

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 3 rd September 2024
Application reference:	220739
Applicant:	Newlon Housing Trust
Location:	Highams Court, 1 Friars Close, Chingford, London, E4 6UU
Proposed development:	Demolition of existing building and erection of part-5, part-6 storey apartment block with 46 units comprising 1, 2 and 3-bed homes, new vehicle access via Friars Close, landscaping, bin and bike storage and accessible car parking, and other associated works.
Ward	Larkswood
Appendices:	None

1. RECOMMENDATION

1.1 That Planning Permission be GRANTED subject to:

- Receipt of up to date bat emergence surveys, and the imposition of any necessary conditions relating to further surveys prior to demolition of the existing building.

1.2 Conditions, Informatives and completion of a Section 106 Agreement with the following Heads of Terms:

Affordable Housing Provision

- Securing 100% affordable housing as defined in the tenure shown in the application, or an alternative plan to be agreed in writing subject to a minimum policy compliant scheme on a habitable room basis (across tenure types) across the development.

Local Labour, Employment and Skills

- Submission of an employment and skills plan
- Provision of policy compliant apprentice posts to be offered to local residents.
- Provision of policy compliant work placements in construction phase
- Local Labour – to use reasonable endeavours to secure 30% of all jobs during construction phase offered to local residents.
- Local suppliers- 20% during construction phase.
- Monitoring and default payments.

Car Free Housing

- No residential unit eligible for parking space unless disabled/blue badge holder.
- Each new Residential Occupier of the development must be informed prior to occupying any residential unit that they shall not be entitled to a residents parking permit unless blue badge holder, in the event that a CPZ is introduced.

Transport and Highways

- Enabling works associated with construction.
- A S278 agreement included but not limited to:

- Renewal of the footway along the frontage of the site on Friars Close.
 - Changes and upgrades to the existing public realm frontage across the site along Larkshall Road.
 - Parking restrictions along Friars Close to facilitate waste collection. These changes must be in the form of double yellow lines with suitable loading restrictions as opposed to loading bays.
 - Possible relocation of lamp column.
 - Waiting and loading restrictions along Larkshall Road to maintain access to bus services and cycle infrastructure along Larkshall Road.
 - Waiting and loading restrictions in the surrounding roads.
 - Installation of a vehicle crossover.
 - Renewal of road marking and signage along Friars Close.
 - Review and amendment of existing TTRO.
 - Removal of all enabling works installed to enable construction of the site.
 - Speed reduction works to the junction of Friars Close with Larkshall Road, to be agreed with the Highway Authority.
- A S106 contribution of £10,000.00 for CLP monitoring.
 - £70,000 walking and cycling contribution.
 - A S106 contribution of £35,000 towards additional parking enforcement presence along Friars Close, Larkshall Road and within the surrounding highway network is required to mitigate the parking generated directly by this application.
 - Travel Plan implementation and monitoring.
 - Street tree replanting/mitigation payment (£12500)

Travel Plans

- Travel plan monitoring fee

Energy and Sustainability

- A financial contribution of £28,524 towards a Carbon Offset Fund, payable upon implementation.
- Second Carbon Offset payment
- Connection Ready.
- Updated Energy Statements on commencement and completion based on As Built energy calculations.
- Measures to secure post-construction monitoring (“Be Seen”).
 - A. Within 8 weeks of the grant of planning permission, to submit to the GLA accurate and verified estimates of the ‘Be Seen’ energy performance indicators.
 - B. Prior to occupation, the Owner shall provide updated accurate and verified ‘as-built’ design estimates of the ‘Be Seen’ energy performance indicators for each Reportable Unit of the development.
 - C. Upon completion of the first year of Occupation or following the end of the Defects Liability Period (whichever is the later) and at least for the following four years after that date, the Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each Reportable Unit of the development.
 - In the event that the ‘In-use stage’ evidence submitted under Clause c) shows that the ‘As-built stage’ performance estimates derived from Clause b) have not been or are not being met, the Owner should investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the

relevant comment box of the 'Be Seen' in-use stage reporting webform. An action plan comprising measures identified in Clause c) shall be submitted to and approved in writing by the GLA, identifying measures which would be reasonably practicable to implement and a proposed timescale for implementation. The action plan and measures approved by the GLA should be implemented by the Owner as soon as reasonably practicable.)

Air Quality

- A payment of £4600 towards implementation measures of the Air Quality Action Plan.

Epping Forest SAC

- Strategic Access Management fee of £28215 towards mitigating the impact of the development on Epping Forest SAC.
- SANGS payment In lieu payment of CIL (due to social housing relief) to address SAC impacts = £43225

Retention of Architect

- The architect for this planning application to be retained in an oversight role as a minimum to ensure the original design vision is achieved, unless otherwise agreed in writing with Local Planning Authority.

Monitoring and Implementation

- 5% contribution towards monitoring, implementation and compliance of the Section 106 legal agreement

Legal Fees

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

REASONS REFERRED TO COMMITTEE

- 1.3 The case has been referred to Planning Committee due to the level of public interest (over 5 objection letters)

2. SITE AND SURROUNDINGS

- 2.1 The site comprises an irregularly shaped parcel of land located on Friars Close on the junction of Larkshall Road and New Road. To its immediate east of the site is the Ainslee Rehabilitation Unit, and to the north across Friars Close is the Silverthorne Health Centre, both NHS run sites. The site sits just outside of the Highams Park Neighbourhood Plan area boundary; around 1 mile from both Highams Park District Centre and Chingford Mount Town Centre.
- 2.2 The existing building on the site is currently unoccupied, comprising a 2-3 story pitched roof building which was formerly 'Highams Court' care home (C2 use class). The eastern boundary to the Larkshall Road is heavily enclosed by trees and vegetation,

which also fills the intervening space with the adjacent building to the south west, Boothby Court, a residential building of a similar scale, height and appearance to Highams Court.

- 2.3 The existing development on the site is accessed through the car park of the Ainslee Rehabilitation Unit to its immediate east. The site also has a 'frontage' to Friars Close, a primarily residential road serving modern 2 storey terraced housing, typically with 1-2 off road parking spaces per dwelling, together with the aforementioned healthcare related uses.



