive discussions relating to building bulk, form and general layout of residential units - in the interest of the local amenity and improvements to residential provision.
- 5.6. There has been other previous proposal across both sites as follows:
- 491- 493 Hale End Road
- 5.7. Reference 2013/1276: A planning application had been submitted for an office redevelopment proposal for 491-493 Hale End Road which had been the subject of pre-application discussions, after an earlier planning application was withdrawn on the basis that the scheme was unacceptable on design grounds.
- 5.8. Reference 2014/1347: Planning application had been given approval at committee to grant permission subject to completion of s106 agreement, for the redevelopment of site relating to the construction of 4 storey building for office use (use class B1) at 491 -493 Hale End Road. However, the s106 was not completed and therefore, planning permission was not formally granted.

- 5.9. Reference 2014/1413/GPDO: An application for prior notification, for 491-493 Hale End Road was submitted relating to the demolition of the single storey building on site. The demolition works were found to fall within the provisions of Schedule 2 of Part 31 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (as amended), whereby formal planning consent for demolition works was not required, and a Decision Notice was issued on the 29th July 2014.

495 Hale End Road

- 5.10. Reference 1967/0541: Planning permission was granted the use of The Regal as a Bingo Hall and or Cinema in September 1967.
- 5.11. Reference 1985/0956: In 1985, an application was received for the continued of use of the snooker club which was subsequently granted. The permission restricted the opening hours from 1000 to 2400 from Monday to Sunday. In association with the Snooker Hall use, permission had been granted, relating to the construction of a canopy along the entrance and the installation of illuminated fascia sign.
- 5.12. Reference 2006/2010: Planning permission, was granted for the refurbishment of front elevation incorporating alterations to external foyer entrance and creation of ramp for wheelchair access. This permission was not implemented.

6. PUBLIC CONSULTATION

- 5.13. The Council circulated 466 consultation letters to local residents on the date 4TH March 2024 on the following streets in Chingford, London:
- Ashton Court, Connington Crescent, Chingford, London, E4 6LW
 - Jacks Farm Way, Chingford, London, E4 9FQ
 - Winchester Road, Chingford, London, E4 9LH
 - The Avenue, Chingford, London, E4 9LD
 - The Broadway, Chingford, London, E4 9LQ
 - Hale End Road, Chingford, London, E4 9PT/PB
 - Beverley Road, Chingford, London, E4 9PL
 - Handsworth Avenue, Chingford, London, E4 9PD/PJ
 - Sky Peals Road, Woodford Green, IG8 9NE/NF
 - Preston Avenue, Chingford, London, E4 9NL
 - Selwyn Avenue, Chingford, London, E4 9LR/NE
 - Beech Hall Road, Chingford, London, E4 9NJ/NX
 - Santosh House, Handsworth Avenue, Chingford, London, E4 9PD
 - Richmond Crescent/Avenue, Chingford, London, E4 9RS/RT
 - Beech Hall Crescent, Chingford, London, E4 9NW/NX
 - Abbots Crescent, Chingford, London, E4 9SA/SB
 - Montserrat Avenue, Woodford Green, IG8 9PJ
 - Newbury Road, Chingford, London, E4 9JH
 - Forest Glade, Chingford, London, E4 9RJ
 - Oak Hill Crescent, Woodford Green, IG8 9PQ

- Forest View Road, Walthamstow, London, E17 4EL
- Hamilton House, The Avenue, E4 9LD
- Jellicoe Court, Beverley Mews, Chingford, London, E4 9PH
- Hillcroft House, The Avenue, Chingford, London, E4 9LD
- Lakeview Court, Handsworth Avenue, Chingford, London, E4 9PD
- Clarendon House, Hale End Road, Chingford, London, E4 9PB
- The County Arms, Hale End Road, Chingford, London, E4 9PB
- East View, Chingford, London, E4 9JA
- Brook House, Hale End Road, Chingford, London, E4 9PB
- Bank Buildings, The Avenue, Chingford, London, E4 9LE
- Chequers Cafe, The Avenue, Chingford, London, E4 9LB

5.14. The application was advertised via a site notice on the 04th April 2024. A press advert was published on the 04th April 2024.

5.15. The public consultation for the development proposal received a total of 157 responses:

- Support: 80 responses (76.19%) expressed support for the proposal.
- Objections: 14 responses (13.33%) expressed objections to the proposal.
- Comments: 11 responses (10.48%) provided comments on the proposal without explicitly stating support or objection.

5.16. 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.

5.17. **Table 1** This table summarizes the objections received during the public consultation period for The Regal redevelopment. It is important to note that while objections are addressed here, a significant majority (80%) of the letters received during the consultation period expressed support for the development.

5.18. The Highams Park Neighbourhood Planning Group supports the revised proposal for the Regal Cinema. They acknowledge the design respects the listed frontage and regenerates a very dilapidated and prominent part of Highams Park District Centre. While the height and massing would not typically be in line with Neighbourhood Plan policies, they recognize the existing Regal building already stands out from the surrounding buildings. As such, this development complements the existing streetscape and wouldn't be appropriate elsewhere in the District Centre. The proposed cinema and cafe align with the goals in the Neighbourhood Plan for economic development. If a cinema operator isn't found, they request the space be used for the community. Finally, they recommend any planning contributions target the restoration of the Signal Box and the improvements to Highams Park Station Car Park, including the installation of 'eco-pod' retail units along Station Approach and reprofiling the carpark surface to allow community use.

Objection	Officer Response
Traffic and Parking Concerns: Increased residents without on-site parking will lead to congestion. (Unclear if car-free)	Development will be car-free. Financial contributions will be secured to improve public transport infrastructure in the area. To further reduce parking pressure, residency will require a car club membership and a travel plan that encourages sustainable travel options, such as walking, cycling, and public transport.
Height and Design Issues: Proposed height increase and poor design will overshadow existing Locally Listed Building.	Officers are satisfied that the proposed development strikes a balance between respecting the existing character and incorporating a modern addition. The locally listed frontage will be fully restored. The height of the new element gradually increases with setbacks to minimize impact. Such height is common in town centre locations. The design of the new element is also considered to complement the Art Deco style, creating a cohesive look. Heritage and Design officers are satisfied with this approach considering the benefits the proposal would bring to the locality.
No Affordable Housing Provided	<p>The proposed development at the Regal Cinema does not include affordable housing due to the significant financial burden of re-providing the cinema.</p> <p>A Financial Viability Assessment confirmed that including affordable housing would lead to further financial deficit. As a result, no affordable housing can be viably provided at this stage.</p> <p>However, the Council has proposed implementing review mechanisms via a Section 106 agreement. This will allow for re-evaluation of the financial viability over time, potentially enabling contributions towards affordable housing in the future if circumstances allow.</p>
Infrastructure Strain: Local infrastructure might not cope with additional residents.	The development is Community Infrastructure Levy (CIL) liable. This levy will contribute funds for essential facilities and services like schools, healthcare, and transport.
Amenity Concerns: Sunlight, Privacy, Overbearing	<p>Daylight/Sunlight: Most properties meet recommended thresholds. While there are reductions in some units, these are considered acceptable given its town centre location.</p> <p>Privacy and Overlooking: The placement of windows and balconies away from the boundaries with residential properties minimizes overlooking. Windows in the flank elevations are obscured glazed and balconies are positioned away from adjacent boundaries to ensure privacy.</p> <p>Outlook: The redevelopment improves the visual environment. While there's a minor adverse impact on one property, overall enhancements are considered positive.</p>
Noise Disturbance	<p>Residential Noise: The increase in residents is not expected to significantly affect existing noise levels in a busy town centre location.</p> <p>Cinema Noise: Noise will be regulated to ensure background level does not exceed the levels at nearby properties. A separate noise report will be required.</p> <p>Construction Noise: Construction noise will be managed by work hours and mitigation measures.</p>

A detailed noise mitigation plan will be required before any work commences.

7. OTHER CONSULTATIONS

Internal Consultees Comments

1.4 **Table 2** summarizes the consultation responses received from internal consultees.

Consultee	Comments
Design	Support the proposal and recommends materials to be conditioned
Highways	<p>Current Outline CLP is insufficient and will require further consideration. Planning Officers are of the view that this can be resolved as part of Detailed CLP submission as working progress.</p> <p>Recommend the following for forthcoming proposal:</p> <ul style="list-style-type: none"> • Development is car free • Contribution towards CPZ • Contribution to improving walking and cycling. • Pre and Post development Highway Condition Surveys Areas for future adoption require a S38 agreement. <p>Facilitating Highway works to fall under Section 278:</p> <ul style="list-style-type: none"> - Renewal of footways - Public realm improvements. - Relocation of zebra crossing. - Construction of dropped kerb. - Installation of blue badge parking bay <p>- Changes to waiting and loading restrictions. Stage 1 and 2 Road Safety Audits for the S278 design</p> <ul style="list-style-type: none"> • Servicing and Delivery Plan & swept path for refuse collection. • Travel Plans for both uses. • Detailed CLP. • Street naming • Lighting Conditions. • Waste management strategy.
Transport Planning	<p>Support car free and residential cycle parking exceed standards.</p> <p>Request</p> <ul style="list-style-type: none"> • Two Blue Badge bays with passive provision; recommend active EV charging facilities. • two-year car club membership for future occupiers.

	<ul style="list-style-type: none"> Financial contributions towards Travel Plan.
Sustainability	<p>Supportive of Energy Statement Options: Option 1: Electric panel heaters (EPH) with photovoltaics (PV), requires a cash-in-lieu payment of £25,474. Option 2: Communal air source heat pump (ASHP) with PV, exceeds 100% carbon reduction target.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> Additional Carbon Offsetting Contribution if necessary Detailed Energy Statement required. Overheating report aligned with the GLA Energy Assessment Guidance is recommended. Sustainable Design: BREEAM <ul style="list-style-type: none"> -BREEAM Pre-assessment (dated January 26, 2024) which targets an Excellent rating of 74.92% -Encourage BREEAM 'Excellent' for major non-residential development. Water Efficiency, target water use of 105 litres per person per day achieved.
Nature Conservation/Trees	<ul style="list-style-type: none"> Urban Greening Factor Score of 0.4 through biodiverse green roofs, podium planting, and ground level planting. Supported in arboricultural and urban greening terms request conditions relating to. Arboricultural Impact Assessment (AIA) and Method Statement. Soft Landscaping Details and Habitat Enhancement Details <p>The applicant to follow bat survey recommendations (PRA and BERS).</p>
Air Quality	<p>Air Quality</p> <p>A financial contribution of £3,300 towards the implementation of the Air Quality Action Plan.</p> <ul style="list-style-type: none"> Require compliance with the Non-Road Mobile Machinery (NRMM) Low Emission Zone, Ultra Low NOx boilers, and the submission of an Air Quality and Dust Management Plan (AQDMP) are recommended. The AQDMP to be captured as part of the Construction Environmental Management Plan (CEMP)
Noise	<ul style="list-style-type: none"> Mitigation measures to ensure noise to be at least 10 dB(A) lower than the background level at 1 meter from nearby residences & Sound insulation Conditions
Contaminated Land	<p>Recommends contaminated land conditions.</p>

Waste Management	The development exceeds the minimum bin storage requirements, however, need to ensure we secure the correct number and type of bins for the residential element. Further information is needed for the cinema component.
Employment	Requested following to achieve local employment opportunities as part of the development. <ul style="list-style-type: none"> • 30 % local labour • 4 Apprentice posts • 1 Work placement <p>If not achieved, then financial contribution would be required.</p>
BPS (Viability)	<ul style="list-style-type: none"> • The proposed development cannot offer affordable housing due to cinema's financial unsustainability (£2 million deficit). • The council needs a business plan for the commercial unit. A viability review is recommended.
Daylight and Sunlight	Are satisfied with the findings of the report .

1.5 External Consultees Comments

1.6 **Table 3** The table summarizes the consultation responses received from external consultees during the application's lifetime.

Consultee	Comments
Transport for London (TfL)	<ul style="list-style-type: none"> • Application not referable to the Mayor; not near TfL Road Network or borough's Strategic Road Network. • Car-free development supported. • Disabled parking and loading bay on Beech Hall Road supported. • Cycle parking: 6 short-stay and 67 long-stay spaces; recommend additional internal door for bike store access. • Recommend Active Travel Zone Assessment (ATZ) including night-time site visit. • Construction Logistics Plan (CLP) to be secured by condition and adhere to TfL guidance.
London Underground/DLR	No objection.
Fire Brigade	No objection.
Secure by Design	Recommends Secure by Design Accreditation to be secured via planning condition.

8. DEVELOPMENT PLAN

The London Plan (2021)

1.7 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. The relevant policies within the London Plan 2021 relevant to this application are considered to include but not limited to:

- GG4 – Delivering the homes Londoners need
- SD1 – Opportunity areas
- SD6 – Town centres and high streets
- D1 – London’s form, character, and capacity for growth
- D4 – Delivering good design
- D6 – Housing quality and standards
- D7 – Accessible housing
- D11 – Safety, security, and resilience to emergency
- D12 – Fire safety
- D13 –Agent of Change
- D14 – Noise
- H1 – Increasing housing supply
- H4 – Delivering affordable housing
- H5 – Threshold approach to applications
- H10 – Housing size mix
- S1 – Delivering London’s social infrastructure
- S4 – Play and informal recreation
- HC1 – Heritage, conservation, and growth
- HC5 – Supporting London’s cultural and creative industries
- G1 – Green infrastructure
- G5 – Urban greening
- G6 – Biodiversity and access to nature
- G7 – Trees and woodlands
- SI1 – Improving air quality
- SI2 – Minimizing greenhouse gas emissions
- SI3 – Energy infrastructure
- SI4 – Managing heat risk
- SI5 – Water infrastructure
- SI7 – Reducing waste and supporting the circular economy
- SI8 – Waste capacity and net waste self-sufficiency
- SI12 – Flood risk management
- SI13 – Sustainable drainage
- T1 – Strategic approach to transport
- T5 – Cycling
- T6 – Car parking
- T6.1 - Residential parking
- T6.4 Hotel and leisure uses parking
- T6.5 Non-residential disabled persons parking
- T7 – Deliveries, servicing, and construction

Waltham Forest Local Plan LP1 (2024)

1.8 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.

1.9 The relevant policies are:

- Policy 1 Sustainable Development and Mixed-Use Development
- Policy 2 Scale of Growth
- Policy 3 Infrastructure for Growth
- Policy 4 Location of Growth
- Policy 5 Management of Growth
- Policy 6 Ensuring Good Growth
- Policy 8 Character-Led Intensification
- Policy 11 North Waltham Forest
- Policy 12 Increasing Housing Supply
- Policy 13 Delivering Genuinely Affordable Housing
- Policy 15 Housing Size and Mix
- Policy 16 Accessible and Adaptable Housing
- Policy 35 Promoting Culture and Creativity
- Policy 46 Social and Community Infrastructure
- Policy 50 Noise, Vibration and Light Pollution
- Policy 53 Delivering High Quality Design
- Policy 55 Building Heights
- Policy 56 Residential Space Standards
- Policy 57 Amenity
- Policy 58 Making Places Safer and Designing Out Crime
- Policy 60 Promoting Sustainable Transport
- Policy 61 Active Travel
- Policy 63 Development and Transport Impacts
- Policy 65 Construction Logistics Plans
- Policy 66 Managing
- Policy 74 Non-Designated Heritage Assets
- Policy 75 Locally Listed Heritage Assets
- Policy 79 Biodiversity and Geodiversity
- Policy 80 Trees
- Policy 81 Epping Forest and the Epping Forest Special Area of Conservation
- Policy 85 A Zero Carbon Borough
- Policy 86 Decentralized Energy
- Policy 87 Sustainable Design and Construction
- Policy 88 Air Pollution
- Policy 89 Water Quality and Water Resources
- Policy 90 Contamination Land
- Policy 91 Managing Flood Risk
- Policy 93 Waste Management

The Highams Park Neighbourhood Plan (Adopted 21st May 2020)

1.10 In 2014 the Council recognized the Highams Park Planning Group as the Neighbourhood Planning Forum for the Highams Park Area under the Localism Act (2012). Following a local referendum in March 2020, as of 21 May 2020, the Highams Park Neighbourhood Plan is the "made" (adopted) neighbourhood plan for the Highams Park Area. The Plan comprises the vision for the Highams Park area over the period from the date of adoption until 2033 and provides clarity to residents, landowners and other interested parties as to how local people would like to see the Area develop and improve over the lifetime of the Plan.

- POLICY TPR1: Transport
- POLICY HDA1: Housing Types & Affordability
- POLICY CDP1: Heritage Assets
- POLICY CDP2: Character & Design
- POLICY BNC1: Biodiversity & Nature Conservation
- POLICY DCO1: Developer Contributions

9. MATERIAL PLANNING CONSIDERATION

National Planning Policy Framework (2023)

1.11 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.

1.12 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".

1.13 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.

1.14 The specific policy areas of the NPPF considered to be most relevant to the of this application are as follows:

- Delivering a sufficient supply of homes
- Ensuring the vitality of town centres

- Promoting healthy and safe communities
- Promoting sustainable transport
- Achieve well-designed places
- Delivering a wide choice of high quality homes
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

Other Guidance:

The London Plan, Supplementary Planning Guidance – Housing (2016)

- 1.15 London Plan Supplementary Planning Guidance "Housing" (2016) This document provides guidance on a range of strategic policies including housing supply, residential density, housing standards, build to rent developments, student accommodation and appraisals.
- 1.16 This standard relates to the internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal Area (GIA) of new dwellings at a defined level of occupancy and floor areas and dimensions for key parts of the home including bedrooms and storage.
- 1.17 **Mayor's Housing Design Standards London Plan Guidance – June 2023**
The Housing Design Standards guidance brings together, and helps to interpret, the housing-related design guidance and policies in the London Plan.
- 1.18 **London Plan Affordable Housing and Viability SPG - 2017**
This supplementary planning guidance (SPG) focuses on affordable housing and viability. It includes four distinct parts: background and approach; the threshold approach to viability assessments and detailed guidance on viability assessments. Draft Affordable Housing LPG and Development Viability LPG are also relevant.
- 1.19 **London Plan the Sustainable Design and Construction SPG – April 2014**
The Mayor published supplementary planning guidance (SPG) on sustainable design and construction.
- 1.20 **Mayor's Housing Supplementary Planning Guidance (SPG) - March 2016**
This document provides guidance on a range of strategic policies including housing supply, residential density, housing standards, build to rent developments, student accommodation and viability appraisals. Parts of the document have been superseded.
- 1.21 **Mayor's 'Be Seen' energy monitoring guidance (2021)**
This guidance explains the process that needs to be followed to comply with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan.
- 1.22 **Mayor's draft Fire Safety London Plan Guidance – February 2022**

The draft Fire Safety LPG reiterates that the fire safety of developments needs to be considered from the outset.

1.23 Mayor's Urban Greening Factor London Plan Guidance – February 2023

The guidance helps support boroughs and applicants in meeting the requirements of policy G5. It provides guidance to boroughs to inform the local application of the policy and information to help applicants to apply the UGF to proposed developments.