Figure 1: site location plan



Figure 2: The existing building as viewed from Friars Close

3. APPLICATION PROPOSAL

- 3.1 The proposal involves demolition of the existing building and erection of a part-5, part-6 storey apartment block comprising 46 flats. The applicant for the scheme is Newlon housing association. The development would comprise 100% affordable housing,

envisaged as a combination of London Affordable Rent, and Shared Ownership Housing.

- 3.2 The new building would have a U-shaped plan form, a design response to the irregular proportions of the site. It would be prominent and of significant stature on the Larkwood Road frontage, with a long elevation with varying roofline of 5 to 6 storeys in height. At ground level, the shape of the building creates different areas of landscaped space at ground floor level; a long landscaped frontage to Larkshall Road, an internal courtyard style garden to the western part of the site, and a further landscaped area to the south, which provides some visual separation to the residential building at Boothby Court.



Figure 3: The plan form of the new building, and associated landscaping.

- 3.3 The principal pedestrian entrance to the building would be from Larkshall Road, with the main entrance being formed in the centre of the building. The lobby would comprise a large, glazed and enclosed area, acting as a thoroughfare through the building to the rear yard, from where the two cores are accessed through separate external entrances. Adjacent to the central lobby would be the main refuse and cycle stores, both accessed through external doors.
- 3.4 The vehicular access point would be from Friars Close, where a new crossover leads to an undercroft area providing a servicing bay and two disabled parking spaces. The Friars Close frontage would contain a refuse holding store, from where waste would be collected.
- 3.5 Considering the upper floors of the building, the two internal cores would lead to the flats. An external deck access is provided on each floor from where the apartments towards the centre of the building would be accessed. External amenity space is provided through the creation of balconies, and through the use of the deck access.
- 3.6 At roof level there would be an extensive green sedum roof. An enclosure in the centre of the building, at fifth floor level, would house an array of air source heat pumps.



Figure 4: Ground floor plan, showing the entrance lobby, rear yard area and location of dual building cores.



Figure 5 : The proposed building as viewed from Larkshall Road

- 3.7 In terms of its external appearance, the building would primarily read as a brick faced structure. Different shades of brick are interspersed with micro cement, with painted green metal railings housing the balcony areas. The proposed landscaping around the building at ground floor level would comprise seating areas, natural play activity areas, tree planting, ornamental planting and rain gardens.



Figure 6. A CGI of the site when viewed from Larkshall Road Roundabout.

- 3.8 The proposal was amended in August 2023, with additional information submitted in relation to Energy and overheating, Secure by Design, Landscaping and Trees and in relation to Highways. A further 14 day period of public consultation was carried out at this point. Further negotiations with the Highways Department resulted in additional technical information being submitted in July 2024, relating primarily to servicing and parking demand mitigation.

4. RELEVANT SITE HISTORY

- 4.1 Planning History Table:

Reference	Description of Development	Decision Date
920816	Residential redevelopment: Provision of new long term residential care unit and new rehabilitation unit and retention of existing therapy unit, outpatients department and clinic, and conversion of Larkshall Ward to respite care unit.	04 November 1992

Pre-Application (LBWF and Design Review Panel)

- 4.2 Three pre application advice meetings were carried out between 2018 and 2021; which explored different options in terms of height, scale and massing along with car parking provision.
- 4.3 The application was reported to Design Review Panel (“DRP”) on 12th January 2022. Following this a range of changes to the proposal were made, including the creation of a more active street frontage to the south core where the apartment block overlooks the shared amenity space; improvements to the ground floor lobby to create a more

welcoming and safe communal space with increased glazing to improve surveillance, along with other detailed design changes.

5. CONSULTATION

Pre-Application

- 5.1 The applicant undertook pre application public consultation by way of leafletting residents within an agreed area with a website providing additional information on the proposals. This ran in November – December 2021.
- 5.2 Eight responses were received to the public consultation exercise. These relayed concerns about the loss of the former existing use, concerns about transport, highways and parking; concerns about the design of the development in particular relating to its height; along with questions about biodiversity, landscaping and trees; amenity concerns in relation to noise and loss of light; also concerns about the end use of the development and the construction process.

Application Stage Public Consultation

- 5.2 A site notice was displayed originally outside the site, and a notice published in the press.
- 5.3 In addition to this 125 letters of consultation were sent out to the following locations
- Friars Close: Ainslie Rehabilitation Centre, Old Church Surgery, 4-14 (evens).
 - Ashingdon Close: Boothby Court (1-30)
 - Peasmead Terrace, New Road: 10-14
 - Lukin Crescent : 1, 2, 3, 4, 6, 8.
 - Larkshall Road: 142- 160 (even), 189
- 5.4 A second period of public consultation was carried out in August 2023, with the same residents being reconsulted in relation to changes to the development proposal.
- 5.5 Objections to the proposal were received from the three Larkswood Ward Councillors, as follows:

Issue raised	Officer Responses
Out of keeping with the character of the local area by reason of its height and massing	This is considered in Section C of the report
Urban in form and character and would dominate the street scene due to height	This is considered in Section C of the report
The adjacent former Edwardian Chingford hospital building is not reflected in the design and is of some historical importance locally.	This is considered in Section C of the report

Car free development unenforceable in area without CPZ and area has no capacity for more cars.	This is considered in Section H of the report
1.5km from Highams Park station, with a steep hill to climb back makes it more likely residents will want to own vehicles	The distance to Highams Park Station is noted. However the site is located on various bus routes, and the gradient is not so significant to deter walking in the surrounding area as a means of transport. These issues are considered further in Section H of the report
Exit from proposed car park is very close to the junction of Larkshall Road and Friars Close, creating a collision risk.	This is considered in Section H of the report
Refuse store location will require refuse vehicle to stop in Larkshall Road which will cause traffic disturbance.	This is considered in Section H of the report

5.6 The Council received a total of 10 representations from members of the public and adjacent landowners, objecting or otherwise making comments on the development.

5.7 The planning issues contained within the letters of objection are summarised within the table below:

Issues raised	Officer Responses
Concerns about height, massing and density. The development being 'high rise' and out of keeping with areas predominately 2 storey buildings, including healthcare buildings. It being intrusive and dwarfing local buildings causing privacy issues.	This is considered in Section C of the report
Concerns about impact on parking in the area. It will cause car parking problems especially for next door medical facilities. No CPZ therefore car free development is unenforceable.	This is considered in Section H of the report
The area is built up enough and is too small of an area to have any more buildings.	This is considered in Section C of the report
Development is not set back from the road like neighbouring buildings and will dominate the streetscape.	This is considered in Section C of the report

<p>The entrance to the car park is in a dangerous location at the junction</p>	<p>This is considered in Section H of the report</p>
<p>Refuse store location will require refuse vehicles to stop on Larkshall Road which will cause traffic.</p>	<p>This is considered in Section H of the report</p>
<p>Inadequate infrastructure to support the development, including education facilities.</p>	<p>The Council advisors have commented that there is sufficient capacity in the local schools to accommodate the development. The site is well connected to existing infrastructure, so is well placed to accommodate population growth.</p>
<p>Concern about disruption from deliveries and servicing, causing congestion.</p>	<p>It is accepted that an increase in population would have some impact on local character. However, the level of intensification proposed, in a site largely surrounded by health uses, would not be materially harmful to the amenity of local residents.</p>
<p>Restricting parking limits job opportunities.</p>	<p>The site is well connected to public transport by way of bus, accessible to transport hubs. Car free development is part of a Borough wide strategy that supports sustainable economic growth, which over time is likely to create job opportunities for local residents.</p>
<p>Concerns about road safety audit carried out by applicant, in terms of the timing.</p>	<p>The Road safety audit has been carried out to an appropriate standard.</p> <p>The Highway Authority have carefully considered the issue of conflicts at Friars Close and it is acknowledged that the development will lead to some additional conflict in this area. However, it can be cost effectively mitigated with works to the road such that there would not be an unacceptable impact on highway safety.</p> <p>This is discussed further in Section H of the report.</p>
<p>Concerns about the impact of parking on the part of construction works during the construction phase</p>	<p>This can be addressed in the Construction Management Plan which can be required by way of planning condition. This is discussed further in Section H of the report.</p>
<p>The proposal involves a loss of existing parking not accounted for in the application documentation.</p>	<p>It is accepted that there is a loss of parking. The issues around parking can be managed through new controls, and the possible introduction of a Controlled Parking Zone. The issue of parking is</p>

	discussed further in Section H of the report.
No parks and gardens/playground for the neighbouring residents.	The playground serves the needs of the development, which would include children who live in flats with no garden. A balance needs to be struck between the desirability of public access and safety and security.
Scheme is not viable as reflected in Financial Viability Assessment	The applicant is a housing association who owns the land. Any development would be likely to be grant funded, so there is a reasonable prospect of the scheme proceeding despite the current challenging economic conditions.
Concerns about tree protection	The application has been considered by the Council's urban greening officer and is considered to be acceptable subject to conditions. Please see Section I of this report.
Concerns that trees would reduce light in the development	It is accepted that trees have this function however this is not necessarily harmful, as they also act as a barrier (for instance from noise). This is not a matter on which planning permission should be refused.
Noise Assessment is out of date, being carried out in 2019.	The conclusions of the noise assessment are considered to be reliable, despite the fact that there have been some changes in the time since it was produced. The development does not lead to significant noise issues.
Concern about impact of the proposal on the neighbouring healthcare uses, particularly in relation to construction works and ongoing parking issues.	The matters relating to parking and the construction logistics are considered in section H of the report.

Other Consultation

5.8 The following internal consultees provided comments on this planning application.

Consultees	Comments	
Place and Design (Urban Design & Conservation)	Concern about height given this location and context. The architecture shows good precedents and the refinement of	This is considered in Section C of the report

	<p>materiality including brick choices and the textures on the facades.</p> <p>Concerns that 'sheltered colonnade walkway at ground floor level would lead to conflict between residents and loss of privacy, together with various recesses in the development raising security concerns.</p> <p>Additional details of materials and finishes required</p>	
Place and Design (Planning Policy for Place)	Supportive of application.	Noted
Place and Design (Tree Preservation and Urban Greening Officer)	<p>Loss of trees on the site is regrettable but a balanced view can be taken.</p> <p>Proposal is acceptable subject to planning conditions</p>	This is considered in Section I of the report
Environmental Health (Air Quality)	<p>Air Quality Assessment and dust management plan is accepted.</p> <p>Section 106 payment recommended towards air quality mitigation measures set out in the Council's Air Quality Action Plan.</p> <p>Suggested condition relating to Non Road Mobile Machinery.</p>	This is considered in Section L of the report
Environmental Health (Contaminated Land)	Suggested condition requiring submission of ground investigation, remediation and verification plan.	This is considered in Section L of the report
Schools Strategic Development Manager	There are sufficient local primary and secondary school places to absorb population growth associated with the proposed development.	Noted
Place Development & Premises Manager. Early Years, Childcare & Business Development Service	No demand for additional nursery/early years places within this ward.	Noted
Head of Strategic Planning and Infrastructure	No comments	Noted
Sustainability	<p>Detailed comments on Energy Statement</p> <p>Suggested conditions relating to carbon reduction and water use.</p>	This is considered in Section J of the report
Transport Policy	Site falls within PTAL rating 2. Travel Plan requires further detail including increased travel plan targets, further	This is considered in Section H of the report