1.24 Mayor's Air Quality Positive London Plan Guidance – February 2023

The guidance provides support to the Air Quality Positive approach by identifying and implementing ways to push development beyond compliance with both the Air Quality Neutral benchmarks and the minimum requirements of an air quality assessment.

1.25 Mayor's Circular Economy Statements London Plan Guidance – March 2022

The London Plan Guidance Circular Economy Statements puts circular economy principles at the heart of designing new buildings, requiring buildings that can more easily be dismantled and adapted over their lifetime.

1.26 Mayor's Whole Life-Cycle Carbon Assessments London Plan Guidance – March 2022

This guidance explains how to prepare a Whole Life-Cycle Carbon (WLC) assessment in line with Policy SI 2 F of the London Plan 2021 using the WLC assessment template.

1.27 Mayor's Air Quality Neutral London Plan Guidance – February 2023

This guidance sets out the benchmarks for an Air Quality Neutral development.

1.28 Waltham Forest Local Plan Urban Design SPD (2010)

This document has the aim of raising the quality of design within the Borough. The core principles underlying the advice in the SPD are Inclusive Design and the social model of disability.

1.29 Supplementary Planning Document Revised Planning Obligations (2017)

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

1.30 Waltham Forest Supplementary Planning Document- Affordable Housing and Viability (February 2018)

This SPD has been prepared to provide further detailed guidance on affordable housing and viability. The document provides further guidance on how the Council will take viability into account when considering planning applications and what supporting information applicants will be required to produce. The Council does not intend to apply this guidance retrospectively to any planning applications being processed or determined.

10. LOCAL FINANCE CONSIDERATIONS

- 1.31 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 no grants which have been or will or could be received from central government in relation to this development.
- 1.32 The Council has not received and expects to receive an income from LBWF CIL in relation to this development.
- 1.33 The Council has not received and expects to receive any income from Mayoral CIL in relation to this development.

11. ASSESSMENT

- 1.34 The main issues for consideration, in relation to the proposed development are as follows:
- A) Principle of Development
 - B) Urban Design
 - C) Residential Proposal – Affordable housing & Dwelling mix
 - D) Living Conditions – Existing occupiers
 - E) Living Conditions – Future occupiers
 - F) Highway and Transport Impact
 - G) Waste Management
 - H) Trees and Local Biodiversity
 - I) Environment and Sustainable Design
 - J) Planning Obligations

A. Principle of Development

- 1.35 The overarching principles of policies at national, regional, and local levels emphasize promoting sustainable development, economic growth, and the retention of local infrastructure. The NPPF aims for development that meets current needs without compromising future generations. Policy 1 of the Waltham Forest Local Plan LP1 (2024) supports sustainable growth, while Policy 2 targets economic development with 27,000 new homes and 52,000 sqm of employment space by 2035. Policy SD6 of the London Plan (2021) focuses on enhancing town centres through mixed-use intensification. Policy 4 directs growth to Strategic Locations, including North Waltham Forest, targeted for 1,710 new homes and 1,950 jobs. Policies HC5 and 35 emphasize protecting cultural venues in

accessible locations, with the Highams Park Neighbourhood Plan supporting the regeneration of key sites such as the Regal.

- 1.36 The application is a revised proposal for the refurbishment and redevelopment of The Regal to provide 2 cinema screens and 33 residential units. This follows a previously consented scheme (application reference 173877) for a similar development of 2 cinema screens and 30 residential units, approved in principle by the Planning Committee on 20th March 2018. This permission remains valid until 2nd November 2024.
- 1.37 Since the previous application, the Waltham Forest New Local Plan was published on 29th February 2024. This plan strengthens the LPA's position on sustainable development, protection of local heritage, and delivery of homes. The principle of mixed-use development was previously deemed acceptable, and in line with the new local plan, the development complies with Policy 1 (Presumption in Favour of Sustainable Development) of the Waltham Forest Local Plan LP1 (2024), which promotes growth in sustainable locations as outlined in the National Planning Policy Framework (2023).
- 1.38 The number of residential units on-site would increase from 30 (previously consented) to 33 and further employment opportunities would be secured on site, including a minimum of 4 apprenticeships and one placement for residents, under legal obligations. This aligns with Policy 2 (Scale of Growth) of the Waltham Forest Local Plan LP1 (2024), which aims to maximize opportunities for economic growth by promoting significant levels of housing and employment development and Policies 2, 11 which emphasize Highams Park's strategic role in delivering additional housing and employment for the borough.
- 1.39 The iconic Regal frontage would be retained, and the building regenerated. This aligns with the previously consented scheme and would enhance Highams Park Town Centre. The current building is in disrepair, and the proposal provides an opportunity to upgrade the town centre and improve its vitality. This is in line with Policy SD6 (Town Centres and High Streets) of the London Plan (2021), which promotes the vitality and viability of London's town centres and high streets. It also aligns with Highams Park Neighbourhood Plan (adopted May 21, 2020) which emphasizes the importance of redeveloping The Sheltz (Nos. 491-493 Hale End Road) and The Regal (No. 495 Hale End Road) in a manner that preserves the iconic Regal frontage and includes entertainment and leisure facilities, preferably a cinema.
- 1.40 There would be no loss of social infrastructure as the proposal retains the original use of the building as a cinema, aligning with residents' aspirations for the site. This complies with Policy 3 (Infrastructure for Growth) of the Waltham Forest Local Plan LP1 (2024), ensuring essential infrastructure is in place. It also aligns with Policy HC5 (Supporting London's Culture and Creative Industries) of the London Plan (2021), which protects cultural venues with good public transport connectivity, and Policy 35 (Promoting Culture and Creativity) of the Waltham Forest Local Plan LP1 (2024), which promotes cultural venues in accessible locations like Walthamstow Town Centre.
- 1.41 In light of the above, the principle of a mixed-use development on site, previously deemed acceptable, remains so with even stronger policy support. The regeneration of the building and the provision of additional housing and entertainment venues will boost the vibrancy and improve the vitality of the town centre. This aligns with the key policies of the Waltham Forest Local Plan LP1

(2024) and the London Plan (2021), promoting sustainable growth, economic development, and the preservation of local heritage and cultural venues.

I. Local Heritage and Social Infrastructure

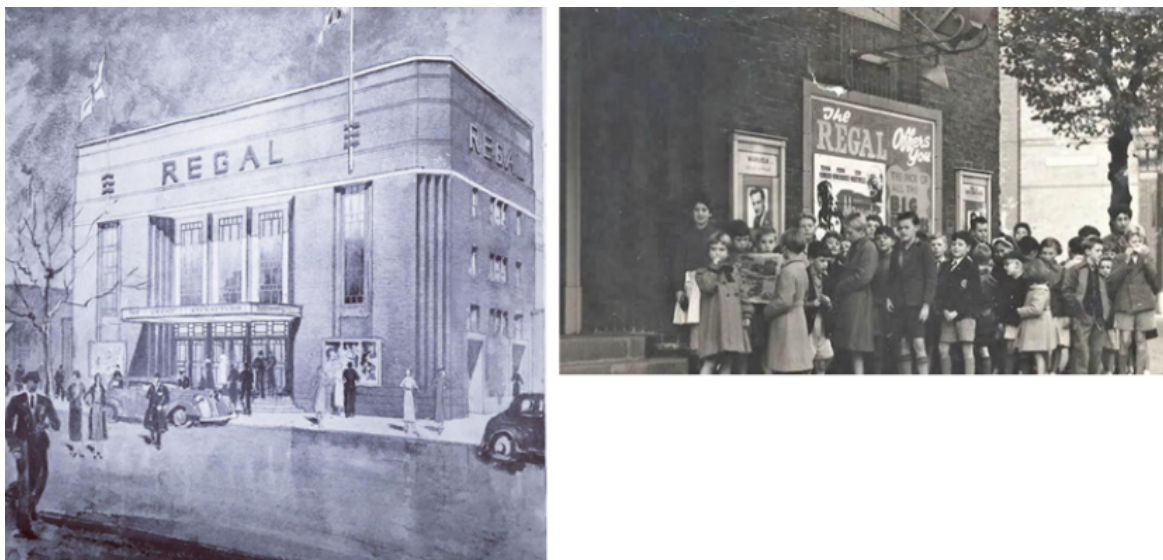


Figure 3 showing the iconic Regal frontage and residents queuing to go to the cinema, emphasizing the cultural importance of the building at the time and the significance of its famous frontage, for which the building was designated as a locally listed heritage asset.

- 1.42 The Regal is a locally listed heritage asset designed for its 1935 frontage. It is classified as an entertainment venue, which falls under the category of social infrastructure. However, the building has fallen into disrepair and is currently vacant. The proposal is to restore the frontage and utilize the building for its original purpose as a cinema. This would ensure no loss of community infrastructure, aligning with local policy that encourages the retention of cultural assets. The previous application proposed a single larger screen with 131 seats and smaller screen with 80 seats. In light of commercial feedback this proposes two equal sized cinema screens. This is intended to be more commercially attractive to a cinema operator and therefore this change is supported.
- 1.43 The facade of the Regal and its historical use as a cinema are intrinsically linked and hold significant cultural value for the Highams Park District Centre and its community. To ensure the building remains a cinema for the lifetime of the development, a planning condition would be imposed requiring its continued use as such. Planning obligations will be used to secure the delivery of the cinema and a strategic marketing plan, secured via planning obligations, would further ensure the long-term profitability of the venue, promoting sustainable growth.
- 1.44 The redevelopment of these two vacant plots in a prominent location within the District Centre will achieve high-quality, inclusive design for new or improved social infrastructure, accessible for all Londoners. The Regal redevelopment is a vital piece of social infrastructure and leisure facility within the north of the Borough.

The proposal is considered to be important in regeneration terms by providing for a new local community facility, and in line with the Council's cultural offer that will significantly contribute to Highams Park District Shopping Centre.

- 1.45 In light of the above, restoring the Regal as a cinema would safeguard valuable community infrastructure and provide high-quality, inclusive design social infrastructure, accessible for all Londoners. The proposed development therefore subject to planning conditions and obligations would deliver a successful and inclusive entertainment venue for the Highams Park District Centre.

II. Town Centre Regeneration

- 1.46 The proposal would revitalize an underutilized site. It would feature a mixed-use commercial and residential scheme, consisting of a cinema and 33 residential flats. The site is in a sustainable location with access to shops, services, and amenities. This well-positioned and accessible location within proximity to Highams Park Station which ensures convenience for future residents, visitors and patrons. The proposal aims to contribute to social infrastructure, culture, and housing and would align with local policies that promote sustainable growth in strategic locations such as Highams Park District Centre.
- 1.47 The proposed café-bar use (Use Class E) is suitable for a town centre location with a concentration of commercial activities. However, in this case, it is intended to function as an ancillary amenity that enhances the overall experience for cinema users. Therefore, to ensure the long-term viability of both the cinema and the restaurant, a planning condition will be imposed to ensure that the café-bar remains ancillary to the cinema. A condition regarding hours of operation will also be included to protect neighbouring amenity.
- 1.48 The development would create additional employment and training opportunities both during the construction and operational phases. On-site training positions will be specifically reserved for residents of Waltham Forest, secured through a Section 106 agreement. This initiative will foster local employment and contribute to the economic regeneration of the area, aligning with the objectives of enhancing community prosperity and development.
- 1.49 In light of the above, the redevelopment of the site would contribute towards new housing targets and enhancing town centre vitality, whilst preserving cultural heritage, thus meeting the objectives of Policy 11 of the Local Plan. The development is therefore supported in principle so long as the development does not have adverse impact on the local environment, highways, amenity of neighbouring occupants, and does not conflict with other planning policies. These considerations are assessed below.

B. Urban Design

- 1.50 The site currently is of poor visual amenity value within the Highams Park District Centre and has been redundant for some time, with The Regal building in a poor state of repair. The current proposal is an opportunity for the redevelopment of the site to bring the site back into use, whilst also improving the local visual amenity of this prominent corner location within the setting of the Higham's Park District Centre streetscape.
- 1.51 The proposal has been the subject of considerable discussions, in respect of the rationale of the overall design and the scale; height and massing that need to be appropriate and respond well to both the context of the town centre and prominent street frontage, along with ensuring a viable scheme is achieved that can be delivered.
- 1.52 The overarching principle of heritage conservation policies at national, regional, and local levels is to conserve and enhance the historic environment. Paragraph 209 of the NPPF (2023) requires a balanced judgement on the impact of a planning application on non-designated heritage assets, considering the extent of harm or loss and the significance of the asset. Policy HC1 of the London Plan (2021) emphasizes the protection and conservation of heritage assets. This policy states that substantial harm or loss of a heritage asset is only considered in exceptional circumstances with clear justification. Similarly, Policies 74 A and B and Policy 75 of the Waltham Forest Local Plan LP1 (2024) prioritize the retention and enhancement of non-designated heritage assets, requiring high design standards and strong justification for any significant harm or loss.

I. Urban Design and Local Heritage



Figure 4 showing the current state of the Regal in need of repair and regeneration.

- 1.53 The Regal Cinema is a Locally Listed building and falls within the category of a non-designated heritage asset. The former cinema building is considered to have architectural, historical, and cultural significance. Its interest comes from both its Art Deco style 1935 frontage on Hale End Road and its cultural and historical importance from its use as a cinema. The frontage of the Regal is a key architectural landmark within the local area and, despite several years of disuse, the building retains its architectural qualities. The rear section of the building, which extends along the Beech Hall frontage, does not form part of the local listing.



Figure 5 showing a visual of the development proposal for the Regal.

- 1.54 The application proposes to restore the Art Deco frontage and demolish the non-listed rear section of the building together with the redevelopment of the site to provide a building of 2 to 6 stories. This new development will maintain the original cinema function on the ground floor with additional residential units above. This element is required to enable the development of the site while maintaining the iconic frontage. Accessibility will be enhanced with ramps added to both existing and new sections. Landscaping will surround the development, incorporating tree species that would be selected to match those planted at the time of the original building.
- 1.55 The non-listed rear section, previously a snooker club, lacks historical significance and its architectural style does not contribute to the local heritage listing. As such its demolition is considered acceptable by officers as it does not detract from the overall heritage value of The Regal. The approach complies with the with Paragraph 209 of the NPPF (2023), Policy HC1 of the London Plan (2021), and Policies 74A and 74B of the Waltham Forest Local Plan LP1 (2024) which emphasises the preservation and retention of heritage assets and their settings.
- 1.56 The proposal prioritises the retention of the locally listed Art Deco frontage. This landmark, characterized by its fine dark brick facade and inlaid aqua blue ceramic tiles, will be restored to its former glory. This commitment to preserve local heritage adds significant weight to the development in the overall planning balance. The

development complies with Paragraph 209 of the NPPF (2023), Policy HC1 of the London Plan (2021), and Policies 74A and 75 of the Waltham Forest Local Plan LP1 (2024) by restoring and enhancing a key heritage asset, thereby contributing to the area's cultural and architectural heritage.

- 1.57 The new element has the potential to impact on the significance of the iconic frontage, when considering the scope of additions being added in relation to the original massing of The Regal. However, the existing building is vacant, underused, and deteriorating. The design has taken a modern approach while retaining the Art Deco architectural language, being sensitive to how the massing and height have evolved. It aims to protect key facade of the building and seeks to deliver a viable two-screen cinema. The proposal will restore a landmark, create jobs, and bring regeneration benefits to the community and Highams Park District Shopping Centre. By regenerating a key architectural landmark and bringing it back to its original use, the development creates a positive outcome. The development is justified and complies with Paragraph 209 of the NPPF (2023) and Policy HC1 of the London Plan (2021), as it balances the need for modern enhancements with the conservation of a non-designated heritage asset, ensuring any harm is mitigated by significant public benefits.
- 1.58 The proposal would improve accessibility to and around the site. The cinema entrance on Hale End Road will have a ramp for inclusivity, and the Beech Hall elevation will feature level access to the residential units. The regeneration will activate the ground floor on Hale End Road by reinstating the main entrance and adding two cinema screens with an active frontage. Green areas, planters, and additional lighting on Beech Hall Road will enhance visual interest and street activity. These improvements will positively impact the town centre by creating a more engaging streetscape. This complies with Paragraph 209 of the NPPF (2023), Policy HC1 of the London Plan (2021), and Policies 74 and 75 of the Waltham Forest Local Plan LP1 (2024), ensuring high standards of inclusive design and enhancing accessibility for sustainable development.
- 1.59 In light of the above, the restoration of the locally listed facade will retain its architectural significance and maintain its role as a key landmark in the area. The partial demolition of the rear section would be deemed acceptable due to its poor condition and lack of surviving internal features. The new development, incorporating both cinema and residential elements together with enhanced lighting and landscaping would improve visual interest and street activity which would positively impact the Highams Park District Centre. These factors collectively weigh in favour of the proposed development in the overall planning balance.
- 1.60 It is considered that the proposed development would have less than substantial harm on the heritage value of The Regal, whereby the overall regeneration benefits of the scheme would on balance outweigh any negative aspect of the design. This complies with Paragraph 209 of the NPPF (2023), Policy HC1 of the London Plan (2021), and Policies 74A and 75 of the Waltham Forest Local Plan LP1 (2024) by balancing heritage conservation with modern development needs. The proposal would also deliver a key objective of the Highams Park Neighbourhood Plan.

II. Height, Bulk and Massing



Figure 6 showing a visual at the development proposal from Beech Hall Road.

- 1.61 The overarching principle of the design policies emphasizes creating well-designed and visually attractive developments that function effectively and enhance the quality of an area. Paragraphs 131-144 of the NPPF (2023) stress the importance of beautiful design that is sympathetic to local character and history. Policy D1 of the London Plan (2021) requires understanding an area's character to plan growth, while Policy D4 emphasizes optimizing site capacity through design-led approaches. Policy 53 of the Waltham Forest Local Plan LP1 (2024) supports development that responds to context in terms of scale, height, and massing, encouraging character-led intensification. Policy 8, together with Policy 55, promotes housing and employment intensification at suitable locations, with guidelines for building heights to ensure developments integrate with their context and contribute to a cohesive urban environment.
- 1.62 The wider area is predominantly characterized by commercial activity on the ground floor and residential development above, in line with the Highams Park District Centre designation. The character of the area is largely defined by Victorian and Edwardian terraces, with some inter-war and modern developments. The density of development is generally low, with building heights typically up to three storeys, although some residential buildings have been extended at roof level. Commercial buildings along Hale End Road have larger footprints and scale, while adjacent buildings are usually two or three-storey Victorian terraces with front and rear gardens. In the centre, commercial buildings feature paved

frontages/forecourts, whereas more vegetation and greenery can be found in the front gardens of terraced houses further away from the district centre.