	<p>detail should be required by condition and a monitoring fee should be required by S106. Applicant should explore further possibility of car clubs. Cycle parking should be increased to meet LBWF standards. Trip Generation is of appropriate methodology.</p> <p>Email 24/07/2024 Confirm no objections to the proposal. Concern about impact on bus services does not require any mitigation.</p>	
Highways	<p>Proposal will generate additional on street parking demand in surrounding area requiring mitigation, through a S278 package of works. Concern about on-street servicing arising from refuse collection on street. Additional information regarding waste collection arrangements requested, visibility splays requested. Concerns relating to Outline Construction Management Plan and detailed requested changes. Enabling works required. Blue badge parking is not compliant with local plan standards. Detailed changes requested to loading bay. Request contribution towards parking enforcement presence. Queries regarding the transport assessment. Recommended conditions</p> <p>Updated response 20/08/2024 – No objection subject to mitigation secured by S106 and planning conditions.</p>	This is considered in Section H of the report
Housing Officer	<p>100% provision of affordable housing welcomed – exceeds both the minimum 35% and aspirational strategic 50% requirements.</p> <p>The tenure split within the affordable is 57:43 between low cost rented and intermediate, measured in habitable rooms (50:50 by units). Whilst this is not strictly in line with the 70:30 requirement, it should be viewed in context of the scheme delivering 100% affordable housing. If it was a scheme only delivering 35% or 50% some of the intermediate units may well have</p>	Noted and considered further in section B of the report

been market sale and the tenure split of 70:30 may have been achieved. However, this is a 100% affordable scheme and the 57:43 tenure split within the affordable is supported.

The unit mix within the rented would see a 22% provision of 1 beds against a 20% target, a 43% provision of 2 beds against a 30% target and a 35% provision of 3 beds against a 50% target for 3 beds and larger.

There is an under provision of rented three beds however, we acknowledge that there is an increase over previous iterations of the scheme and on balance, with the scheme delivering 100% affordable housing, this would be acceptable in this instance.

The tenure mix within the intermediate would see a 39% provision of 1 beds against a 30% target and 61% provision of 2 beds against a 50% policy target.

There are no intermediate 3 beds or larger, for which the target is 20%. Whilst there would have been a preference for some 3 beds in the intermediate tenure, on balance, given the viability constraints involved in delivering a 100% affordable scheme, this mix would be acceptable.

5 of the 46 overall homes will be wheelchair accessible to M4(3) standard, this would meet the 10% requirement. We are pleased to note that 4 of the 5 homes will be in the low cost rent tenure. 4 of these 5 homes are on the ground floor. This is welcomed.

The ground floor homes are designed with terrace style balconies. Whilst the preference would have been for more traditional private gardens on the ground floor, we do appreciate the constraints of the site.

Overall, we would be supportive of this application from an affordable housing perspective. It would deliver much

	needed homes in the borough and would assist greatly in meeting our affordable housing targets.	
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External Consultees

Consultees	Comments	Officer Comment
Metropolitan Police Secure by Design Advisor	Concerns about access control to the building given number of access points within the design. These can be dealt with by way of planning condition. Updated August 2024 – conditions suggested.	This is considered in Section G of the report
London Fire Brigade	Letter dated 13 April 2023. No observations to make.	Noted and considered further in Section M of the report.
Transport for London	Further detail requested on the impact of the proposal on bus stops in the area surrounding the site. 24/07/2024 – TFL confirmed that whilst they have queries about the methodology no mitigation is required. Methodology in transport assessment acceptable. No objection to car free development or blue badge parking levels. Further detail requested in relation to cycle parking design. Detailed comments on Construction Logistics Plan.	This is considered in Section H of the report
Thames Water	No objection subject to conditions and informatives.	Noted
Natural England	Consulted in 2022. No response received	Noted

6. Development Plan

- 6.1 The NPPF Section 70(2) of the Town and Country Planning Act (1990) (as amended) sets out that in considering and determining applications for planning permission, the Local Planning Authority (LPA) must have regard to considerations including the provisions of the development plan and any local finance considerations, so far as material to the application, and any other material considerations.

- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that “if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.
- 6.3 The Development Plan for the site, at the time of this report, comprises the London Plan (2021), and the Waltham Forest Local Plan 2024 (LP1). The NPPF does not change the legal status of the development plan.

The London Plan (2021)

- 6.4 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:

GG1 – Building strong and inclusive communities
GG2 – Making the best use of land
GG4 – Delivering the homes Londoners need
D1 – London’s form, character, and capacity for growth
D2 – Infrastructure requirements for sustainable densities
D3 – Optimising site capacity through design-led approach
D4 – Delivering good design
D5 – Inclusive design
D6 – Housing quality and standards
D7 – Accessible housing
D8 – Public realm
D9 – Tall buildings
D11 – Safety, security, and resilience to emergency
D12 – Fire safety
D14 – Noise
H1 – Increasing housing supply
H4 – Delivering affordable housing
H5 – Threshold approach to applications
H6 – Affordable housing tenure
H7 – Monitoring of affordable housing
H10 – Housing size mix
S1 – Delivering London’s social infrastructure
S2 – Health and social care facilities
S4 – Play and informal recreation
S5 – Sports and recreation facilities
HC1 – Heritage, conservation, and growth
G1 Green Infrastructure
G4 Open Space
G5 – Urban greening
G6 – Biodiversity and access to nature
G7 – Trees and woodlands
G9 Geodiversity
SI1 – Improving air quality
SI2 – Minimising 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
T2 – Healthy streets
T3 – Transport capacity, connectivity and safeguarding
T4 – Assessing and mitigating transport impact
T5 – Cycling
T6 – Car parking
T6.1 – Residential parking
T6.5 Non-residential disabled persons parking
T7 – Deliveries, servicing, and construction
T9 – Funding transport infrastructure through planning
DF1 – Delivery of the plan and planning obligations

Waltham Forest Local Plan LP1 (2024)

6.5 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.

6.6 The relevant policies include, but are not limited to:

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 7 Encouraging Mixed Use Development
Policy 8 Character-Led Intensification
Policy 11 North Waltham Forest
Policy 12 Increasing Housing Supply
Policy 13 Delivering Genuinely Affordable Housing
Policy 14 Affordable Housing Tenure
Policy 15 Housing Size and Mix
Policy 16 Accessible and Adaptable Housing
Policy 18 Other Forms of Housing
Policy 24 Supporting Economic Growth
Policy 33 Local Jobs, Skills, Training and Procurement
Policy 39 New Retail, Office and Leisure Developments
Policy 46 Social and Community Infrastructure
Policy 48 Promoting Healthy Communities
Policy 49 Health Impact Assessments
Policy 50 Noise, Vibration and Light Pollution
Policy 53 Delivering High Quality Design
Policy 54 Tall Buildings
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 62 Public Transport
Policy 63 Development and Transport Impacts
Policy 64 Deliveries, Freight and Servicing
Policy 65 Construction Logistics Plans
Policy 66 Managing Vehicle Traffic
Policy 67 Electric Vehicles
Policy 68 Utilities Infrastructure
Policy 70 Designated Heritage Assets
Policy 71 Listed Buildings
Policy 72 Conservation Area
Policy 73 Archaeological Assests and Archaeological Priority Areas
Policy 74 Non-Designated Heritage Assests
Policy 75 Locally Listed Heritage Assets
Policy 77 Green Infrastructure and the Natural Environment
Policy 78 Parks, Open Spaces and Recreation
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 Decentralised Energy
Policy 87 Sustainable Design and Construction
Policy 88 Air Pollution
Policy 90 Contamination Land
Policy 91 Managing Flood Risk
Policy 92 Overheating
Policy 93 Waste Management
Policy 94 Infrastructure and Developer Contributions

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework (2023) and 2024 Consultation

- 7.1 The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as at the heart of the framework.
- 7.2 For decision-taking paragraph 11 of 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”.

- 7.3 The NPPF gives a centrality to design policies; homes should be locally led, well-designed, and of a consistent and high-quality standard. Local planning authorities (LPAs) are to make sure that the quality of approved developments does not materially diminish 'between permission and completion, as a result of changes being made to the permitted schemes.
- 7.4 The specific policy areas of the NPPF considered to be most relevant to the of this application are as follows:
- Promoting healthy and safe communities.
 - Promoting sustainable transport.
 - Making sufficient use of land
 - Delivering a wide choice of high-quality homes.
 - Achieve well-designed places
 - Promoting Healthy Communities.
 - Meeting the challenge of climate change, flooding, and coastal change; and,
 - Conserving and enhancing the natural environment.

Waltham Forest Local Plan (LP2) – Site Allocations (Proposed Submission):

- 7.5 The Site Allocations Document (Draft Waltham Forest Local Plan Part 2: Site Allocations Document (2021 – Reg 19) seeks to ensure that the London Borough of Waltham Forest promotes the right development in the right places at the right scale, creating attractive sustainable neighbourhoods as well as economic opportunities.
- 7.6 When adopted, the Site Allocations Document will represent Part 2 of the Council's Local Plan. This would complement the Waltham Forest Local Plan LP1 (2024). The draft Local Plan Part 2 was published for consultation on the 6th August 2024 and includes a draft allocation for this site that is expected to deliver an indicative 45 homes.

Mayor's Housing Design Standards London Plan Guidance – June 2023

- 7.7 The Housing Design Standards guidance brings together, and helps to interpret, the housing-related design guidance and policies in the London Plan.

London Plan Affordable Housing and Viability SPG – 2017

- 7.8 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.

London Plan the Sustainable Design and Construction SPG – April 2014

- 7.9 The Mayor published supplementary planning guidance (SPG) on sustainable design and construction.

Mayor's Housing Supplementary Planning Guidance (SPG) – March 2016

- 7.10 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.

Mayor's 'Be Seen' energy monitoring guidance (2021)

7.11 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.

Mayor's Fire Safety London Plan Guidance – February 2022

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

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

7.13 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.

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

7.14 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.

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

7.16 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.

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

7.17 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.

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

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

Mayor's Optimising Site Capacity: A Design-led Approach – June 2023

7.19 This guidance sets out how the design-led approach, set out in Policy D3 of the London Plan, should be applied. This approach is the process of setting site-specific design parameters and codes for development sites to provide clarity over the future design.

Mayor's Digital Connectivity Infrastructure – LPG – October 2023

7.20 The Digital Connectivity Infrastructure guidance seeks to improve digital connectivity infrastructure delivery through the planning system across London for both new and existing development proposals and one that is better supported through plan-making functions in boroughs.

Mayor's Control of Dust and Emissions During Construction and Demolition

7.21 This SPG provides guidance on a range of policies that deal with environmental sustainability, health and quality of life.

Mayor's Sustainable Transport, Walking and Cycling LPG – November 2022

- 7.22 The guidance helps support planning authorities and applicants in meeting the requirements of Policy T3, as well as also supporting delivery against other policies including T1 Strategic approach to transport, and T2 Healthy Streets.

Waltham Forest – Urban Design SPD – 2010

- 7.23 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.

Waltham Forest – Affordable Housing & Viability SPD – 2018

- 7.24 This supplementary planning document (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.

Waltham Forest – Planning Obligations SPD – 2017

- 7.25 This document seeks to provide transparent, clear, and consistent information for the negotiation of planning contributions and Section 106 Agreements and how these work alongside the Community Infrastructure Levy (CIL) to help deliver necessary infrastructure in the Borough.

Waltham Forest – Waste & Recycling Guidance for Developers (2019)

- 7.26 The Waste & Recycling Guidance for Developers is to help those involved in designing new developments to ensure safe and secure refuse and recycling storage and collection.

Local Finance Considerations

- 7.27 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 CIL. It is noted that:

- It is not thought that there are any grants which have been or will or could be received from central government in relation to this development.
- The Council does not expect to receive income from LBWF CIL in relation to this development.
- The Council does not expect to receive income from Mayoral CIL in relation to this development.

Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standard (2015)

- 7.28 This document deals with internal space within new dwellings and is suitable for an application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

BRE Guidance – Site layout planning for daylight and sunlight – A guide to good practice – 2022

- 7.29 This guide gives advice on site layout planning to achieve good sunlighting and daylighting, both within buildings and in the open spaces between them. It is intended to be used in conjunction with the interior daylight recommendations for new buildings in the British Standard Daylight in buildings, BS EN 17037.