- 1.63 The new element of the proposal would be part 2 part 6 stories in height. The development would occupy full plot coverage on the ground and at first floor level. It would include extending the Regal building along Hale End Road and Beech Hall Road, creating two new primary elevations. The elevation along Hale End Road will feature a four-story section, rising to a maximum height of six stories. The elevation along Beech Hall Road will start with a lower two-story section, also increasing to a total height of six stories at the junction of the two buildings and situated away from the residential properties adjoining the southeast boundary of the site. This design approach complies with Policy 8, Policy 53 and Policy 55 of the Waltham Forest Local Plan LP1 (2024) by ensuring that the building heights and massing are appropriately scaled and integrated with the surrounding context, promoting character-led intensification and achieving exemplar design.
- 1.64 Officers acknowledge that the height of the building at 6 storeys would be notably different from that of other buildings in the district centre. However, the site is designated as a Strategic Location in an area of transition. Policy 55 of the local plan indicates buildings between 6 and 9 storeys will generally be acceptable subject to a positively prepared height and massing study. Furthermore, the increase in height is gradual, with a four-storey shoulder height maintained throughout. The elements closer to the lower two-storey residential neighbours are reduced in height and stepped away from the common boundary. The top floor elements also would be recessed from the main elevation and the locally-listed building facade to acknowledge the prominence of the heritage asset. The sections extending from the original facade, across the Hale End Road Frontages and Beech Hall Road, have been designed to be in keeping with the Art Deco element of the Locally Listed Building facade. This also helps integrate new and old elements successfully, providing a positive contribution to the street. This design strategy complies with Policy 53, Policy 8, and Policy 55 of the Waltham Forest Local Plan LP1 (2024) by balancing the need for modern development with the preservation of historic character and promoting a cohesive urban environment.
- 1.65 Highams Park District Centre is designated as a strategic area for regeneration. Currently vacant and in a state of disrepair, the building does not contribute positively to the town centre and wider locality. While the building's height may seem significant within the existing context, such heights are not uncommon in town centre locations, where policy favours intensification due to good access to transport, green spaces, and other amenities. Moreover, the impact of the height of the building is reduced by incorporating setbacks, thereby softening the difference between new element and adjacent sites. This complies with Policy 8 and Policy 55 of the Waltham Forest Local Plan LP1 (2024) by supporting the intensification of development in suitable locations while ensuring that the impact on the surrounding area is carefully managed.
- 1.66 In light of the above, the height, mass, and bulk of the development are considered are considered suitable for the area considering its town centre designation. The introduction of an entertainment venue in this location would further enhance the

vitality and viability of the area. As such officers consider that the development would be sympathetic to local character and history.

III. Detailing and Materials

Locally Listed Element:

- 1.67 The historic frontage of the Regal Cinema is proposed to be repaired and restored to its original appearance. Despite several years of disuse, the building retains its architectural façade qualities, including faience and glazed tiles, metal windows, a flagpole, and its red-tiled 'REGAL' name on the north and west elevations. The applicant intends to reinstate and repair these distinctive features and materials, and where restoration is not viable, replace them with similar versions, ensuring the preservation of the building's historic character.
- 1.68 A History Condition Survey (dated August 2023) was submitted with the application to examine the building's current condition. It concludes that the brickwork, faience, canopy, and flagpoles are in poor condition but could be repaired. The statement also proposed to remove all modern additions to the façade, such as ferrous fixings and signage from the façade. The existing metal windows are also capable of being repaired and upgraded, but the replacement of the windows in a matching style is the most beneficial option. The approach complies with the with Paragraph 209 of the NPPF (2023), Policy HC1 of the London Plan (2021), and Policies 74A and 74B of the Waltham Forest Local Plan LP1 (2024 which emphasises the preservation and retention of heritage assets and their settings.
- 1.69 Conservation officers have commented that the reuse of neon signs, re-illuminating the poster frames, reinstating the flagpoles, repairing the canopy, cleaning the brickwork, and removing the modern accumulation of signage and wires is supported. However, the windows in the historic building should be retained and repaired rather than replaced as they are the best surviving elements of the original architectural character of the locally listed building. The proposed balcony railing picks up an art deco style, which is welcomed, and officers would welcome full specifications together with the same detail being replicated in any handrails proposed at the front of the building, which should adopt a similar art deco/streamlined style as would be found outside cinema buildings of the period.
- 1.70 A condition is recommended requesting a repair strategy to include the faience and glazed tiles, metal windows, a flagpole, brickwork, handrails, the rainwater hoppers, and detailed drawings. Detailed drawings should also be submitted to support the proposed retention and restoration of the existing canopy, including a detailed survey of the existing windows and measurements of frames, glazing bars, and glass thickness of both existing and proposed.
- 1.71 In light of the above, the proposed restoration of the Regal Cinema's architectural integrity and cultural heritage would ensure its continued relevance and prominence in the local area. The changes are in line with policy aspirations for the

Highams Park region, and the upgrades to the cinema would have a substantial positive impact, which adds significant weight in favour of the development in the overall planning balance in line with Paragraph 209 of the NPPF (2023), Policy HC1 of the London Plan (2021), and Policies 74A and 75 of the Waltham Forest Local Plan LP1 (2024)

New Element:

- 1.72 The external materials for the new element have been selected to reflect the characteristics of the locally listed element. External materials for both primary elevations include buff-coloured brickwork with Art Deco design elements, such as horizontal corbelling, balcony balustrades, coloured tiles, and multi-step reveals. A two-story extension above the Regal façade, clad in pigmented green zinc, and the upper two floors, set back and clad in lighter grey zinc, distinguish the new addition while maintaining the heritage character.
- 1.73 Conservation officers have commented that the bay details of the new buildings show interest and layering, and incorporate references to the existing architecture, which helps unify the two aspects. The use of turquoise tile for the entrance surrounds and window reveals is also positive, complementing materials displayed in the locally listed building. The use of brick is supported; however, further details are needed to confirm its suitability.
- 1.74 The extensive use of zinc on the south and east elevations was questioned, but during the life of the application, the plans were revised and the use of zinc on the southern and eastern elevations was reduced, with some application of it still viable on the upper floors to create interest in the façade. A sample of the type of zinc cladding proposed for use in the design was also submitted for review and deemed acceptable during the application design review. As such, the proposed materials are acceptable, and a planning condition will be added to the decision notice to ensure that they are retained as submitted on the materials schedule. The use of high-quality, durable materials ensures the longevity of the development and visual appeal, aligning with Policy D4 of the London Plan (2021) and Policy 8 of the Waltham Forest Local Plan LP1 (2024).
- 1.75 In light of the above, a commendable effort has been made to select materials that relate well to the locally listed building, which is considered a positive aspect and adds weight in favour of the proposal in the overall planning balance. The revised plans, incorporating appropriate materials and reducing the use of zinc on the southern and eastern elevations, maintain the heritage character while introducing a distinct new element. The proposed materials are deemed acceptable as they ensure the preservation and enhancement of the architectural integrity of the site in line with Paragraphs 131-144 of the NPPF (2023), Policy D1 and Policy D4 of the London Plan (2021), and Policy 8 and Policy 55 of the Waltham Forest Local Plan LP1 (2024), which seek to ensure high-quality, durable design that is attractive, appealing, and sustainable.

C. Residential Proposal

I. Affordable Housing

- 1.76 London Plan Policies H4 and H5, and Local Plan Policy 12 seek to maximise the delivery of affordable housing provision on development proposal. The target is 50% per site, and if this is not achieved then viability assessment is required unless the proposal is able to demonstrate 35% provision.
- 1.77 The application proposed no affordable housing. As such a Financial Viability Assessment (FVA) is required. Savills (UK) Ltd submitted an FVA (dated February 2024) in support of the planning application. The assessment tests the scheme on an all-private basis and with 35% affordable housing. Savills concluded that the scheme generates a deficit of -£942,000 on an all-private basis and a greater deficit of -£2,385,000 with 35% on-site affordable housing. The report attributes the scheme's unviability primarily to the costs of re-providing the cinema. Despite the viability position, Savills states that the applicant is willing to deliver the cinema but is unable to make any further contributions.
- 1.78 BPS Chartered Surveyors (Viability Assessors) were instructed by the Council to review the FVA prepared by Savills. The FVA re-assessment also concluded that the scheme is unviable on an all-private basis, and as such, no affordable housing can be viably offered at this stage. The primary reason for the scheme being unviable is the costs associated with re-providing the cinema, resulting in a deficit of approximately £2 million. If the cinema was able to cover its costs, approximately £800,000 would be available to fund affordable housing. However, at this stage the costs and values of the cinema and the level of cross-subsidy required are not fully quantified.
- 1.79 Furthermore, BPS advised that the re-provision of the cinema is coming at the expense of affordable housing. For this reason, they highlighted the need for a full business plan from the operator to ensure the long-term sustainability of the cinema. In the event of approval, the scheme is also requested to be subject to review mechanisms to be agreed via S106, allowing the viability to be reassessed prior to the commencement of development against its actual values and costs and secure further payment towards affordable housing if a surplus is identified.
- 1.80 Officers are satisfied that the proposal can be supported in its current form. The development offers an opportunity to deliver a valued community facility, and the overall residential units proposed are crucial in funding the objective to secure a cinema use on this site and cover associated building operational works. The key redevelopment objective for the site, as cited in the Local Plan, District Centre regeneration strategies, and the Highams Park Neighbourhood Plan, is to re-introduce cinema use at The Regal. Developing the site as a cinema venue incurs considerable financial costs, making it prohibitively expensive in its current form. Consequently, any affordable housing on-site at this time is not viable.
- 1.81 It is noteworthy that while assumptions about the costs related to the cinema venue can be made, the requirements of cinema operators can vary significantly and are

often bespoke to their business models. The LPA has received a letter of intent from Castle Cinema. However, like any commercial operator, they seek formal planning approval to fully commit and invest in a project, knowing the development would be deliverable. Therefore, until an operator has formally committed to the site, actual costs and their impact on affordable housing provision cannot be accurately calculated.

- 1.82 The Council's affordable housing policies are not intended to be a barrier to development but to ensure that development makes the maximum contribution in line with the viability of the scheme. Sufficient information has been provided at this stage to demonstrate that it is not viable to provide affordable housing and secure delivery of a new cinema. However, the early stage review prior to commencement of development will ensure that an affordable housing contribution will be secured should the viability improve.
- 1.83 In light of this, to achieve a position where the development can potentially be deliverable, planning permission needs to be in place. The consent should be subject to S106, setting out a review mechanism requiring submission of early and later viability assessments to determine whether an affordable housing provision is achievable. The review mechanism would ensure that the maximum level of affordable housing can be achieved via S106.

II. Dwelling Mix

- 1.84 The NPPF (2023) states that, 'sustainable development involves seeking positive improvements in the quality of the built environment, including widening the choice of high-quality homes. The NPPF (2023) recognises that in order to create sustainable, inclusive and diverse communities, a mix of housing types, which is based on demographic trends, market trends and the needs of different groups, should be provided.
- 1.85 It should be noted that the Secretary of State in his letter to the Mayor (dated 13th March 2020) directed an amendment to the wording of the London Plan (2021) Policy H10 (A9) to state: "The need for additional family housing and the role of one and two bed units in freeing up existing family housing."
- 1.86 The London Plan (2021) Policy H10 requires schemes to generally consist of a range of unit sizes, having regard to robust local evidence of need and the nature and location of the site.
- 1.87 Policy 15 of the Waltham Forest Local Plan Part 1 (2024) sets out that there is a need for a range of dwelling sizes and tenures to meet the housing needs of its diverse population.

- 1.88 **Table 3** The table illustrates the preferred dwelling mix for new residential development in the borough.

	1 bed	2 bed	3 bed plus
Preferred dwelling mix – Market	20%	50%	30%

- 1.89 The proposal for 33 residential units would provide the following combined housing mix:

- 18 one-bedroom units (54.55%);
- 15 two-bedroom units (45.45%);

- 1.90 Although the percentage of units is not consistent with the requirements set out by policy 15 of the WFLP LP1 (2024), by reason of an uplift of one-bed units, policy H10 of the London Plan (2021) accept a level of flexibility in terms of housing mix on higher density developments within accessible locations by supporting a higher proportion of one and two bedroom units which are close to a town centres or public transport. Policy 15 also allows for a variation in mix if justified by location, area characteristics, design constraints and viability of schemes. The Highams Park Neighbourhood Plan also advocates residential development in the town centre that meets local needs, including apartments suitable for downsizing for older households and first-time buyers.

- 1.91 The provision of an increased number of smaller units is therefore accepted and considered consistent with the requirements of policy H10, by virtue of the site's position in Highams Park District Centre and acceptable access to transport links. The site is fronting a busy street and is constrained in the size of the plot as such smaller units would be acceptable in line with Local Policy 15.

- 1.92 The variation of units to be delivered would help create a mixed and balanced community and contribute to identified local needs in accordance with the objectives of Policy 15 of the Waltham Forest Local Plan LP1 (2024) and London Plan (2021) Policy H10. As such the proposal with respect to housing mix would therefore be consistent with the objectives of London Plan Policy H10 (2021), and Waltham Forest Local Plan LP1 (2024).

D. Living Conditions – Existing occupiers

- 1.93 Policy D6 (Housing Quality and Standards) of the London Plan (2021), along with Policy 57 (Amenity) of the Waltham Forest Local Plan LP1 (2024) requires that new home proposals respect the amenity of existing and future occupiers, neighbours and the surrounding area by avoiding harmful impacts from overlooking, enclosure and/or the loss of privacy, outlook and daylight/sunlight and noise disturbance to adjacent residential properties.

I. Daylight, Sunlight and Overshadowing

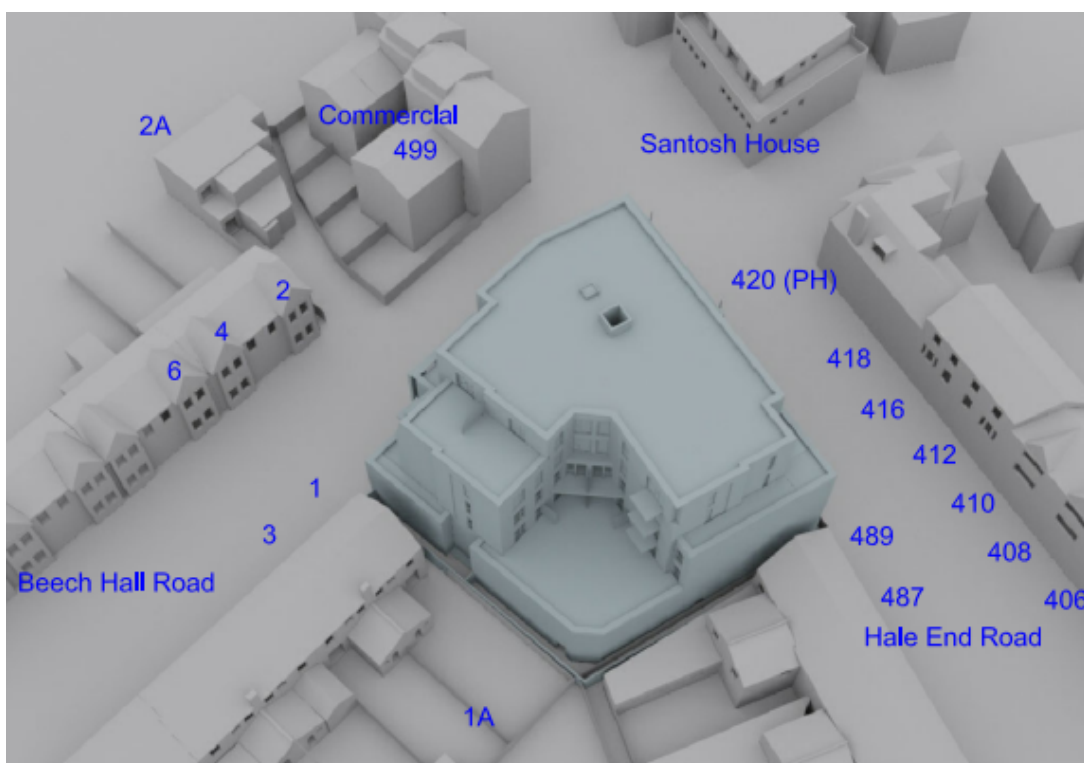


Figure 7 showing the proposed development and the sites adjacent to the application site that were assessed as part of the application proposal.

- 1.94 A Daylight and Sunlight Assessment (dated 13 December 2023) was submitted with the application to determine the impact of the proposed development on the access to daylight and sunlight for nearby properties at Nos. 406 to 487 Hale End Road, 1 to 6 Beech Road, and 1a Preston Avenue. The assessment employs two measures of daylight (VSC and NSL/DD) and one measure of sunlight (APSH).
- 1.95 According to the technical assessment carried out by Daylight and Sunlight (UK) Limited, the results show that the following properties will be affected by the proposed development:
- (VSC) 1 window located on the first floor of 418 Hale End Road
 - (VSC) 2 windows located on the ground floor of 2 Beech Hall Road
 - (VSC) 2 windows located on the ground floor of 489 Hale End Road
 - (DD)1 room located on the first floor of 418 Hale End Road serving the kitchen.
 - (DD)1 room located on the first floor of 489 Hale End Road serving the bathroom.

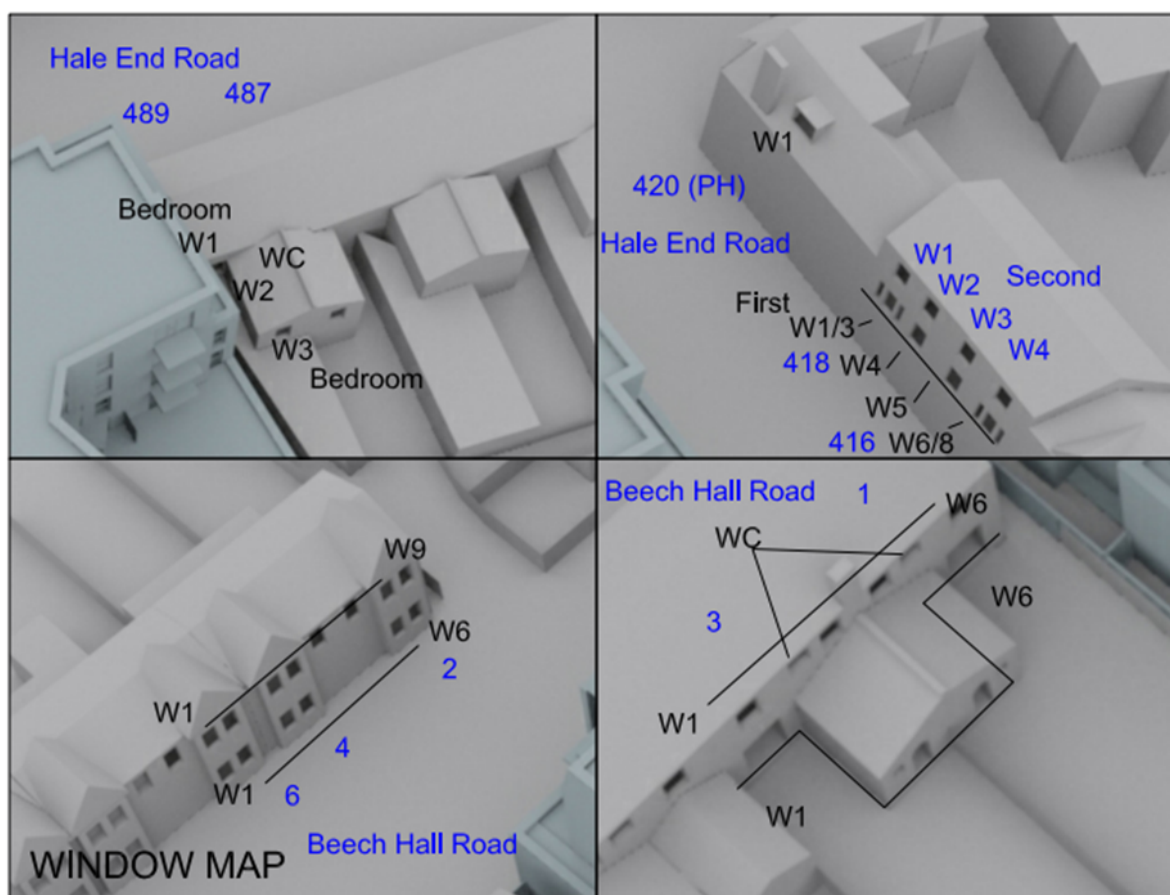


Figure 8 showing the windows of properties adjacent to the application site on Beech Hall Road and Hale End Road.

418 Hale End Road

- 1.96 The one window located on the first floor of 418 Hale End Road serves a living room (W1). The results show that this property will retain a VSC of 26.99%, which only falls marginally short (0.01%) of the target value of VSC 27%. Therefore, officers are satisfied and consider that the effects would not be material.
- 1.97 In terms of daylight distribution, results show that the affected kitchen room (R3) within 418 Hale End Road will have a proposed lit area of 77%, which is a reduction of 21% (0.79 its former value) from the existing lit area. Considering the position of this property relative to the proposed development, such changes are negligible, and the retained light is reasonable. As such the proposal would have a satisfactory impact on 418 Hale End Road.

2 Beech Hall Road

- 1.98 For the 2 windows located within 2 Beech Hall Road (W5 & W6 Living Room), results indicate that these properties will retain VSC levels of 24% and 23%, with reductions of 22% and 23% respectively. These results suggest that the

development would have a negligible impact on the living conditions of that property, which despite of the shortfall is on balance considered acceptable.

489 Hale End Road

- 1.99 The 2 windows located within 489 Hale End Road (W1 bedroom & W2 bathroom), the building located immediately to the east of the site, serve a bedroom and a bathroom. They will retain VSCs of 13% and 3.8%, with reduction values of 47% and 87%, respectively. As a result, this property will lose approximately half of its daylight availability. However, the DD results within the bedroom (R1) itself and the sunlight remains BRE compliant. The results for the bathroom (R3) indicate a DD reduction of 84%, but as this room is a bathroom, it does not need to be assessed, as noted in the BRE guidelines.
- 1.100 Although there would be a significant reduction in the skyline view from the bedroom window of 489 Hale End Road, the daylight availability within the room would remain compliant. Furthermore, the rest of the windows in that flat would remain unaffected by the development. Considering the overriding benefits of the development, this impact is, on balance, considered acceptable.
- 1.101 In terms of sunlight loss, all properties with windows facing within 90 degrees of due south have been assessed for APSH (Annual Probable Sunlight Hours) and comply with the required standards. Properties facing 90 degrees due north are not susceptible to loss of sunlight and have not been assessed.
- 1.102 Regarding overshadowing, there are no amenity areas surrounding the site that could be impacted by overshadowing from the proposed development. The closest amenity areas are located south of the proposed development, thus not requiring an assessment.
- 1.103 In light of the above, out of the three properties that have the potential to be impacted by the development, only one window serving a bedroom at 489 Hale End Road would experience a significant reduction in skyline view (VSC). However, considering that the daylight distribution within the room will remain within acceptable values, officers are satisfied that the development is, on balance, acceptable. All properties will receive adequate sunlight and no gardens would be detrimentally overshadowed as a result of the development.

II. Privacy

- 1.104 All elevations of the development facing Hale End Road and Beech Hall Road contain windows for the commercial element, while windows and balconies serving the residential units are primarily located above.
- 1.105 On the opposite side of Hale End Road to the north, there is a large two-story public house building, followed by a row of three-story terraced properties with

commercial use on the ground floor and a mix of commercial or residential use on the upper floors.

- 1.106 To the west, on the opposite side of Beech Hall Road, are the flank elevation and rear yard of 499 Hale End Road and 2 Beech Hall Road.
- 1.107 Overlooking across the street is not considered harmful as most properties with primary windows on the street are somewhat overlooked. Therefore, the impact of the development on these properties is considered acceptable.
- 1.108 To the east is a two-story terraced property at 489 Hale End Road, with commercial use on the ground floor and residential use above. There are no windows located on the boundary with this neighbour, so officers are satisfied that the development would not cause harmful overlooking between neighbours.
- 1.109 To the south of the application site is a two-story terraced property, No. 1 Beech Hall Road, which is in residential use and has a private garden adjacent to the application site.
- 1.110 Windows on this elevation are only present on the second floor and above. Where balconies are proposed for the development, they are set away from the common boundary with views directed away from No. 1 Beech Hall Road.
- 1.111 In cases where windows are located closer, they are secondary windows and are obscured glazed to further mitigate overlooking concerns for these immediate neighbours. Officers consider that there would be no undue impact on the neighbouring amenity of No. 1 Beech Hall Road in terms of loss of privacy caused by direct overlooking between opposing habitable windows.
- 1.112 Southeast of the application site lies a triangular-shaped plot of land occupied by a two-story detached building known as 1A Preston Avenue. The rear garden of this building backs onto the rear gardens of the application site and adjacent properties on Hale End Road and Beech Hall Road.
- 1.113 Given that the balconies at the application site are above the first floor and are positioned at an oblique angle approximately 20 metres away, officers are satisfied that the impact of the development on the living conditions of the occupiers of 1A Preston Avenue will remain within acceptable levels.
- 1.114 In light of the above, the design positions residential windows and balconies to minimize overlooking for the properties directly adjacent to the site that are likely to be most impacted by the development. As such, officers are satisfied that the development would have an acceptable impact on neighbouring amenity in terms of overlooking.

III. Outlook

1.115 The development incorporates a building that is part 2, part 6 storeys high. The proposal would modify the view from adjacent properties. However, this does not necessarily mean material harm. The application site is currently occupied by a commercial building in a state of despair. As a result, the existing outlook for neighbouring windows is of a decaying building. The proposal aims to upgrade the façade, thereby improving the overall outlook for adjacent properties. Officers are satisfied that the street-facing elevations of the building would positively impact the outlook for opposing residential occupiers.

IV. Noise

1.116 In terms of noise impacts, Policies D13 and D14 of the London Plan (2021), along with Policy 50 of the Waltham Forest Local Plan LP1 (2024), require new noise-sensitive developments to mitigate impacts from existing noise and nuisance-generating activities. To ensure that new developments neither generate excessive noise nor are adversely affected by existing noise levels, local authorities require a Noise Assessment to establish the environmental impact of a development.

1.117 The development is situated within a busy Town Centre location with a high level of activity and foot traffic. The proposal includes a cinema with 2 screens and 33 residential flats. The cinema together with the ancillary café/bar will be open to the public from Monday to Saturday between 10:00 AM and midnight (12:00 AM). On Sundays and Bank Holidays, the cinema will operate from 11:00 AM to 11:00 PM. The ancillary café/bar will have slightly shorter operating hours.

1.118 A Noise and Vibration Assessment (dated 14/09/2023) has been submitted with the application to determine the existing noise levels in the area and the planned equipment on existing and nearby residents. The assessment concludes that considering the existing noise levels (listed below) on site, any noise from equipment associated with the development would remain unnoticed and recommends noise conditions to ensure that the existing noise levels are not exceeded.

Existing Noise Levels

- Daytime (7:00 AM - 11:00 PM): 49 dB LA90
- Early Night (11:00 PM - 1:00 AM): 30 dB LA90
- Night (1:00 AM - 7:00 AM): 23 dB LA90

1.119 However, while the indicated noise levels are low, they do not meet the Council's noise standard. This standard requires equipment noise to be at least 10 dB(A) lower than the background level at 1 metre from nearby residences. To achieve this, the officers recommend several mitigation measures secured through planning conditions relating to noise limits for plant and equipment, as well as anti-vibration mounts to prevent vibrations from the equipment causing noise disturbances in nearby buildings.

- 1.120 In terms of noise from the residential component, it is noted that the development would increase the permanent occupancy of the site by approximately 81 residents. However, considering that noise from residential flats would be typical and similar to that already experienced in the area, officers are satisfied that noise from the residential units would not significantly disrupt existing occupants surrounding the application site.
- 1.121 Regarding the cinema use of the site and the noise activities associated with the coming and going of patrons, the site is situated within the Primary Shopping area of the Highams Park District Centre, where a high level of activity is both expected and encouraged. Therefore, the proposed use is not considered unusual for this location and aligns with the expectations for the area. Furthermore, the new building will also have to comply with the latest building regulations and would need to incorporate insulation measures to reduce internally generated noise within and outside the building. As such, officers are satisfied that the impact from the coming and going of patrons will be within acceptable levels in the locality.
- 1.122 In light of the above, the application has successfully demonstrated through the submission of a noise impact assessment that the development would not detrimentally increase noise disturbance in the area. Noise from residential units would be residential in nature and considered acceptable. Internally generated noise from the cinema would be contained within the building through the use of planning conditions. As such, the development would not generate harmful impact on existing and future occupiers in relation to noise.

E. Living Conditions – Future occupiers

I. Proposed Standard of Accommodation:

- 1.123 Policy D6 (Housing Quality and Standards) of the London Plan (2021), along with Policy 56 (Residential Space Standards) of the Waltham Forest Local Plan LP1 (2024) requires that new development proposals meet the specified minimum internal and external space standards. Additionally, these policies require adherence to qualitative standards for privacy, outlook, and daylight. The Technical Housing Standards - nationally described space standard (2015) and Standard 24 of the Mayor's Housing SPG (2016) provide the benchmarks against which new residential developments are assessed.
- 1.124 The proposal includes 33 residential apartments comprising 18 one-bedroom units and 15 two-bedroom units. According to the Technical Housing Standards - nationally described space standard (2015), the minimum standard is 50 m² for a 1-bedroom 2-person unit: 61 m² for a 2-bedroom 3- person unit and 70 m² for 2-bedroom 4- person unit. Three of the proposed 33 apartments marginally fail to meet these minimum standards. The shortfall in each case is 0.3 m² or less, which is considered 'de minimis' and acceptable on balance. Therefore, officers are satisfied that the proposal meets the requirements of Policy D6 (Housing Quality and Standards) of the London Plan (2021), Policy 56 (Residential Space Standards)

of the Waltham Forest Local Plan LP1 (2024), and the Technical Housing Standards - nationally described space standard (2015).

- 1.125 In terms of the size of residential units and bedrooms, as specified in the National Technical Space Standards, the development generally complies with the minimum requirements of 7.5 m² for a single bedroom and 11.5 m² for a double bedroom. The provision of 2 m² storage space within the units, as required by policy, is also demonstrated on the plans. Policy and guidance do not provide a standard for combined living/dining/kitchen space. However, provided that the development meets the minimum internal space standards, and that each unit provides adequate space for accommodation, it is considered that the sizes of combined areas within the flats are acceptable. As such, the development would accord with Policy 56 (Residential Space Standards) of the Waltham Forest Local Plan LP1 (2024) and Policy D6 (Housing Quality and Standards) of the London Plan (2021).

Table: 4 The table details the number of units within the development. It highlights that all units, except for a marginal shortfall in 3 units, meet or exceed the minimum internal space standards.

Floor Level	Apartment	Proposed Area (m ²)	Minimum Standard (m ²)	Meets Standard?
1st Floor	01-01 (1b-2p)	56.7	50	Yes
	01-02 (1b-2p)	50.2	50	Yes
	01-03 (1b-2p)	50.9	50	Yes
2nd Floor	02-01 (1b-2p)	50.9	50	Yes
	02-02 (2b-3p)	61.3	61	Yes
	02-03 (1b-2p)	50.7	50	Yes
	02-04 (1b-2p)	51	50	Yes
	02-05 (2b-3p)	64.8	61	Yes
	02-06 (2b-3p)	69.4	61	Yes
	02-07 (1b-2p)	52.6	50	Yes
	02-08 (2b-4p)	72.8	70	Yes
	02-09 (1b-2p)	50.1	50	Yes
3rd Floor	03-01 (1b-2p)	50.9	50	Yes
	03-02 (2b-3p)	61.3	61	Yes
	03-03 (1b-2p)	50.7	50	Yes
	03-04 (1b-2p)	51	50	Yes
	03-05 (1b-2p)	50.9	50	Yes
	03-06 (2b-3p)	61.9	61	Yes
	03-07 (1b-2p)	52.6	50	Yes
	03-08 (2b-4p)	72.8	70	Yes
	03-09 (1b-2p)	50.1	50	Yes
4th Floor	04-01 (1b-2p)	52.2	50	Yes
	04-02 (2b-3p)	63.1	61	Yes
	04-03 (2b-4p)	71.2	70	Yes
	04-04 (1b-2p)	50.2	50	Yes

	04-05 (1b-2p)	50.8	50	Yes
	04-06 (2b-3p)	60.7	61	No
	04-07 (2b-4p)	70.5	70	Yes
5th Floor	05-01 (1b-2p)	52.2	50	Yes
	05-02 (2b-4p)	77.6	70	Yes
	05-03 (2b-4p)	69.4	70	No
	05-04 (2b-3p)	60.7	61	No

1.126 In light of the above, although 3 out of 33 residential units proposed would marginally fail to meet the minimum internal space standards, the units would meet the minimum bedroom and ceiling height standards and would provide good quality living accommodation. As such, the development would have a positive impact on the living conditions of future occupiers in relation to internal space standards.

II. Outlook

1.127 Policy 56 (Residential Space Standards) of the Waltham Forest Local Plan LP1 (2024), together with Policy D6 (Housing Quality and Standards) of the London Plan (2021), encourages development designs that ensure good outlook, daylight, and adequate levels of privacy. These policies also advise that development layouts should maximize the provision of dual-aspect dwellings and avoid the provision of single-aspect dwellings wherever possible. Where single-aspect homes are proposed, it should be demonstrated that they will have adequate passive ventilation, daylight, and privacy, and avoid overheating; single-aspect north-facing units should not contain three or more bedrooms.

1.128 Turning to the level of outlook, an acceptable number of windows would be provided in locations conducive to providing both outlook and internal privacy. The majority of units would be dual aspect with access to private amenity space and would benefit from clear and unrestricted outlook. Although there are some units on the northern elevation that would be single-aspect and north-facing, this is, on balance, considered acceptable given the site constraints. Furthermore, these units would serve 1-bedroom flats, and adequate passive ventilation would be provided via building design, which would incorporate enhanced features secured via planning conditions in relation to sustainability to ensure adequate living conditions for future occupiers. As such, the proposal would be in accordance with Policy 57 of the Waltham Forest Local Plan LP1 (2024) and London Plan (2021) Policy D6.

1.129 In light of the above, although the development incorporates 3 north-facing single-aspect units, they are designed to achieve adequate passive ventilation, daylight, and privacy, and are therefore considered acceptable. The majority of the units are dual-aspect and offer good quality internal outlook and amenity, providing a high standard of living accommodation. As such, the development would have a positive impact on the living conditions of future occupiers in relation to the quality of the internal layouts.

III. Proposed External Amenity Provision

- 1.130 Policy D6 of the London Plan (2021), states that where there are no higher local standards in the borough Development Plan Document, a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings. However, Policy 56 of the Waltham Forest Local Plan LP1 (2024) requires at least 10 sqm of external amenity space per dwelling, plus an additional 1 sqm for each additional occupant. This higher local standard takes precedence over Policy D6. Furthermore, private outdoor spaces, such as balconies, terraces, or gardens, must be well designed and usable with a minimum area of 5 sqm and a depth of at least 1.5m. Communal outdoor spaces must be at least 50 sqm and accessible to all residents.
- 1.131 In terms of amenity space standards, more than 50% of the proposed units benefit from some form of amenity space, with 13 units failing to meet the minimum standard and seven meeting or exceeding the standards. Although every effort should be made to meet the minimum external amenity standards, the site is located within an area with a dense built form and existing buildings that are not served by very spacious plots. Therefore, the lack of external amenity space for some of the upper storey accommodation would not be at odds with the character of the area. Furthermore, given the locally significant frontage of the building and its urban location, it would not be feasible to increase the number or sizes of balconies and terraces proposed, as this would directly impact the quality of the frontage and the living conditions of adjacent occupiers. Officers are therefore satisfied that the living conditions of future occupiers would not be unduly compromised due to a lack of compliance with the minimum external amenity standards.
- 1.132 Public open spaces are located a short distance from the application site. This includes Vincent Road Playground, which contains a range of equipment and facilities, while further large expanses of parkland are located on neighbouring land at Highams Park. These would be readily accessible from the application site and would provide future occupiers with an alternative to private outdoor amenity space. Being situated on Hale End Road also has its advantages, with cafés, public houses, and shops readily accessible to future occupiers of the flats, thereby providing alternative forms of leisure within easy reach. Given the proximity of Highams Park Station and the bus stops on Hale End Road itself, future occupiers of the development would be well served by public transport options, enabling them to travel to further services and facilities.
- 1.133 For these reasons, appropriate living conditions would be provided for future occupiers of the proposed development, particularly regarding their access to outdoor amenity space. It is noted that policies place emphasis on the availability of private external amenity space. However, given my above findings and in particular the availability of public open spaces in the area, officers consider that the proposal would be acceptable in this regard. As such, the development would accord with Policy 56 (Residential Space Standards) of the Waltham Forest Local Plan LP1 (2024) and Policy D6 (Housing Quality and Standards) of the London Plan (2021).

IV. Child Play Space

- 1.134 Policy 56 E (Residential Space standards) of the Waltham Forest Local Plan LP1 (2024) together with Policies S4 (Play and informal recreation) and D6 (Housing Quality and Standards of the London Plan (2021) require a minimum of 10sqm of onsite play space to be provided for developments containing 10 or more child bed spaces. Where children's play space requirements cannot be provided on-site, the Council may require financial contributions towards enhancing or upgrading the provision of local play space(s) in the vicinity of the development.
- 1.135 No child play space is provided on-site. In this case, the development is for 33 residential flats, with a dwelling mix mainly containing one- and two-bedroom units. There are no three-bedroom or larger flats proposed as part of the redevelopment of the site. As such, despite the application being for a major development, the proposal is unlikely to be classified as containing 10 or more child bed spaces (circa 5 children are estimated). Given that the proposal is to reinstate the use of the development as a cinema, there is no scope to provide further amenity space at ground level. As such the lack of provision of child play space in this case would not weigh against the proposal in the overall planning balance.