8. ASSESSMENT

- 8.1 The main issues relate to the following:

- A. Principle of Development
- B. Housing – Tenure and Mix
- C. Design and Townscape
- E. Impact on Residential Amenity
- F. Standard of Accommodation
- G. Secure by Design
- H. Transport, Highways and Servicing
- I. Trees, Landscaping and Ecology
- J. Energy Efficiency and Sustainable Design and Construction
- K. Flood Risk and Drainage Considerations
- L. Environmental Impact Considerations
- M. Fire Safety
- N. Planning Obligations/Contributions

A) PRINCIPLE OF DEVELOPMENT

- 8.1 The National Planning Policy Framework (NPPF) (2023) sets out the principles and objectives that are required to underpin approaches to development management. Central to this is the “presumption in favour of sustainable development”, intended to ensure that sustainable development is pursued in a positive way. These principles are reflected adopted Waltham Forest Local Plan LP1 (2024), ensuring significant increase in the supply, choice and mix of high-quality new homes, in particular delivering genuinely affordable homes to enable and encourage residents to stay in the borough and strengthen communities.
- 8.2 London Plan Policy D2 sets out that development densities should be proportionate to a site’s connectivity and accessibility by walking, cycling, and public transport to jobs and services. Policy D3 states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, ensuring schemes achieve an appropriate density that responds to a site’s context and capacity for growth, setting out considerations relating to form and layout, user experience, and quality and character.
- 8.3 Policy 1 of the Waltham Forest Local Plan LP1 (2024) seeks to deliver sustainable growth whilst ensuring that development and growth are positive, work to the benefit of residents and businesses, and enhance the existing physical environment. Policy 2 of the Waltham Forest Local Plan LP1 (2024) highlights that over the Plan period (2020-2035), the Council will maximise opportunities for economic growth by promoting significant levels of – net increases of: 27,000 additional homes.

Loss of existing use

- 8.4 Policy 21 of the Adopted Local Plan states that supported and specialist accommodation will be supported by encouraging the retention of such accommodation where it meets an identified need and is of appropriate design quality; and resisting the unjustified loss of supported and specialist accommodation unless it can be demonstrated that there is a surplus of that form of accommodation in the area and it is no longer required.
- 8.5 The planning statement explains that the existing building on the site comprised a short-term residential care facility previously used by the NHS for people being discharged from hospital but unable to live independently. The building was deemed surplus to requirements in 2012 and has been vacant in the intervening time.
- 8.6 The decision-making process relating to its disposal is documented in the planning statement. It explains that the decision was driven by a move to 'care in the community' away from institutional care settings. The Waltham Forest Clinical Commissioning Group sought to find an alternative use within a health and wellbeing setting but were unable to do so. The planning application was subsequently supported by a statement from an estate agent specialising in private care operators (ie an alternative C2 use) which concludes the existing building would not meet the standards they expect due to its existing condition, following a soft marketing exercise.
- 8.7 The information submitted by the applicant does not definitively demonstrate that there is a surplus of C2 accommodation in the area. It is noted that the site could alternatively be redeveloped by a care home operator. The marketing that has been undertaken does not completely account for this scenario. As such, the proposal does not entirely comply with policy 21 of the Adopted Local Plan. The site is allocated for development in the emerging local plan part 2 site allocations document, but this has not yet been subject to examination, and as such cannot be relied upon to overcome the policy conflict in this respect. However, and notwithstanding this, the alternative proposal (a 100% affordable housing scheme) provides a substantial public benefit, which must be weighed in any planning balance exercise, when the Council's policies, including those related to the provision of housing, are taken into account.

Residential Uses

- 8.8 The London Plan supports the building of more homes through Policy GG4, which promotes the delivery of genuinely affordable homes and the creation of mixed and inclusive communities, with good quality homes that meet high standards. Policy GG2 requires development proposals to make the best use of land by enabling development on brownfield land well-connected by public transport and by applying a design-led approach to determine the optimum development capacity of sites. The London Plan also supports increasing housing supply and housing potential through Policy H1, which states that the potential for housing delivery on all suitable and available brownfield sites should be optimised.
- 8.9 Policy 12 of the Waltham Forest Local Plan LP1 (2024) highlights the opportunities for housing growth within the borough to deliver 27,000 homes by 2035. It sets out a trajectory of achieving a stepped housing target, with 1,264 homes delivered per annum until 2027, 1594 per annum from 2027-2029, and 2494 from 2029/30 – 2034/35. Part D of the policy emphasises that opportunities to increase the supply of homes should be maximised on brownfield land and on surplus public sector

land, and that effective and efficient use of land should be made through optimising housing densities.

- 8.10 In terms of the local plan, the site comprises 'white space' with not specific land allocations. The provision of housing on the site would accord with both London Plan and Local Plan policies which seek to encourage this and in this respect the principle of development is acceptable. As noted previously, the site is also allocated for housing development in the emerging Local Plan Part 2 site allocations document, although this plan has yet to be examined, so is at an early stage of development.
- 8.11 The proposal would represent an intensive form of development with 46 new houses being delivered. However, it is located on a significant thoroughfare between the centres of Chingford, Chingford Mount and Highams Park. It falls in close proximity to existing facilities including health care uses, convenience retail and public open space, with urban centres accessible by regular buses on the road outside.
- 8.12 Other contextual factors support a more intensive development at this location. The site has a position adjacent to a roundabout and busy road, and surrounded to the north and west by healthcare uses. The closest residential building, Boothby Court, is divided in to flats and there is significant separation distance to suburban housing in the surrounding area.

Conclusion: Principle of Development

- 8.13 Overall, it is considered that there are no in principle planning policy constraints to residential development at the intensity proposed. Residential use is strongly supported and the approach accords with the strong emphasis of optimising the potential of development sites for housing, as set out in planning policy. The provision of housing on this site is therefore supported in principle. The question of the loss of supported/specialist accommodation will be returned to in part 9 of this report, which deals with the planning balance and conclusion.