V. Noise

- 1.136 No details of sound insulation have been submitted with the application, and the proposal could potentially impact the living conditions of future occupants within the building. Therefore, environmental health officers have recommended conditions requiring acoustic treatment to prevent noise transmission and ensure the protection of residential units against sound from adjoining commercial premises. The conditions would also require a test to be carried out after completion but prior to occupation to show the criterion above have been met and the results submitted to the Local Planning Authority for approval.

VI. Accessible Units (Awaiting confirmation from sustainability)

- 1.137 Policy 16 (Accessible and Adaptable Housing) of the Waltham Forest Local Plan LP1 (2024), together with Policy D7 (Accessible Housing) of the London Plan (2021), aims to provide a diverse choice of housing options for London's population. These policies require that all new-build self-contained homes be in line with Building Regulation M4(2) Accessible Dwellings and that a minimum of 10% of new-build homes be suitable for occupation by a wheelchair user in accordance with Building Regulation M4(3). M4(2) and M4(3) dwellings should be secured via planning condition to allow the Building Control body to check the compliance of a development against the optional Building Regulations standards.
- 1.138 The submitted Design and Access Statement indicates the development will provide 3 wheelchair user dwellings (M4(3)), which translates to 9.09% of the total units, complying the minimum policy requirement. Step-free and Ramp access is

provided from the street to both the cinema and residential flats. Additionally, a lift connects the upper floors. The placement of M4(3) apartments considered their proximity to the lift, minimizing the travel distance to each unit. Two of the units (02-05 and 02-6) have short internal flights of stairs from their front door to the rest of the accommodation. These units sit above the foyer, where the positioning of their floors, relative to the rest of the residential accommodation is dictated by the locally listed façade and therefore it is not possible to achieve level access throughout. This is acceptable given the site context.

- 1.139 In light of the above, and subject to the recommended planning conditions, the proposed development would be acceptable in terms of the accessibility of the residential accommodation. As such, the proposal would be in accordance with Policy 16 of the Waltham Forest Local Plan LP1 (2024) and London Plan (2021) Policy D7.

VII. Making Places Safer and Designing Out Crime

- 1.140 Policy 58 (Making Places Safer and Designing Out Crime) of the Local Plan (2024) states that the Council will work with partners to: A. Minimise opportunities for criminal behaviour by requiring all forms of new development to incorporate Designing out Crime and Secured by Design principles and requiring all major development to seek to achieve for Secured by Design accreditation.

- 1.141 The Metropolitan Police have made observations on matters that need to be addressed to ensure that the development adheres with Secure by Design Principles. Further consideration is required in relation to:

- **Internal Security:** Scope for upgrades.
- **Flagpoles:** Need to be secured.
- **Planting Types:** Should avoid creating hiding places for weapons or drugs; defensible planting is recommended in front of ground floor windows.
- **Main Entrance Steps:** Require suitable lighting/CCTV to prevent misuse.
- **Venue Notice Boards:** Need adequate lighting and visibility to avoid creating hiding spots.
- **Fire Escape Doors and Management Plan:** Need revisions to prevent security bypass, including no external ironmongery, suitable CCTV, signage, and alarm systems.
- **Boundary Treatments:** Minimum height of 2.1 meters, designed to avoid climbing aids, and recommended to be LPS 1175 SR2/B3 standard.
- **Climbing Aids:** Existing heritage features may need upper-level glazing/windows enhancements.
- **Compartmentation:** Floor-by-floor access control required, with further discussions needed to ensure appropriate points and tested security-rated products.

- **Bin and Bike Stores:** Should have CCTV coverage, SBD approved doorsets, and appropriate access control. Bike stands should allow for 3 points of locking and be secured with anti-tamper fittings.
- **Back of House (BOH) Areas:** May require data-logged access control for system longevity.
- **Lighting:** Should comply with BS 5489, ensuring uniform lighting with no dark spots, and include street lighting considerations.
- **CCTV:** Must cover all communal spaces, bin and bike stores, entrances to amenity spaces, and all entrance/exit points.
- **Bulky Package Strategy:** Need a secure delivery process for residential aspects to prevent theft.
- **Door/Window Specifications:** All communal entrances/exits and spaces should have SBD approved single leaf or oversized doors and windows.

1.142 Any forthcoming permission will require a condition relating to the submission of safety and security specification statement and plan, which demonstrates how site safety would be managed the cinema and residential use. Further detailed submissions can be provided once the design of the development is progressed, prior to construction.

F. Highway and Transport Impact

I. Highway Works

- 1.143 The overarching principle of highways policies at national, regional, and local levels is to ensure safe, efficient, and sustainable transport networks that prioritize active travel and public transport. The National Planning Policy Framework (2023) emphasizes early consideration of transport issues, while the London Plan (2021) promotes the Healthy Streets strategy and sets car parking thresholds to encourage public transport use. The Waltham Forest Local Plan Part 1 (2024) mandates that development proposals mitigate site-specific impacts on local infrastructure through Section 106 and/or Section 278 Highways legal agreements. Where alterations or improvements to the public highway are required, developers must enter into a Section 278 agreement under the Highway Act 1980.
- 1.144 To ensure any damage to the public highway resulting from construction works is rectified, a condition survey of the footways adjacent to the site would be required, including pre- and post-development photographs. This measure aligns with Local Plan Policies 60 to 67 which aim to maintain public infrastructure.
- 1.145 A Section 278 agreement would be necessary to cover essential infrastructure works and facilitate public highway improvements. These include enhancements to footways and frontages on both sides of the development, relocation of the zebra crossing, drop kerb alterations, and implementing loading restrictions. This ensures the development complies with Local Plan Policies 60 to 67 by integrating it with the existing public highway network.

- 1.146 Additionally, a Section 38 agreement would be required to ensure new infrastructure meets highway standards and allows for the adoption and maintenance of certain areas surrounding the development as public highway. This would ensure that the development would align with Local Plan Policies 60 to 67, ensuring the delivery of high-quality and durable infrastructure.
- 1.147 Such works, directly arising from and related to the development, are not covered under the Community Infrastructure Levy (CIL). Therefore, they must be executed by the Local Planning Authority (LPA) and funded by the developer through Section 106 contributions, as outlined in the Waltham Forest Local Plan.
- 1.148 In light of the above, if the development is approved, planning obligations related to highway works will be imposed to cover alterations directly linked to the development. Compliance with these conditions will ensure that adverse impacts from the development are minimized, fully aligning with the National Planning Policy Framework (2023) at paragraph 104, the London Plan Policies T1, T5, T6, T7, and Local Plan Policies 60 to 67.

II. Deliveries, Servicing, and Construction

- 1.149 Policy T7 (Deliveries, Servicing, and Construction) of the London Plan (2021), along with Policy 63 (Development and Transport Impacts) and Policy 65 (Construction Logistic Plans) of the Waltham Forest Local Plan (2024), establishes the framework for assessing the transport capacity effects of development. These policies require major development proposals to include a Transport Assessment (TA), Travel Plan (TP), Construction Logistics Plan (CLP), and Delivery and Servicing Plan (DSP) to minimize adverse impacts, promote sustainable travel, and manage logistics efficiently.
- 1.150 An Outline Construction Logistics Plan (CLP) has been submitted with the application. However, the current Outline CLP is insufficient and will require further consideration. The Council's Highways Development team has requested several changes and clarifications to the submitted Outline CLP prior to determination. Planning Officers are of the view that this can be resolved as part of the Detailed CLP submission as a work in progress. Considering that the application will be conditioned to include a Detailed CLP and that financial contributions will be secured to ensure adherence to the final CLP, officers are satisfied that the application can progress despite the outstanding CLP revisions.
- 1.151 A Detailed CLP will be secured by condition in line with Policy T7 of the London Plan (2021). To ensure the CLP is implemented according to the approved details, a financial contribution of £7,000 has been requested to monitor the works and minimize disturbance to the road network.
- 1.152 Regarding servicing, a loading bay is proposed on Beech Hall Road, along with additional loading opportunities, including parking bays on Hale End Road. Comprehensive details of servicing and delivery for both uses are required as a

pre-commencement condition to determine the locations and capacity of service areas before initiating any Section 278 works. Additionally, swept path analyses for refuse collection, along with waste management plans, servicing, and deliveries, will be required to ensure efficient residential refuse collection proposals.

- 1.153 In light of the above, subject to compliance with the outlined conditions and planning obligations, the development would minimize adverse impacts from deliveries and servicing during construction and operation. This approach promotes sustainable travel and manages construction and operational logistics effectively. Compliance with these measures ensures the development aligns with Policies T7 of the London Plan (2021) and Policies 63 and 65 of the Waltham Forest Local Plan (2024).

III. Sustainable Travel and Parking

a) Car Parking

- 1.154 In terms of residential car parking, Policy T6.1 (Residential Parking) of the London Plan (2021) and Policy 66 (Managing Vehicle Traffic) of the Local Plan (2024) aim to ensure that development proposals are car-free except for accessible car parking facilities for residential developments of 10 units or more. However, the numerical and some qualitative requirements for disabled parking in these policies differ slightly.
- 1.155 While both policies require that blue badge parking meet the same design standards, Policy T6.1 of the London Plan allows for blue badge parking to be located on-street if funded by the applicant, including the provision of electric vehicle charging infrastructure. In contrast, the Local Plan (Appendix 1, Paragraph 21.34) states that all parking spaces for disabled people must be located off the public highway. Furthermore, the blue badge parking numbers differ from the outset and for future proofing.
- 1.156 In terms of non-residential blue badge parking, Policy T6.5 (Non-residential Disabled Persons Parking) of the London Plan (2021) states that disabled persons parking should be provided according to the levels set out in Table 10.6, ensuring that all non-residential elements provide access to at least one on-street or off-street disabled persons parking bay. Table 10.6 does not specify cycle parking for cinema uses; therefore, at least one disabled persons parking space should be provided as required by Policy T6.5. Appendix 1 of the Local Plan (2024) states that although no parking is required for cinemas with an area less than 1,000m², at least 5% of the spaces (with a minimum of one space) should be allocated for disabled use.
- 1.157 The commercial unit (cinema) requires a minimum of one accessible parking space. This aligns with both the London Plan and the Local Plan. For the residential component, the number of accessible parking spaces depends on which standard is applied:

- **The Local Plan:** This requires 5% of dwellings to have accessible parking spaces from the outset (2 spaces for 33 flats) with an additional 2% future-proofed (1 space). This results in a minimum of 3 accessible parking spaces (2 initial + 1 future).
- **The London Plan:** This requires 3% of dwellings to have accessible parking spaces from the outset (rounded up to 1 space for 33 flats) with an additional provision for up to 7% future-proofed (3 spaces). This results in a maximum of 4 accessible parking spaces (1 initial + 3 future).

- 1.158 The application site is located within a Controlled Parking Zone (CPZ) that operates from 8 AM to 6:30 PM, Monday to Friday. No parking is proposed for the new development, except for the provision of blue badge parking on Beech Hall Road.
- 1.159 A Section 106 obligation is requested to ensure that the development remains car-free, and future occupiers would not be permitted to park on the street within the CPZ hours. Additionally, a financial contribution of £40,000 is also requested to consult with existing residents in the CPZ about potential changes to these hours to mitigate the risk of parking overspill from the proposal. One disabled bay is proposed on Beech Hall Road, as shown in the ground floor plans. This blue badge bay has been agreed upon with the Highways Authority and will be time-restricted in line with other commercial blue badge bays. The Transport Planning Team upon review of the submission further requested that to future-proof the Blue Badge Bay, active EV charging facilities are recommended to be provided.
- 1.160 Officers acknowledge that the proposal fails to meet the minimum blue badge parking requirements as outlined in the Local Plan and the London Plan. The blue badge space secured on the road also cannot be reserved exclusively for the occupiers of the development. However, the existing site did not benefit from any parking and there is no space on site where car-parking can be located. Therefore, this shortfall is not considered to outweigh the regeneration benefits the development would bring to the area and although the minimum blue badge requirements are not met, the proposal is considered acceptable on balance. An EV charging facility would be secured as part of S278 works.
- 1.161 A Transport Statement and Travel Plan (dated January 2024) have been submitted with the application, aiming to encourage alternatives to car use. Transport Planning has requested a revised version to include travel plan targets for modal shift and references to Enjoy Waltham Forest initiatives. This revised Travel Plan will be secured by the HoT. To ensure implementation, a financial contribution of £8,000 has been requested for monitoring. Additionally, the Transport Statement outlines multiple nearby car club options, and Transport Policy recommends providing two-year car club memberships for future occupiers to encourage sustainable transport modes.
- 1.162 In light of the above, despite the shortfall in blue badge parking, the development will be car-free, and this has been agreed with the Highway Authority. The provision of one disabled bay for commercial use on Beech Hall Road, although not meeting the minimum requirements of the Local Plan and the London Plan, is considered

acceptable due to the significant regeneration benefits the development will bring to the area. Officers are satisfied that the overall benefits outweigh the parking shortfall, making the proposal acceptable and in line with Policy T6 of the London Plan (2021) and Policy 66 of the Waltham Forest Local Plan (2024).

b) Cycle Parking

Cycle Parking Residential:

1.163 The London Plan cycle parking standards in Policy T5, as set out in Table 10.2, require long-stay cycle parking at the following rates:

- 1 space per studio or 1-person 1-bedroom dwelling
- 1.5 spaces per 2-person 1-bedroom dwelling
- 2 spaces per all other dwellings

1.164 Short-stay parking is required at:

- 2 spaces for 5 to 40 dwellings
- 1 space per 40 dwellings thereafter

1.165 The Local Plan (2024) in Policy 61 sets more demanding requirements:

- 1 space per studio
- 1.5 spaces per 1-bedroom home
- 2 spaces per 2-bedroom home
- 3 spaces per all other dwellings

1.166 Short-stay parking is required at:

- 1 space per 40 homes for visitors, with a minimum of 2 spaces.

1.167 The proposal provides 61 cycle parking spaces, exceeding both London Plan and Local Plan requirements with 59 long-stay spaces for residents (40 two-tier racks, 19 Sheffield stands) and 2 short-stay spaces for visitors. The cycle parking features level access from Beech Hall Road and is designed to be safe and secure. A planning condition will ensure that the cycle parking is retained as shown on the submitted plans for the development's lifetime.

Cycle Parking Cinema:

1.168 Policy T5 (Cycling) of the London Plan (2021) and Policy 61 (Active Travel) of the Local Plan (2024) aim to create a healthy environment that encourages cycling. The London Plan cycle parking standards require theatres and cinemas to provide:

- Long-stay cycle parking at a rate of 1 space per 8 employees
- Short-stay parking at a rate of 1 space per 30 seats for visitors

1.169 The Local Plan (2024) mandates:

- Long-stay cycle parking at 1 space per 4 staff members
 - Short-stay parking at 1 space per 5 seats
- 1.170 The proposal provides 12 cycle parking spaces for cinema staff and visitors. Six short-stay spaces will be located adjacent to the cinema entrance, and an additional six secure spaces will be accessible via the Beech Hall Road service entrance. This meets the London Plan requirements but does not fully comply with the stricter Local Plan standards, which require 24 long-stay spaces and 36 short-stay spaces.
- 1.171 Given the site's constraints and the application submission timing relative to the new Local Plan, some flexibility is warranted. The previous standards required a minimum of one short-stay space per 50m², which the proposal meets and exceeds. Officers are satisfied that the proposed cycle parking, which meets and exceeds London Plan standards, is appropriate and proportionate for this site.
- 1.172 A planning condition will ensure the cycle parking is retained as shown on the submitted plans for the development's lifetime.
- 1.173 In light of the above, the proposed cycle storage for both residential and commercial uses will be safe, accessible, secure, and benefit from passive surveillance. Officers are confident that the provision of cycle parking is appropriate and proportionate to the development proposal. Compliance with these measures ensures the development aligns with Policy T5 of the London Plan (2021) and Policy 61 of the Waltham Forest Local Plan (2024).

G. Waste Management

- 1.174 Policy 93 D (Waste Management) of the Local Plan (2024) emphasizes sustainable waste management by ensuring new developments provide accessible, adequate, well-designed, and safe internal and external storage facilities for residual waste and recycling. These facilities must adhere to the specifications outlined in the borough's Waste and Recycling Guidance for Developers or any strategy that replaces it. The policy must be read with other relevant Plan policies, including Policy 53 'Delivering High-Quality Design' and Policy 57 'Amenity.' According to the Waste and Recycling Guidance for Developers (2023):
- Residential Waste: High Rise Apartment Developments (5 or more domestic units) require 4 x 1100 litre bins for weekly waste and an additional 2 x 240 litre bins for food waste.
 - Commercial Waste: For 1000m² of commercial space, 3.5 cubic metres of waste storage is required. The guidance does not specify storage capacity requirements for cinemas but asks developers to illustrate bin capacities with calculations.
 - Mixed-Use Developments: Developers must store commercial and domestic waste bins in separate, secured areas with access limited to relevant persons. Combined storage is permissible if managed through a commercial contract.

Storage areas should be easily identifiable, and arrangements must be made for segregated storage of bulky household waste items with clear signage.



1.175 The proposed mixed-use development includes separate, secured commercial and residential bin storage areas accessed from Hale End Road. Plans show:

- 7 x 1100 litre bins for residential use
- 4 x 1100 litre bins for commercial use
- The site, serviced from Beech End Road, will have a dropped kerb implemented for easy bin collection as part of highway works.

1.176 The number of bins provided exceeds the minimum requirements. The total required bin storage is 4 x 1100 litre bins for refuse and recycling, 2 x 240 litre bins for food waste, and designated space for bulky household waste. The current bin storage size is adequate, and planning conditions will resolve this issue.

1.177 The commercial bin store size seems sufficient to accommodate the 3.5 cubic metres requirement for a 1000 square metres restaurant. However, there are no specific requirements for cinemas. The applicant must provide updated information with comparable data from similar commercial properties, considering weekly collections and the details of private waste collection company.

1.178 As part of the waste management condition, details on CCTV coverage, SBD-approved door sets, and appropriate access control are also required to meet secure design requirements and ensure the safety and security of the proposed bin storage areas for both uses.

1.179 In light of the above and subject to the specified planning conditions, the waste provision for the mixed-use development would be deemed satisfactory. The development exceeds the minimum bin storage requirements, and a condition would be required to secure the correct number and type of bins for the residential element. Further information is needed for the cinema component, but overall, the proposal aligns with the sustainable waste management goals outlined in Policy 93 D.

H. Urban Greening and Landscaping

I. Trees

- 1.180 Policy G7 C (Trees and Woodlands) of the London Plan (2021), together with Policy 80 A & B (Trees) of the Waltham Forest Local Plan LP1 (2024), states that development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission necessitates the removal of trees, there should be adequate replacement based on the existing value of the benefits of the trees removed. The submission of Arboricultural report is also required where a development proposal will impact on trees as per Policy 79 J (Biodiversity and Geodiversity).
- 1.181 The application is supported by an Arboricultural Impact Assessment (dated 25th September 2025 and marked as a draft). No trees would be removed on site; however, the report identifies that the position of the proposed extension on the southeast corner of the site encroaches into the root protection area (RPA) and the canopies of one category B (T1 Sycamore) and one category U (T2 Elder) tree. To prevent damage to these trees, the report recommends that any soil excavation within the RPA be carried out under Arboricultural supervision and that facilitating pruning be performed by qualified arborists in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.
- 1.182 The Nature Conservation officer commented that a completed AIA should be submitted as part of a recommended planning condition. Based on the findings of the AIA, a fully detailed Arboricultural Method Statement should be produced. The details should include protection measures, foundation design, root barriers, and any other steps required to ensure the protection of the trees adjacent to the site.
- 1.183 In light of the above, the proposal would not result in the loss of any valuable trees. Subject to planning conditions requiring a detailed Arboricultural Impact Assessment and Method Statement, the proposal would comply with the requirements of Policy G7 C (Trees and Woodlands) of the London Plan (2021) and Policy 88 A & B (Trees) of the Waltham Forest Local Plan LP1 (2024).

II. Urban Greening and Landscaping

- 1.184 Policy G5 A (Urban Greening) of the London Plan (2021) together Policy 77 C (Green Infrastructure and the Natural Environment) 79 of the Waltham Forest Local Plan LP1 (2024) requires major development to contribute to the greening of London. Accordingly, all major development must submit Ecology Report and demonstrate that they would meet and exceed the Mayor of London's minimum UGF score of 0.4 for residential development and 0.3 for predominately commercial development (excluding B2 and B8 uses).

- 1.185 The application is supported by an Urban Greening Factor (UGF) Plan Ground Floor (Sheet 1 to 5) and detailed Soft Landscape Proposals Ground Floor (Sheet 1 to 5), both dated February 6, 2024. These documents indicate that through the inclusion of biodiverse green roofs, podium planting, and planting at ground level, the scheme is expected to achieve an Urban Greening Factor Score of 0.4.
- 1.186 Nature Conservation officers commented that although the proposal meets the minimum urban greening score, the ground-level planting would be challenging and would require careful plant selection and robust management to ensure that the planting beds proposed for the areas next to building entrances and the public highway can thrive. Furthermore, if the applicant intends to incorporate both solar panels and green roofs in the same space, the officers expect to see full bio-solar roof details. Therefore, officers recommend that the landscape design and maintenance plans be secured via a planning condition.
- 1.187 In light of the above, the application proposal would meet the required Urban Greening Factor Score of 0.4. Subject to a planning condition relating to landscaping and the long-term maintenance plan of the proposed greening, the development would comply with Policy G5 A (Urban Greening) of the London Plan (2021) and Policy 77 C (Green Infrastructure and the Natural Environment) of the Waltham Forest Local Plan.

III. Ecology and Biodiversity

- 1.188 Policy G6 (Biodiversity and Access to Nature) of the London Plan (2021), together with Policy 79 (Biodiversity and Geodiversity) of the Waltham Forest Local Plan LP1 (2024), states that proposals should seek to protect and enhance biodiversity.
- 1.189 Policy 79 (Part B) of the Waltham Forest Local Plan LP1 (2024), requires a biodiversity survey with all major applications.
- 1.190 Policy 79 (Part G) of the Waltham Forest Local Plan LP1 (2024), of the Waltham Forest Local Plan LP1 (2024), requires providing measures to support species and habitats through landscaping measures or other measures such as bird boxes which provide space for species to nest, roost or hibernate.
- 1.191 The application includes a Bat Emergence and Re-entry Survey (1st September 2023), a Preliminary Roost Assessment (5th September 2023), and field surveys (17th and 28th August 2023). These reports conclude that the former cinema site has low value for roosting crevice bats due to structural defects and note nesting pigeons and ivy on the roof. One bat was observed foraging nearby, but its species couldn't be identified. The reports recommend timing works to protect nesting birds and installing at least four bird boxes to enhance biodiversity.
- 1.192 Nature Conservation officers noted that while no bat activity was present on-site, bats are highly mobile and may begin using the site later. Therefore, planning conditions are necessary to ensure compliance with the recommendations of the

Preliminary Roost Assessment (PRA) and Bat Emergence and Re-entry Surveys (BERS). The conditions include:

- Implementing a precautionary working method during and after development; if a bat or evidence of bats is found, all work must stop, and a licensed bat ecologist must be contacted.
- Incorporating a bat-friendly lighting strategy in the development.
- Installing at least one bat box on the building.
- Submitting habitat enhancement details for approval, including the number and type of habitat bricks and boxes for birds, bats, and invertebrates, and ensuring site boundaries are permeable for ground-based wildlife.
- Providing at least two bird boxes on the building.

1.193 In light of the above, although it is unlikely that there are roosting bats on-site, adherence to the recommendations of the PRA and BERS through planning conditions regarding mitigatory measures and enhancement opportunities will ensure that the development complies with policy.

IV. Biodiversity net gain

1.194 Policy G6 (Biodiversity and Access to Nature) of the London Plan (2021), together with Policy 79 (Biodiversity and Geodiversity) of the Waltham Forest Local Plan LP1 (2024), states that proposals should seek to protect and enhance biodiversity.

1.195 Policy 79 (Part D) requires developments to demonstrate a minimum 10% biodiversity net gain (BNG) using the Defra Biodiversity Metric 2.0 (or subsequent version). The BNG legislation became mandatory for major applications on 12th February 2024.

1.196 The Nature Conservation Officer commented that a biodiversity net gain report has not been submitted with the application. However, the proposal was submitted before the legislation came into effect, and as such, some flexibility is afforded. Furthermore, the site has minimal to no existing biodiversity value. For this site, the Urban Greening Factor (UGF) is the key target for greening, and as set out above meeting the UGF requirement will, as an additional benefit, increase biodiversity across the site overall.

1.197 In light of the above, although a biodiversity net gain report has not been submitted with the application, this is acceptable on balance as the application was submitted prior to the date that BNG legislation came into effect. Subject to the landscaping and maintenance conditions outlined in the Urban Greening Factor score, the proposal would achieve net gain overall and improve existing biodiversity on site.

V. Epping Forest SAC

- 1.198 Policy 81 (Epping Forest and the Epping Forest Special Area of Conservation) of the Waltham Forest Local Plan LP1 (2024) seek to ensure that development proposals contribute to the avoidance and mitigation of adverse recreational and urban effects on the Special Area of Conservation (SAC) by implementing The Strategic Access Management and Monitoring Strategy (SAMMS) and of Suitable Alternative Natural Green Spaces (SANGs) for All new residential development comprising 1 or more new home(s) within the 6.2km Zone of Influence (ZOI) of the boundary of the Epping Forest SAC.
- 1.199 Waltham Forest borders the Epping Forest Special Area of Conservation (SAC), with the entire borough falling within the Zone of Influence (ZOI) for recreational pressure. A survey by Footprint Ecology revealed that 75% of visitors traveled up to 6.2km to the SAC. This indicates significant potential recreational pressure, raising concerns about the impact of new residential development on the sensitive features of the SAC.
- 1.200 A Habitat Regulations Assessment Screening and Appropriate Assessment has been prepared by the applicant which confirms that SAMMS contributions are appropriate for the impact of the development on the integrity of any European designated sites, such as the Epping Forest SAC and SSSI either considered alone or in combination with other plans or projects.
- 1.201 A contribution of £627 x 33 unit 20,691 in total) towards SAMMS is sought and secured through the Section 106 agreement. Financial contributions towards the SANGS would be secured via the Community Infrastructure Levy (CIL) and would be allocated to projects within the relevant catchment area as identified in the strategy.
- 1.202 On the basis of the above, it is considered that the proposed development would have an acceptable impact on ecology. As such, the proposed development would accord with Policy 81 of the Waltham Forest Local Plan LP1 (2024), and London Plan Policies G1 and G6.

I. Environment and Sustainable Design

I. Air Quality

- 1.203 Policy SI1 of the London Plan (2021) together with Policy 88 of the Waltham Forest Local Plan LP1 (2024) aims to tackle poor air quality and protect public health. To meet these requirements, development proposals must be at least air quality neutral, and all major applications should submit an Air Quality Assessment to demonstrate that the development would not lead to the deterioration of existing poor air quality.
- 1.204 Waltham Forest designated the whole borough as an Air Quality Management Area (AQMA) in 2001 due to exceedances of the Particulate Matter (PM10) and Nitrogen Dioxide (NO2) objectives. The local authority has developed an Air Quality Action

Plan (AQAP) outlining measures to improve air quality, some of which include enhancing cycling infrastructure, promoting walking, monitoring progress, switching off engines when not moving and installing green screens, along with an air pollution education programs.

1.205 An Air Quality Assessment (September 2023) on the air quality during the construction phase and the air quality at the operational phase has been submitted with the application. The assessment concludes the following:

- There is an impact of dust soiling and PM10 during the construction activities, but that impact can be reduced to negligible levels with appropriate mitigation measures such as soft stripping (perform internal stripping before demolition while retaining walls and windows where possible to act as dust screens) and water suppression.
- The predicted concentrations of NO₂, PM10, and PM2.5 in all modelled years are below the relevant objectives applicable to the type of use.
- The proposed development is considered air quality neutral in relation to the transport and building emissions. As such, no mitigation is considered necessary.
- No gas will be utilized on site as heating and hot water will be provided using electricity. As such, the proposed development is considered air quality neutral in relation to building emissions at the operational phase.

1.206 An Air Quality Assessment demonstrates that the development would be air quality neutral. However, meeting the Air Quality Neutral benchmarks, although necessary to control the growth in London's regional emissions, will not always be sufficient to prevent unacceptable local impacts. The development is in an area with poor air quality and high relative exposure. A financial contribution of £3,300 towards the implementation of the Air Quality Action Plan would be required to mitigate the impact of the development.

1.207 Conditions requiring compliance with the Non-Road Mobile Machinery (NRMM) Low Emission Zone, Ultra Low Nox boilers, and the submission of an Air Quality and Dust Management Plan (AQDMP) are recommended. The AQDMP will be captured as part of the Construction Environmental Management Plan (CEMP) condition as requested by the Environmental Health Team.

1.208 In light of the above, the development would be consistent with Policy SI1 of the London Plan (2021) and Policy 88 of the Waltham Forest Local Plan LP1 (2024), subject to conditions and a financial contribution that would ensure that the development protects the amenity and health of neighbouring properties in terms of air quality and pollution.

II. Contaminated Land

1.209 Policy 90 of the Waltham Forest Local Plan (2024) seeks to manage contaminated land and prevent the spread of contamination. The application was submitted with a contaminated land report, However, Contamination Land Officer confirmed that a condition would be appropriate to ensure an up-to-date report is captured.

- 1.210 The Council's Contamination Officer has recommended conditions, which should provide details of the results of the investigations and remediation measures that should form part of a remediation strategy together with a verification report to demonstrate that the works set out in the remediation strategy are complete.
- 1.211 To ensure for health and safety reasons that there are no issues of asbestos on site, a condition to request a survey to check this will be attached to forthcoming approval, and should there be evidence of this, appropriate mitigation measures would be required to be taken.
- 1.212 light of the above, the Council's Land Contamination Officer has not raised concerns to the proposal subject to a condition requiring details that ensure that the development would not pose a risk on contamination. The development would therefore be consistent with Policy SD1 of the London Plan (2021) and Policy 90 of the Waltham Forest Local Plan LP1 (2024).

III. Flood Risk

- 1.213 The site is not located within a Flood Zone and therefore there is a low probability of surface water flooding. Policy SI12 of the London Plan (2021) requires development proposals to ensure that appropriate measures are incorporated to minimise and mitigate any flood risk.
- 1.214 The current site is largely hard landscaped with concrete which contributes negatively to water run-off. The development would be conditioned in case of approval for the implementation of flood mitigation solutions prior to first occupation, so that development does not create any flooding or surface water run off issues in the wider area.
- 1.215 The development would therefore be consistent with the requirements of Policy SI12 of the London Plan (2021) and Policy 91 of Waltham Forest Local Plan LP1 (2024) in that it would not pose a risk of flooding by incorporating acceptable mitigation measures.

IV. Sustainable Urban Drainage

- 1.216 All new schemes need to be designed to ensure redevelopment will be safe on sites, without the increasing flood risk. It would need to be designed to sufficiently manage run off, as directed by both London Plan and Local Plan. London Plan Policy SI13 (2021) requires new forms of development to utilise sustainable urban drainage systems (SuDS) to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible in line with the drainage hierarchy.

- 1.217 Local Plan Policy 91 is to ensure that flood risk is effectively managed, including beyond an application site. It sets out a number of measures that should be taken, and clearly indicates that the main issue with residential and other built form is the rate of water run-off.
- 1.218 Although the application site is not within a flood zone and is therefore at very low risk of alluvial flooding, the development would be conditioned in case of approval for the implementation of flood mitigation solutions, so that development does not create any flooding or surface water run off issues in the wider area.
- 1.219 In light of the above, a drainage condition would be required, detailing potential SuDS features for the site, which should include permeable paving, raingardens, soakaways, and specifications of infiltration test results together with recommended soakage rates where soil conditions are suitable for infiltration, to ensure compliance with Policy SI13 of the London Plan (2021), and Local Plan Policy 91.

V. Carbon Zero Development

- 1.220 Policy SI.2 A (Minimising greenhouse gas emissions) of the London Plan (2021) and Policy 85 (A Zero Carbon Borough) of the Waltham Forest Local Plan LP1 (2024) require that major developments achieve net-zero carbon emissions. This is achieved by following a four-stage energy hierarchy:
- **be lean (Energy Demand reduction):** use less energy and manage demand during operation through fabric and servicing improvements and the incorporation of flexibility measures.
 - **be clean (Heat network connection):** exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly by connecting to district heating networks.
 - **be green (renewable energy):** maximise opportunities for renewable energy by producing, storing and using renewable energy on-site.
 - **be seen: (monitor)** verify and report on energy performance through the Mayor's post construction monitoring platform.
- 1.221 Policy SI.2 B of the London Plan (2021) requires all major development proposals to include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy. Applicants should also report the Energy Use Intensity (EUI) and the space heating demand of the development. These metrics will help applicants to demonstrate that they have maximised energy efficiency measures in line with the energy hierarchy, in addition to the percentage improvement target.

- 1.222 Policy SI.2 C of the London Plan (2021) requires an on-site carbon reduction of at least 35 per cent beyond Part L 2021 of building regulations should be achieved. Residential developments are held to an even higher standard, with an additional benchmark set for them to achieve a 50% improvement over Part L 2021.
- 1.223 Policy SI.2 C (1&2) of the London Plan (2021) requires that once it has been demonstrated that carbon reductions have been maximised, Policy SI.2 D advises any remaining emissions must be offset to achieve zero carbon by 1) a contribution to the relevant borough's carbon offset fund or 2) off-site provided that an alternative proposal is identified, and delivery is certain.
- 1.224 The Energy Statement (dated November 29, 2023) presents two options for achieving carbon zero. One option involves using electric panel heaters (EPH) with photovoltaics (PV), and the other involves a communal air source heat pump (ASHP) for heating, hot water, and electricity generation, alongside PV and an enhanced building design. Both options achieve an on-site reduction exceeding 35% and a 50% improvement over the Part L 2021 baseline. The first option, using EPH, falls short of the 100% carbon reduction target, requiring a cash-in-lieu payment of £25,474 to meet the zero-carbon goal. The second option, utilizing the communal ASHP system and PV, exceeds the 100% carbon reduction target, eliminating the need for a cash-in-lieu payment.
- 1.225 Sustainability officers are satisfied with both options for achieving carbon zero and recommend planning conditions that the residential element of the development meets a 50% carbon reduction target and that a revised report is required, detailing that the development achieves an Energy Use Intensity (EUI) of 35 kWh/m²/year and a space heating requirement of 15 kWh/m²/year. In terms of carbon offsetting, in the event the development cannot fully meet the Actual Carbon Dioxide Emissions Target set out in the Energy Statement, an "Additional Carbon Offsetting Contribution" would be required to be paid by the Owner to the Council towards the Council's Carbon Offset Fund to offset additional residual carbon emissions (in tonnes CO₂ per year) (as required by energy conditions).
- 1.226 In light of this and subject to planning conditions requesting an updated energy report which referencing the measures outlined in the energy statement the proposal would demonstrate compliance with the energy hierarchy and the carbon targets set out in Policy SI.2 A (Minimising greenhouse gas emissions) of the London Plan (2021) and Policy 85 (A Zero Carbon Borough).

Energy Reduction (Be Lean) and Overheating:

- 1.227 The "be lean" element (Energy Demand Reduction) focuses on using less energy and managing demand during operation through fabric and servicing improvements and the incorporation of energy efficiency measures alone.

- 1.228 Policy SI.2 C of the London Plan (2021) requires that developments achieve carbon reductions beyond Part L 2021 standards by 10 percent for residential developments and 15 percent for non-residential developments through energy efficiency measures alone, before considering other measures (i.e., excluding contributions from the proposed heating system and renewable energy). This is important for protecting consumer prices.
- 1.229 Policy SI 3 E (Energy infrastructure) of the London Plan (2021) advises that heat networks should achieve good practice design and specification standards for primary, secondary and tertiary systems comparable to those set out in the CIBSE/ADE Code of Practice CP1 or equivalent.
- 1.230 Policy SI 4 B (Managing Heat Risk) of the London Plan requires major developments to submit an overheating analysis (Part L new building regulations) demonstrating how they will reduce reliance on air conditioning through the cooling hierarchy (below) and in line with the GLA Energy Assessment Guidance.
1. reduce the amount of heat entering a building through orientation, shading, high albedo materials, fenestration, insulation, and the provision of green infrastructure.
 2. minimise internal heat generation through energy efficient design.
 3. manage the heat within the building through exposed internal thermal mass and high ceilings.
 4. provide passive ventilation.
 5. provide mechanical ventilation.
 6. provide active cooling systems.
- 1.231 The Energy Statement (dated November 29, 2023) shows that managing demand during operation through fabric and servicing improvements delivers a 16% saving against the baseline for the entire new build development and 36% and 35% for the refurbishment elements through efficient design and lean measures alone, such as low-energy lighting and intermittent extract fans. Therefore, the new residential element meets its 10% target. An air permeability values of 4.0m³/m²/hr for the new build and 5.0 for the refurbishment, both of which are deemed acceptable for the situation.
- 1.232 The Energy Statement (dated November 29, 2023) also includes a simplified overheating assessment using the Part O methodology, which analyses the proposed location of the building, layout, and glazing design to predict potential overheating risks. The assessment assumes openable windows/doors, blinds or curtains, and solar-controlled glazing (low G-value) for residential spaces. It evaluates a worst-case unit from each floor to provide a performance overview. The method identifies potential overheating issues in the assessed units (see Appendix 6.3-6.5). Therefore, the Energy Statement recommends a full dynamic simulation (DSM) assessment using the CIBSE TM59 (space heating) methodology to ensure compliance.