B) HOUSING – TENURE AND MIX

Policy Background

- 8.14 The London Plan supports the building of more homes through Policy GG4, which also promotes the delivery of genuinely affordable homes and the creation of mixed and inclusive communities, with good quality homes that meet high standards. Policy H4 of the London Plan sets a strategic target for 50% of all new homes delivered across London to be genuinely affordable. Policy H6 sets out the requirements for affordable housing tenure. It states that when affordable housing is more than 35% then the tenure would be flexible provided that homes are genuinely affordable, taking into account the need to maximise affordable housing provision along with any preference of applicants to propose a particular tenure.
- 8.15 Policy 13 of the Waltham Forest Local Plan LP1 (2024) seeks to deliver 50% of all new homes to be genuinely affordable housing. Policy 14 of the Waltham Forest Local Plan LP1 (2024) (Affordable Housing Tenure) states that development for schemes of 10 or more homes should seek to provide the following tenure mix: 70% low-cost affordable rent and 30% intermediate housing products.
- 8.16 Policy 15 of the Waltham Forest Local Plan LP1 (2024) seeks to capture a diverse range of housing and suggests the following mix of dwelling sizes across all tenures.

The priorities for dwelling size and tenures are based on the Strategic Housing Market Assessment (SHMA) and the borough's housing waiting list.

Bedroom Size	1 bed	2 bed	3 bed plus
Preferred dwelling mix – Social Rent / London affordable rent	20%	30%	50%
Preferred dwelling mix – Intermediate Rent	20%	40%	40%
Preferred dwelling mix - Intermediate Ownership	30%	50%	20%
Preferred dwelling mix - Market	20%	50%	30%

Figure 7 : Preferred unit mix in Local Plan

- 8.17 Policy 15 of the Waltham Forest Local Plan LP1 (2024) allows for variations to the dwelling size mix where it can be fully justified based on the tenures and type of housing proposed, site location, area characteristics, design constraints, scheme viability; and where shared ownership is proposed, the ability of potential occupiers to afford the homes proposed.

Proposal

- 8.18 The development as proposed comprises a split between 50% London Affordable Rent and 50% Shared Ownership. Whilst this does not achieve the 70/30 split envisaged in Policy 14 of the Adopted Local Plan, this is in the context of the scheme delivering 100% affordable housing overall, considerably more than the 50% target.

- 8.19 The proposal would comprise the following affordable housing mix:

	London Affordable Rent	Shared Ownership	Total
1 bed	5	9	14 (30%)
2 bed	10	14	24 (52%)
3 bed	8	0	8 (18%)
Total	23 (50%)	23 (50%)	46

- 8.20 On a habitable room basis the tenure split is 57% affordable Rent to 46% shared Ownership. The table below considers the unit mix against the table in policy 15 of the Local Plan. This demonstrates that the proposed development is generally compliant with the unit mix aspired to in the Local Plan for affordable housing.

Bedroom Size	1 bed	2 bed	3 bed plus
London Affordable Rent	21% (20% policy)	43% (30% policy)	35% (50% policy)
Intermediate Ownership	39% (30% policy)	61% (50% policy)	0% (20% policy)

- 8.21 Ideally more 3 bed units would be delivered, particularly in relation to the shared ownership units. However, in a context where 100% of the proposal is delivering affordable housing, this is not considered to be a matter that would justify withholding planning permission.

- 8.22 The Section 106 agreement would ensure that the scheme delivers 100% affordable housing. The applicant has requested flexibility in the agreement as the tenure split

may change as a consequence of the need to achieve grant funding to enable the development to proceed. Officers consider it is reasonable to provide this flexibility, but any alternative mix would be subject to an approval process to ensure a minimum policy compliant amount of both affordable rent and intermediate housing is provided in any development scenario.

- 8.23 Overall the proposed development is considered to be acceptable in terms of housing tenure and unit mix. The provision of affordable housing is a matter that weighs heavily in favour of the proposed scheme, in any planning balance.

C. DESIGN AND TOWNSCAPE

- 8.24 London Plan (2019) Policies D1, D2 and D3 seek to ensure that new developments are well-designed and fit into the local character of an area. New buildings and spaces should respond to the form, style and appearance to successfully integrate into the local character of an area, with a positive relationship with the natural environment and respect and enhancement of the historic environment.
- 8.25 Policy 8 of the adopted local plan sets out the Council's approach towards character-led intensification. The appropriate scale of development is established by reference to the existing character of an area. Reinforcement is applicable where sites have a robust and desirable character whereas intensification is more appropriate where this is not the case. Policy 53 of the Adopted Local Plan seeks to achieve cohesive, high-quality design that responds appropriately to its context through scale, height and massing. Policy 55 sets out appropriate building heights.
- 8.26 Typical shoulder heights for areas defined as 'transition' or 'reinforcement' are defined as 2-5 storeys, with the possibility of greater height (6-9 storeys) where this can be justified by reference to a height and massing strategy.

Height and Massing

- 8.27 Whilst the prevailing form of the surrounding area is characterised by 2 storey buildings, the site sits adjacent to a major roundabout, and is surrounded by larger buildings, namely Boothby Court (a 3 storey building) and the Ainslee rehabilitation centre (a large structure which is 2.5 storeys in height). Towards the east, the Larkshall Road provides a strong visual and functional barrier to the housing along Lukin Crescent. In this context there is clear potential for the site to house a taller building than those which are typical of the surrounding townscape, something perhaps reflected in the fact the existing building on the site is 3 storeys high.
- 8.28 The proposal is 5 to 6 storeys in height across its full width facing the Larkshall Road. The tallest part of the building would address the roundabout beyond a landscaped gap. Whilst this part of the development has attracted some local concern, in townscape terms a landmark building such as this would be an expected feature adjacent to a large roundabout, providing helpful visual context to the locality. Whilst there would be a significant increase in height from Boothby Court, which is 3 storeys in height; this transition would be mitigated to a degree by the significant degree of visual separation between the two buildings (a distance of around 24 metres).
- 8.29 Considering the northern part of the building, facing Friars Close, the position here is more challenging. The Silverthorn Centre is an NHS building that is two storeys in height and addresses Friars Close. Whilst not regarded as a heritage asset

(either designated or non-designated) it has some townscape value with a low-pitched roof, decorative porch and attractive bay windows at ground floor level.