- 1.233 Environmental officers confirmed that a revised energy strategy including TM59 Dynamic overheating modelling using CIBSE guidance is necessary to be secured via a planning condition and accounting for the limits that Part O 2021 places on the choices available when undertaking a CIBSE assessment.
- 1.234 In light of this, the development can achieve and exceed the 10% (residential) and 15% (non-residential) carbon reduction targets through energy efficiency measures alone. However, to demonstrate compliance with overheating regulations and ensure compliant temperatures during hot weather, a planning condition requiring an overheating report aligned with the GLA Energy Assessment Guidance is recommended.

Low Carbon Energy Supply (Be Clean)

- 1.235 The “Be Clean” element (Heat network connection) of the four-stage energy hierarchy for achieving carbon zero aims to exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly by connecting to district heating networks.
- 1.236 Policy 86 A of the Waltham Forest Local Plan LP1 (2024) requires all major developments to install a communal heating system and either connect to an existing district heating network (where one exists) or ‘future-proof’ the system by ensuring the development is able to connect to a district heating network in the future.
- 1.237 Policy 86 B of the Waltham Forest Local Plan LP1 (2024) requires the application to demonstrate to the Local Planning Authority’s written satisfaction if an existing heating network connection is not feasible or viable, in line with the GLA’s latest energy assessment guidance.
- 1.238 Policy SI 3 D.1 (Energy infrastructure) of the London Plan (2021) states that development proposals within a Heat Network Priority Area should have a communal low-temperature heating system and that the heat source for the communal heating system should be selected in accordance with the following heating hierarchy:
- Connect to local existing or planned heat networks.
 - use zero-emission or local secondary heat sources.
 - use low-emission combined heat and power (CHP) and,
 - use ultra-low Nox gas boilers.
- 1.239 Policy SI 3 D.2 (Energy infrastructure) of the London Plan (2021) states that low-emission combined heat and power (CHP) and ultra-low Nox gas boiler communal or district heating systems should be designed to ensure that they meet the requirements in Part B of Policy SI 1 Improving air quality.

- 1.240 Policy SI 3 D.3 (Energy infrastructure) of the London Plan (2021) states where a heat network is planned but not yet in existence, the development should be designed to allow for a cost-effective connection later.
- 1.241 The Energy Statement (dated November 29, 2023) confirms that that is not feasible to connect to an existing District Heating Network (DHN). As such, the proposal outlines an on-site, communal low-carbon heating system using air source heat pumps (second option in the heating hierarchy). An Air Quality Statement has been submitted with the application, indicating that the development would be air quality neutral in line with Policy SI 1 of the London Plan (2021).
- 1.242 Environmental officers are satisfied with the proposed on-site, zero-emission heating system due to the lack of a district heating network nearby (first option in the hierarchy). However, as the site falls within a Heat Network Priority Area (HNPA), a 'future-proofed' system design for potential connection to a future district network is recommended. A revised energy assessment reflecting this futureproofing will be required as a planning condition at the post-planning stage. This assessment should also explore the feasibility of connections to neighbouring developments and consideration of heat affordability in line with Policy SI 3 D.3 of the London Plan (2021)
- 1.243 In light of this, an on-site, communal low-carbon heating system using air source heat pump is acceptable. However, as the site falls within a Heat Network Priority Area, a 'future-proofed' design for potential future connection is recommended. As such officers recommend a revised energy assessment exploring this futureproofing, along with the feasibility of connections to neighbouring developments and heat affordability, is required as a planning condition at the post-planning stage.

Be Green

- 1.244 Policy SI.2 A (Minimizing greenhouse gas emissions) of the London Plan (2021) and Policy 85 (A Zero Carbon Borough) of the Waltham Forest Local Plan LP1 (2024) emphasize the importance of carbon zero development. (renewable energy) of the four-stage energy hierarchy for achieving carbon zero aims to produce, store, and use renewable energy on-site.
- 1.245 The Energy Statement (dated November 29, 2023) proposes a solar PV installation with outputs of approximately 330m² and 62kWp, based on 300W per panel. Environmental officers confirmed that they are satisfied with these additional measures proposed.

Be Seen

- 1.246 Environmental officers recommended that a prior occupation condition, which requests a report demonstrating how the scheme reduces the carbon dioxide emissions of the development by at least 35% (commercial element) and 50% (residential element) compared to the 2021 Building Regulations, shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall reference the measures outlined in the Energy Statement accompanying the planning application but shall also detail the measures implemented in the construction of the development. Subject to compliance with the recommended pre-occupation condition, the applicant will be able to comply with the 'be seen' element of the energy hierarchy.

BREEAM

- 1.247 Policy SI 5 C (Water infrastructure) of the London Plan in line with Policies 87. B (i) (Sustainable Design and Construction) and 89 (Water Quality) of the Waltham Forest Local Plan LP1 (2024) seeks to ensure 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).
- 1.248 The application has submitted a BREEAM Pre-assessment (dated January 26, 2024) which targets an Excellent rating of 74.92% in line with local and national policies. Environmental health officers have recommended a condition requesting that the non-residential units be constructed to achieve no less than BREEAM 'Excellent' in accordance with the submitted Energy Report. Subject to compliance with the recommended pre-occupation condition, the applicant will be able to ensure compliance with local, regional, and national standards.

Water Efficiency:

- 1.249 Policy SI 5 (Water infrastructure) of the London Plan (2021) and Policy 89 of the Waltham Forest Local Plan LP1 (2024) require development to be designed to be water efficient and reduce water consumption. Refurbishments and other non-domestic development will be expected to achieve maximum water credits in BREEAM or equivalent. Residential development must not exceed a maximum water use of 105 litres per head per day (excluding the allowance of up to 5 litres for external water consumption).
- 1.250 The Energy Statement (dated November 29, 2023) confirms a target domestic water use of 105 litres per person per day (l/p/d) and includes an indicative specification that meets this target. However, this specification will need to be updated as design details are further developed. As such, a planning condition will be required prior to development commencement. This condition will necessitate the submission of a scheme detailing measures to reduce water use within the development. The scheme must ensure the target water use of 105 litres or less per person per day is achieved. This scheme will require written approval from the Local Planning Authority.

12. PLANNING OBLIGATION

1.251 Section 106 Legal 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 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.

1.252 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) and the Waltham Forest Local Plan Affordable Housing and Viability SPD (2018), for this development relate to the following Heads of Terms which are also outlined in Section 1 of this report.

- Cinema use (use restriction/marketing strategy/implementation)
- Affordable housing
- Wheelchair Housing
- Highways and Transportation
- Car Free Housing
- Employment and Training Strategy
- Air Quality
- Carbon Offset Fund
- Epping Forest Special Area of Conservation
- Retention of Architect
- Legal Fees
- Monitoring and Implementation

13. ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

1.253 In making your decision you must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or

other areas where they are underrepresented) of people with a protected characteristic(s).

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

○ 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.

○ 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

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

1.255 You are referred specifically to Article 8 (right to respect private and family life), Article 1 of the First Protocol (protection of property). 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 as far 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.

14. CONCLUSION

1.256 The proposal involves the refurbishment and restoration of The Regal, a locally listed heritage asset known for its 1935 frontage, and the redevelopment of the site to include a part 2, part 6-storey building providing 33 residential flats and a cinema with an ancillary restaurant/café.

1.257 The restoration of The Regal's frontage would enhance the cultural offer of Highams Park District Centre, strengthening its cultural presence by retaining the building and its use.

1.258 Local heritage asset would be preserved in line with its original design and use, complying with national, local, and regional policies. The long-term viability of the cinema would be secured through legal obligations and planning conditions. This adds significant weight in favour of the development in the overall planning balance.

- 1.259 The redevelopment of the site would regenerate the town centre and contribute towards meeting housing targets. The site is in a sustainable location that offers access to shops, services, and amenities, promoting convenience for residents and patrons.
- 1.260 Employment opportunities would be created during the construction and operational phases, some of which would be secured for local residents via planning obligations and conditions, further adding weight in the overall planning balance.
- 1.261 No affordable housing is proposed on-site. However, a Viability Assessment, verified by the Council's viability consultant, confirms that the development is unviable and the cinema's re-provision comes at the expense of affordable housing. This weighs against the proposal in the planning balance. However, given the improvements to the local heritage asset and the town centre overall, officers are satisfied that the lack of affordable housing is acceptable in this instance. A viability review mechanism is secured via legal agreement to ensure a payment towards affordable housing if a surplus is identified.
- 1.262 The proposal would provide 18 one-bedroom and 15 two-bedroom units. The unit mix would not meet preferred dwelling mix requirements. However, the town centre location makes the increased number of smaller units acceptable. This adds weight in favour of the development in the overall planning balance.
- 1.263 The internal and external design, including the modernized frontage of The Regal, would retain its architectural significance and reclaim its role as a key landmark. The partial demolition of the rear section is acceptable due to its poor condition. The height of the development is acceptable, and its design would improve visual interest and street activity, positively impacting Highams Park District Centre, adding weight in favour of the development.
- 1.264 Good living conditions would be provided for future occupiers. While it does not fully comply with minimum external space requirements and 3 units marginally fall below minimum internal floor standards, most rooms exceed the standards, providing good outlook and private amenity space. This adds weight in favour of the development. Good living conditions would be maintained for existing occupiers, with adequate light retained.
- 1.265 The development would be conditioned to achieve Secure by Design Certification and include enhanced security measures such as upgraded internal security, suitable lighting and CCTV, secure planting and boundary treatments, and comprehensive access control. Officers are satisfied that these measures can be implemented without significantly altering the operational aspects of the development, ensuring the highest security standards are met.

- 1.266 The proposal includes 3 wheelchair user dwellings (M4(3)), accounting for 9.09% of the total units, complying with policy requirements. Step-free and ramp access would be provided, and a lift would connect the upper floors, ensuring accessibility. Conditions would be imposed to secure compliance, making the proposal acceptable in terms of accessibility.
- 1.267 Good living conditions would be maintained for existing occupiers, with adequate light retained. Although one bedroom would lose 50% of its existing vertical sky component (VSC), the overall amount of light in the room would remain adequate. The Council's external consultant confirmed that overall, good levels of light would be achieved for neighbouring properties, with conditions included to protect living conditions further. This consideration adds weight in Favor of the development in the overall planning balance.
- 1.268 The Highways/Transport Planning Team recommends S278 works and S106 contributions/obligations to cover various infrastructure improvements, including the renewal of footways, public realm enhancements, and relocation of the zebra crossing. The site would be car-free, except for a blue badge parking bay, and cycle parking provisions would be secured. Financial contributions would support CPZ consultations, travel plan monitoring, and flood mitigation projects. These measures ensure the development's compliance with transport policies and mitigate any potential impacts, adding significant weight in Favor of the proposal.
- 1.269 The scheme would deliver important walking and cycling improvements and enhance public space through S106 contributions. The development adheres to carbon-zero standards, promoting sustainable travel options and improving accessibility with step-free entrances.
- 1.270 In light of the above, restoring The Regal as a cinema would safeguard valuable community infrastructure and provide high-quality, inclusive social infrastructure accessible to all Londoners. Subject to planning conditions and obligations, the proposed development would deliver a successful and inclusive entertainment venue for the Highams Park District Centre and contribute towards achieving housing targets in the area.

15. RECOMMENDATION

- 1.271 It is recommended that planning permission be GRANTED subject to conditions and informatives, and completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) (S106).
- 1.272 Recommended S106 heads of terms for planning obligations and most other details relating to this recommendation are set out in section 1 of this report. The recommended conditions and informatives are set out below:

Conditions:

1.273 The following conditions to be imposed on the planning permission:

Time Limit

1. The development hereby permitted shall begin no later than the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

Approved Plans and Documents

2. The development hereby permitted shall be carried out in accordance with the approved plans and supporting documents and thereafter maintained as such for the lifetime of the development:

- Existing Ground Floor 0205 P1 (dated 08.02.24)
- Existing North & West 0205 P1 (dated 08.02.24)
- Existing South & East 0205 P1 (dated 08.02.24)
- Comparison Plan 8035 P2 (dated 26.01.24)
- Comparison Plan 8036 P2 (dated 26.01.24)
- Proposed Site Plan — 8010 Rev P7 (dated 17.05.24)
- Proposed First Floor Plan – 8011 Rev 4 (dated 26.01.24)
- Proposed Second Floor Plan – 8012 Rev 4 (dated 26.01.24)
- Proposed Third Floor Plan – 8013 Rev P4 (dated 26.01.24)
- Proposed Fourth Floor Plan – 8013 Rev P4 (dated 26.01.24)
- Proposed Fifth Floor Plan – 8014 Rev P4 (dated 26.01.24)
- Proposed Roof Plan – 8016 Rev P5 (dated 07.06.24)
- Proposed North Elevation – 8020 Rev P5 (dated 26.01.24)
- Proposed East Elevation – 8021 Rev P6 (dated 17.05.24)
- Proposed South Elevation – 8022 Rev P5 (dated 17.05.24)
- Proposed West Elevation – 8023 Rev P5 (dated 26.01.24)
- Section North– 8030 Rev P5 (dated 20.02.24)
- Section North– 8031 Rev P4 (dated 26.01.24)
- Visual 01 – 8040 Rev P4 (dated 26.01.24)
- Visual 02 – 8041 Rev P4 (dated 26.01.24)
- Visual 03 – 8042 Rev P4 (dated 26.01.24)
- Visual 04 – 8043 Rev P4 (dated 26.01.24)
- Schedule of External Materials – Rev 1 (dated 17 May 2024)
- Cinema Ramp Study 8060 P1 (dated 17.05.24)
- EXTERNAL ENVELOPE BAY STUDY 01 – 1301 P2 (dated 26.01.24)
- EXTERNAL ENVELOPE BAY STUDY 02 – 1302 P2 (dated 26.01.24)
- EXTERNAL ENVELOPE BAY STUDY 03 – 1303 P2 (dated 26.01.24)
- EXTERNAL ENVELOPE BAY STUDY 04 – 1304 P2 (dated 26.01.24)
- EXTERNAL ENVELOPE BAY STUDY 05 – 1305 P3 (dated 17.05.24)
- EXTERNAL ENVELOPE BAY STUDY 06 – 1306 P2 (dated 26.01.24)

- EXTERNAL ENVELOPE BAY STUDY 07 – 1307 P2 (dated 26.01.24)

Documents

- Design and Access Statement (dated January 2024)
- Planning Statement (dated February 2024)
- Ventilation Statement (dated January 2024)
- Utility Assessment (dated January 2024)
- Historic building condition survey report (dated August 2023)
- LBWF Epping Forest Special Area of Conservation (SAC) (dated 06th October 2023)
- Financial Viability Assessment (dated February 2024)
- Viability Assessment – None technical summary
- External Lighting Plan – 8051 P2 (dated 26.01.24)
- HUDU Planning for Health (dated April 2017)
- Fire Statement – London Plan (dated 25th October 2023)
- Waste Management Plan (October 2023)
- Flood map for planning (dated August 2023)
- Arboricultural Survey Draft(dated 25th September 2023)
- Bat Survey(dated 1st September 2023)
- Preliminary Roost Assessment Rev 2 (dated 5th September 2023)
- Urban Greening (Sheet 1 to 5)(dated 6th February 2024)
- Soft Landscape Proposals Ground Floor (Sheet 1 to 5))(dated 6th February 2024)
- Demolition Method Statement (dated November 2023)
- Daylight and Sunlight Report (dated 13th December 2023)
- Daylight and Sunlight Report Appendix B (dated December 2023)
- Noise Impact Assessment (dated 14 September 2023)
- Open Space Assessment (January 2024)
- Air Quality Assessment (dated September 2023)
- Energy and Sustainability Statement (dated 29th November 2023)
- BREEAM Pre-assessment Summary Report (dated 26th January 2024)
- BREEAM transport statement & travel plan statement (dated January 2024)
- Castle Cinema Comfort Letter (undated)
- Regal Structural Condition report (dated 14th November 2023)
- Statement of community involvement (dated January 2023)
- Suds Assessment (September 2023)
- Thames Water Capacity confirmation (dated 08 December 2023)
- R1 Desk Study Report REV A Section 1
- R1 Desk Study Report REV A Section 2
- R1 Desk Study Report REV Section 3
- R1 GI Rev A

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

Site Use

3. The ground floor use of the building hereby approved shall only operate as a cinema venue and for no other purpose of a cinema within Use Class Sui Generis of the Town and Country Planning (Use Classes) Order 1987 (as amended). No change of use of this premises that would otherwise be permitted by the Town and Country Planning (Use Classes) Order 1987 (as amended) or the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that order, shall be carried out without planning permission having first been obtained from the Local Planning Authority.

Reason: In the interest of provision of social infrastructure (cinema) for the local community and the long-term vitality and viability of the Highams Park District Centre in line with Policy S1, SD6, HC5 of the London Plan and 35 and 46 the adopted Waltham Forest Local Plan Part 1 (2024) and the Highams Park Neighbourhood plan, adopted on May 21, 2020.

4. The Café Bar /restaurant shall operate as an ancillary entity to the cinema complex hereby approved, within Use Class E (b) of the Town and Country Planning (Use Classes) Order 1987 (as amended). No change of use of this premises that would otherwise be permitted by the Town and Country Planning (Use Classes) Order 1987 (as amended) or the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that order, shall be carried out without planning permission having first been obtained from the Local Planning Authority.

Reason: In the interest of neighbouring amenity, and to preserve the amenity of existing and future residents, in accordance with Policies 53 and 57 of the adopted Waltham Forest Local Plan LP1 (2024).

5. Prior to the fit out of the cinema, a Business Operation Plan for the cinema use shall be submitted to and approved in writing by the Local Planning Authority. This shall incorporate details on the operational activities proposed by the cinema operator, including commitment to regular set movie showing times. The cinema shall operate in accordance with the approved plan and thereafter retained.

Reason: In the interest of provision of social infrastructure (cinema) for the local community and the long-term vitality and viability of the Highams Park District Centre in line with Policy S1, SD6, HC5 of the London Plan and 35 and 46 the adopted Waltham Forest Local Plan Part 1 (2024) and the Highams Park Neighbourhood Plan, adopted on May 21, 2020.

6. The Cinema use (Use Class Sui Generis/ D2) hereby approved shall only operate and be open for public use between the hours of 10:00 to 24:00 (midnight) on Mondays to Friday and 11:00 and 23:00 on Sundays and Bank Holidays, and at no other time unless agreed in writing with the Local Planning Authority.

Reason: In the interest of neighbouring amenity, and to preserve the amenity of existing and future residents, in accordance with Policy D13 and D14 of the

London Plan (2021), along with Policy 50,53 and 57 of the Waltham Forest Local Plan LP1 (2024),

7. The ancillary café bar/ restaurant (Use Class E(b) associated to the Cinema shall not be open for the serving of customers between the hours of between the hours of 8:00 to 24:00 (midnight) Mondays to Sundays and Bank Holidays and at no other time unless agreed in writing with the Local Planning Authority.

Reason: In the interest of neighbouring amenity, and to preserve the amenity of existing and future residents, in accordance with Policy D13 and D14 of the London Plan (2021), along with Policy 50,53 and 57 of the Waltham Forest Local Plan LP1 (2024).

8. There shall be no deliveries to, and movement of delivery and service vehicles within the site between the hours of 23.00 and 07.00 Monday to Saturday. Deliveries to, and movement of vehicles shall only be permitted on Sundays and Bank Holidays between the hours of 11.00 and 16.00.

Reason: In the interest of neighbouring amenity, and to preserve the amenity of existing and future residents, in accordance with Policy D13 and D14 of the London Plan (2021), along with Policy 50,53 and 57 of the Waltham Forest Local Plan LP1 (2024).

Architecture and Design Details

9. No development shall take place, until a Heritage Protection Statement, providing details of protection measures to be carried out for the retained building facades of The Regal has been submitted to, and approved in writing by, the local planning authority. The statement shall identify measures for each development phase, relating to demolition and construction stages, and all works shall be carried out in accordance with the approved details throughout the demolition and construction stages.

Reason: In order to preserve and enhance the character and setting of the Locally Listed Building in accordance with Policies 53 and Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

10. Prior to the commencement of development, notwithstanding site clearance and investigation works, demolition and construction to slab level, updated samples and/or an updated full schedule of materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. This submission must include schedule of materials, detailed drawings, historical and proposed images, RAL codes, and location of materials, as well as plans and section drawings (where relevant) for each of the following:

- a) The Regal sign and signage strategy for the ground floor Cinema Venue, faience & flagpoles.
- b) Canopy & Ramps (including 1:50 section drawings)
- c) Neon lights for poster panels & External lighting for the cinema based on historical photos.
- d) Brickwork & Mortar.
- e) Windows & Doors & Balconies and the areas underneath balconies.
- f) Gates & Boundary Treatment.
- g) Entry control system display of postal numbers and position of letter box.

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

Reason: To safeguard and enhance the visual amenities of the locality, in accordance with Policy 53 and Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

- 11.** No vents, extracts, or plumbing or pipes, other than rainwater pipes, shall be fixed on the external face of the building, unless shown on the approved drawings.

Reason: In the interest of general visual amenity in accordance with Policy 53 of the adopted Waltham Forest Local Plan LP1 (2024).

Contamination

- 12.** No development shall take place until a contamination 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.

- 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 shall be submitted giving full details of the remediation measures required and how they will be undertaken.
- D) A verification report providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete.

Any investigation and risk assessment must be undertaken in accordance with the Environment Agency's Model Procedures for the Management of Contaminated Land (CLR11). In the event that additional significant contamination is found at any time when carryout 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 Policies 48, 89 and 90 adopted Waltham Forest Local Plan LP1 (2024).

Construction

13. No development shall take place, including demolition and site clearance, a 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>

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 57, 63, 64, 87 and 88 of the adopted Waltham Forest Local Plan LP1 (2024).

14. 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 S11 of the London Plan (2021).

15. No development shall take place until 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 50, 57, 63, 65, 87 and 89 of the adopted Waltham Forest Local Plan LP1 (2024).

Sustainable Design and Energy Efficiency

16. Prior to the first occupation of any part of the development hereby permitted, a report must be submitted to, and approved in writing by, the Local Planning Authority. This report should demonstrate how the scheme reduces carbon dioxide emissions by at least 35% for the commercial element and 50% for the residential element compared to the 2021 Building Regulations. It should include:

- An updated energy report showing how the development achieves an Energy Use Intensity (EUI) of 35 kWh/m²/year and a space heating requirement of 15 kWh/m²/year.
- A TM59 Dynamic Overheating Report.
- A recommendation for a 'future-proofed' design to facilitate potential future connections.

The report shall reference the measures set out in the Energy Statement accompanying the planning application but shall explain what measures have been implemented in the construction of the development. The development and energy efficiency measures shall thereafter be retained. Any shortfall shall be compensated for in line with the Section 106 legal agreement associated with this site.

Reason: To ensure the development is sustainable and to comply with Policies 85 and 87 of the adopted Waltham Forest Local Plan LP1 (2024).

17. Prior to the commencement of development on site, notwithstanding site investigation and clearance works, demolition and constructions to slab level, a scheme detailing measures to reduce water use within the development, to meet a target water use of 105 litres or less per person, per day, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved scheme and thereafter retained.

Reason: To minimise the water use of the development, in accordance with the requirements of Policy SI5 of the London Plan (2021) and Policy 89 of adopted Waltham Forest Local Plan LP1 (2024).

18. Prior to commencement of the non-residential units hereby permitted, evidence that the development is registered with a BREEAM certification body, and a BREEAM pre-assessment demonstrating a strategy by which a BREEAM 'Excellent' rating will be achieved, shall be submitted to the Local Planning Authority and approved in writing.

Reason: To ensure that the development achieves BREEAM rating level 'Excellent' and that this is done early enough in the process to allow adaptations to designs and assessment and certification shall be carried out by a licensed BREEAM assessor and to ensure that the development contributes to mitigating and adapting to climate change in accordance with Policy 87 of the adopted Waltham Forest Local Plan LP1 (2024).

19. Prior to occupation of the non-residential units hereby permitted, final post construction BREEAM certificates indicating that the BREEAM

'Excellent' rating has been achieved shall be submitted to the Local Planning Authority and approved in writing.

Reason: To ensure that the development achieves BREEAM rating level 'Excellent' and that this is done early enough in the process to allow adaptations to designs and assessment and certification shall be carried out by a licensed BREEAM assessor and to ensure that the development contributes to mitigating and adapting to climate change in accordance with Policy 87 of the adopted Waltham Forest Local Plan LP1 (2024).

Flooding and Water Management

20. Prior to the commencement of development on site, notwithstanding site investigation and demolition and site clearance works in relation to the drainage works, a scheme shall be submitted to and approved by the Local Planning Authority for drainage works in association with the development hereby approved. The approved drainage works shall be undertaken and completed prior to the commencement of construction of the development hereby approved and thereafter retained as such for the lifetime of the development.

Reason: To prevent water pollution to the watercourse and improve water quality, in accordance to Policy SI13 of the London Plan (2021), and Local Plan Policy 91.

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

Reason: To prevent the increased risk of flooding, both on- and off-site ensure that adequate drainage facilities are provided in accordance with Policy SI13 of the London Plan (2021), and Local Plan Policy 91.

Site Safety and Security

22. Prior to the commencement of development on site, notwithstanding site investigation work, clearance and demolition, full details of measures to be incorporated into the development, demonstrating how site security achieves the principles of Secure by Design Certification Accreditation. This submission must include:

- Internal Security:
- Flagpoles:

- Planting Types:
- Main Entrance Steps:
- Venue Notice Boards:
- Fire Escape Doors and Management Plan:
- Boundary Treatments:
- Climbing Aids:
- Compartmentation:
- Bin and Bike Stores:
- Back of House (BOH) Areas:
- Lighting:
- CCTV: Must cover all communal spaces, bin and bike stores, entrances to amenity spaces, and all entrance/exit points.
- Bulky Package Strategy:
- Door/Window Specifications:

The details shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the development.

Reason: To safeguard and enhance the visual amenities of the locality and create a safe and secure environment, in accordance with Policy 53, 57 and 58 of the adopted Waltham Forest Local Plan LP1 (2024).

23. Prior to the first occupation of the development, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority, which shall incorporate measures to ensure that light from the luminaires would not exceed 10 EV(lux) when measured at any residential or light sensitive window overlooking the development, all luminaries shall be oriented and designed in such a way to minimise light spillage beyond the site boundary and prevent glare to the windows of residential or light sensitive properties identified. The lighting scheme shall be implemented in accordance with the agreed details and thereafter maintained as such for the lifetime of the development.

Reason: To protect the amenities of adjoining occupiers and the surrounding area, as well as safety and security of site occupiers in order to comply with Policies 50, 57, 63, 65, 87 and 89 of the adopted Waltham Forest Local Plan LP1 (2024).

Landscape and Biodiversity

24. Prior to the commencement of development, notwithstanding site clearance and investigation works, demolition and construction to slab level, details of the hard and soft landscaping to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

- Details of the retained and proposed planting around the site
- Full bio-solar roof details
- A landscape planting schedule and management plan
- Details of permeable hardstanding

The development shall be carried out solely in accordance with the approved details, which must be agreed upon with the Local Planning Authority Nature Conservation Officer, and all approved planting shall be carried out in the first planting season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedges, shrubs, and greenspaces forming part of the approved scheme which within a period of five years, dies, is removed, or becomes seriously damaged or diseased shall be replaced with others of similar size and species.

Reason: To ensure a satisfactory appearance and in the interest of local amenity and biodiversity in accordance with Policy G5 A (Urban Greening) of the London Plan (2021) and Policy 77 C (Green Infrastructure and the Natural Environment) of the adopted Waltham Forest Local Plan Part 1 (2024).

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

Reason: In the interest of general visual amenity, and amenity of neighbouring occupants, in accordance with Policies Policy 53, 57 and 58 of the adopted Waltham Forest Local Plan LP1 (2024).

26. No development shall take place until an arboricultural method statement has been submitted and approved in writing for the protection of the retained trees to be retained as identified in the submitted documents entitled "Arboricultural Report" and the "Tree Constraints Protection Plan". All works shall be carried as agreed in the approved Arboricultural method statement in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction – Recommendations. The approved measures shall be implemented prior to the commencement of site clearance, preparatory work and development and shall be retained for the entirety of the construction period.

Reason: To ensure the well-being of the trees in the interest of biodiversity and visual amenity, in accordance with Policy G7 C (Trees and Woodlands) of the

London Plan (2021) and Policy 88 A & B (Trees) of the adopted Waltham Forest Local Plan LP1 (2024).

27. Prior to the commencement of development on site, notwithstanding site investigation and clearance works, demolition and constructions to slab level, details of the following:

- A bat-friendly lighting strategy.
- One bat box on the building.
- Two bird boxes on the building.
- The number and type of habitat bricks and boxes for birds, bats, and invertebrates, and ensuring site boundaries are permeable for ground-based wildlife.

The bat/ birth boxes outlined shall be installed prior to first occupation of the development hereby approved and shall thereafter be maintained in accordance with the approved details in perpetuity.

The development shall be carried out in accordance with the approved ecological assessment recommendations in the the Preliminary Roost Assessment (PRA) and Bat Emergence and Re-entry Surveys (BERS) and any necessary mitigation measures shall be provided and thereafter retained in perpetuity. If during the development if a bat or evidence of bats is found, all work must stop, and a licensed bat ecologist must be contacted.

Reason: In the interest of biodiversity and local amenity, in accordance with Policy G6 (Biodiversity and Access to Nature) of the London Plan (2021), together with Policy 79 (Biodiversity and Geodiversity) of the adopted Waltham Forest Local Plan Part 1 (2024).

28. All private and communal amenity spaces shall be laid out and implemented in accordance with the approved plans and shall not be used for any other purpose. The balconies and communal amenity spaces shall be retained for the use of the occupiers of the development for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of adjoining occupiers and the surrounding area in order to comply Policies 53 and 57 of the adopted Waltham Forest Local Plan LP1 (2024).

Waste Management

29. Notwithstanding the information on the submitted plans, prior to commencement of the development, an updated ground floor plan relating to refuse store to include the following information shall be submitted to and approved in writing by the Local Planning Authority:

- a) Residential Waste: High Rise Apartment Developments (5 or more domestic units) require 4 x 1100 litre bins for weekly waste and an additional 2 x 240 litre bins for food waste.
- b) Commercial Waste (Restaurant): For 1000m² of commercial space, 3.5 cubic metres of waste storage is required.

c) Commercial Waste (Cinema): Bin storage information with comparable data from similar commercial properties, considering weekly collections and the details of a private waste collection company.

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

Reason: To ensure that adequate arrangements are made for the storage and collection of refuse and recycling and to comply with Policies 53, 57 & 93 (Waste Management) the adopted Waltham Forest Local Plan Part 1 (2024) and the borough's Waste and Recycling Guidance for Developers (2023).

Sustainable Travel and Parking management

30. The cycle arrangements shall be constructed in accordance with Cycle Proposed Site Plan — 8010 Rev P7 (dated 17.05.24) unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be retained as such for the lifetime of the development.

Reason: In the interest of security and sustainable development, in compliance with Policy T5 (Cycling) of the London Plan (2021) and 93 of the adopted Waltham Forest Local Plan Part 1 (2024).

Noise

31. Noise from all new building services plant for the lifetime of the development shall be controlled to a level not exceeding 10dB(A) below the typical underlying background noise level (LA90) during the time of plant operation at a position one metre external to the nearest noise sensitive premises. The underlying background LA90 shall be determined in the absence of the new plant noise. This assessment shall be completed in accordance with BS4142:2014+A1:2019 'Method for Rating and Assessing Industrial and Commercial Sound'.

Reason: To protect the amenities of adjoining occupiers and the surrounding area in order to comply with Policy 50 and 57 adopted Waltham Forest Local Plan LP1 (2024).

32. Prior to the commencement of the development, notwithstanding site clearance and investigation works, demolition and construction to slab level, a sound insulation scheme shall be submitted to and approved in writing by the Local Planning Authority, which will incorporate details of sound insulation to be installed between the commercial premises and residential premises (within and outside of the development site) in order manage noise and disturbance. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall demonstrate that the proposed sound insulation will achieve a level of protection which is at least +10dB above the

Approved Document E standard (Dwelling houses and flats) for airborne sound insulation and -10dB for impact sound insulation. The development shall be carried out in accordance with the approved scheme and shall be fully implemented prior to the development hereby approved first being brought into use and shall thereafter maintained as such for the lifetime of the development.

Reason: To protect the amenities of adjoining occupiers and the surrounding area in order to comply with Policy 50 and 57 adopted Waltham Forest Local Plan LP1 (2024).

33. Prior to the commencement of the development on site, notwithstanding site investigation and clearance works, demolition and construction to slab level, full details of any mechanical ventilation or other plant shall be submitted to and approved by the Local Planning Authority, in relation to the Cinema and the associated Café bar. Details should include full specifications of all filtration, deodorising systems, noise output and termination points. Particular consideration should be given to the high level discharge of kitchen extract air/ the discharge of toxic or odouriferous extract air where a high level of discharge is usually essential. The approved scheme shall be completed prior to occupation of the development and shall be permanently maintained thereafter. Reference shall be had to Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69280/pb10527-kitchen-exhaust-0105.pdf)

Reason: To protect the amenities of adjoining properties and the surrounding area in accordance with Policy SI1 of the London Plan (2021) together with Policy 88 of the Waltham Forest Local Plan LP1 (2024)

Residential Standards

34. All residential units (except for 02-5 and 02-06). shall be built to The Building Regulations (2010) Access to and use of Buildings, Approved Document M (2015 as amended), Volume 1: Dwellings, M4(2): Accessible and adaptable dwellings.

Reason: To ensure inclusive development in accordance with Policy 16 of the adopted Waltham Forest Local Plan LP1 (2024) and Policy D7 of the London Plan (2021).

35. Three of the units (01-03 (1 bed, 2 person), 02-04 (1 bed, 2 person), and 03-06 (2 bed, 3 person) as shown in drawing numbers: Proposed Second Floor Plan – 8012 Rev 4 (dated 26.01.24), Proposed Third Floor Plan – 8013 Rev P4 (dated 26.01.24) and Proposed Fourth Floor Plan – 8013 Rev P4 (dated 26.01.24) hereby permitted shall be built to The Building Regulations (2010) Access to and use of Buildings, Approved Document M (2015 as amended), Volume 1: Dwellings, M4(3): Wheelchair user adaptable dwellings. Circulation areas in blocks with M4(3) dwellings will be built in full accordance with Part M4(3), as referred to in London Plan para 3.7.2. This

includes the entrance and circulation area doors which will have to be fully compliant with the relevant sections of Approved Document M.

Reason: To ensure inclusive development in accordance with Policy 16 of the adopted Waltham Forest Local Plan LP1 (2024) and Policy D7 of the London Plan (2021).

36. The development hereby approved shall have dwelling mix comprising of 18 x 1-bed and 15 x 2-bed shall be retained as such for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the creation of mixed and balanced communities in accordance with Policy 15 of the adopted Waltham Forest Local Plan Part 1 (2024).

Informatives

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

2. A legal agreement will be entered into with the London Borough of Waltham Forest in conjunction with this grant of planning permission.

3. "Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development may be liable to pay the London Borough of Waltham Forest Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Waltham Forest CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties may now need to assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at CIL@walthamforest.gov.uk. The Council will then issue a Liability

Notice setting out the amount of CIL payable on commencement of the development.

Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window.

Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Waltham Forest Council website at <https://walthamforest.gov.uk/content/community-infrastructure-levy>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>.

Note: The Mayoral CIL Charging Schedule (MCIL1) (adopted 2012) will be superseded by MCIL2 Charging Schedule; and will take effect from 1 April 2019. The London Borough of Waltham Forest has been moved from Band 3 to band 2, increasing the MCIL2 rate from £20 to £60 per sq m h(excluding indexation)."

4. 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.

5. 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.

6. The submitted Construction Environmental Management Plan shall include details of: Site hoarding Wheel washing Dust suppression methods and kit to be used Bonfire policy Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999 Confirmation if a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors Copy of an asbestos survey. Unexploded Ordnance Survey

In relation to the Construction Environmental Management Plan. The submission must include: The method statement shall include details of the following:

- Demolition and construction hours: 08:00-18:00, Monday-Friday, and 08:00-13:00 on Saturdays. No noisy work on Sundays or Bank Holidays.
- Construction vehicle access. 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.
- Proposals for monitoring vibration and procedures to be put in place if agreed vibration levels are exceeded

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

7. It is the developer's responsibility to ensure all signage associated with the proposed development i.e. street nameplates, building names and door numbers are erected prior to occupation, as agreed with the Councils Street Naming/Numbering Officer.

8. The verification plan should include proposals for a groundwater-monitoring programme to encompass regular monitoring for a period before, during and after ground works. E.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9month period. The verification report should be undertaken in accordance with guidance Verification of Remediation of Land Contamination: <http://publications.environment-agency.gov.uk/pdf/SCHO0210BRXF-e-e.pdf>

9. Piling works: With respect to any proposals for piling through made ground, the EA refer the applicant to the EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. Approval of piling methodology should be further discussed with the EA when the guidance has been utilised to design appropriate piling regimes at the site. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters. Considering the site sensitivity, a groundwater monitoring/ sampling program should be implemented prior/ during and after piling works.

10. For information on the NRMM Low Emission Zone requirements and to register NRMM, please visit "<http://nrmm.london/>".

11. The AQDMP can form part of the Construction Environmental Management Plan (CEMP). The AQDMP shall include the following for each relevant phase of work (demolition, earthworks, construction and trackout):

- 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 NOx 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.

12. 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 µg/m³ 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.

13. The applicant must seek the advice of the Metropolitan Police Service Designing Out Crime Officers (DOCOs). The services of MPS DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813.

14. 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.

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