Figure 8 – existing view of Silverthorn Centre (from google streetview, 2009)

- 8.30 The footprint of the new building would extend to around 2 metres from the side of the pavement along Friars Close; a similar gap to that exhibited by the Silverthorn Centre. However, at this point the new building rises to five storeys in height. This is a sharp transition, and at this point the new building would significantly and noticeably exceed the height of the Silverthorn Centre, reading as a departure from the prevailing two storey townscape along the Larkshall Road.



Figure 9: Proposed development in relation to Larkshall Road (the Silverthorn Centre being shaded in grey).

- 8.31 Ideally the building at this point would be set further back from Friars Close, and the height on the northern side of the site would be lower, thus achieving a more successful visual transition in relation to the local townscape. This point, amongst

others, was reflected in comments raised by the Place and Design team in the course of the application.

- 8.32 Aside from this, the height and massing is considered to be acceptable. Whilst it is acknowledged that, when viewed from west the building would be significantly higher than the Ainslie Rehabilitation centre, this townscape view is less sensitive, and the large car park associated with this premises helps provide appropriate visual separation to the neighbouring buildings.

Layout and Public Realm

- 8.33 The layout of the development is considered to be functionally appropriate in design terms, responding well to the proportions of the plot and optimising the potential of residential development whilst providing spacious and functional open space within the development. A good degree of separation from the Larkshall Road is achieved by siting the building away from the road beyond landscaped space, retained and new planting will provide a strong edge to the development, distinguishing it from the road.
- 8.34 Pedestrian access is provided from the Larkshall Road and servicing access is achieved from Friars Close, within an undercroft at ground floor level. The enclosed parking and servicing area, which provides disabled parking as well as a servicing bay, is then accessible by foot to the main lobby of the development by way of a path around the side of the building. These arrangements are considered to be appropriate.
- 8.35 Communal amenity space is provided within an access controlled enclosed central area. This area is of sufficient size to provide opportunities for child play, further details of which can be secured by way of planning condition. Other parts of the landscaped space help provide visual relief and separation from the adjacent road.
- 8.36 The development has multiple external corridors on the east facing side of the building. This is acceptable in principle as long as the areas in question are subject to a reliable system of access control. This matter will be discussed further in Sections F and G of this report.
- 8.37 The landscaping drawings show a substation which would face the Larkshall Road, close to the roundabout. This would be a single storey ancillary structure which would be set well away from existing residential properties, and it would not be unduly prominent in relation to the development or the wider public realm. Further details of this structure can be required by planning condition, to ensure its detailed design is appropriate.

Architecture and Materiality

- 8.38 In architectural terms the development would read as a brick faced building with regular and symmetrical fenestration and deep functional balconies. The staggered roofline, with different heights across the development and a raised parapet facing the roundabout helps provide some differentiation, individuality and visual interest to the building. The set back from the road follows the prevailing building line along Larkshall Road.
- 8.39 In terms of materiality, the development is predominantly in brick. The ground floor level is in dark brick with a lighter brick on upper levels, with micro cement in recessed areas. The balconies are largely enclosed with green railings in a

functional style. The windows on the building are well sized. Further details of materials and reveals can be required by planning condition.

Heritage Impacts

- 8.40 The proposed development would be set a sufficient distance away from Listed buildings, Conservation areas and non-designated heritage assets to avoid any heritage related harm. As such there is no conflict with any development plan policies, in this respect.

Overall Conclusion – Design and Townscape.

- 8.41 With the exception of the Friars Close elevation and associated height, the development is fully acceptable in design and townscape terms. It would provide a visually interesting structure that responds well to the proportions of the site, and the layout has been carefully considered to provide a functional and effective living environment for its future occupants. It responds particularly well to the context of the Larkshall Road/New Road roundabout. The landscaping along Larkshall Road will help to assimilate the building into its surroundings.
- 8.42 However, the height facing Friars Close is greater than the prevailing context, in relation to the neighbouring health facility building at Silverthorn House. There is an element of harm caused by this (albeit it does not cause unacceptable overlooking or overshadowing), however, it is has to be balanced against the significant public benefit of the affordable housing being delivered by the proposal, and officers consider the benefits of the development outweigh any harm in this respect. This matter will be returned to in part 9 of this report.

E. IMPACT ON RESIDENTIAL AMENITY

- 8.43 Paragraph 135 of the NPPF requires that development creates places with a high standard of amenity for existing users which is also reflected in Policy 57 of the Adopted Local Plan. Policy D6 of the London Plan states that the design of development proposals should respect daylight and sunlight to surrounding residential dwellings with an appropriate approach to the context of the site, while minimising overshadowing and maximising the usability of outside amenity space. Detailed guidance on Daylight and Sunlight is provided by the Building Research Establishment, most recently updated in 2022, which has been established as an important material planning consideration in planning decisions.

Daylight and Sunlight

- 8.44 The site is set primarily in a context of healthcare uses with the GP Surgery and Rehabilitation centre being the closest buildings to the site. A daylight and sunlight report was submitted with the application which acknowledges that there would be losses to window in the ground and first floor of the closest end and part side elevation of the Ainslie Rehabilitation Centre (highlighted in orange in figure 10, below), such that would fall below the accepted BRE criteria were these buildings to be regarded as residential properties. However these are not significant losses (the residual levels exceed 18% Vertical Sky Component). As the windows are not associated with residential properties this position is considered on balance to be acceptable.



Figure 10: location of affected windows in Ainslie Rehabilitation Centre

- 8.45 The daylight and sunlight assessment goes on to assess other buildings including Boothby Court (to the south east of the site), the old Church GP surgery accessed from Friars Close, and properties along Lukin Crescent, to the other side of Larkswood Road. The report concludes that there would be no unacceptable impact on windows within these properties in relation to established BRE criteria. In most cases the proposed Vertical Sky Component is in excess of 27%, where this is not the case the proposed values are greater than 0.8 of the previously existing position. This reflects the significant separation distance between the proposed development and existing residential properties.
- 8.46 The extent of separation distance also means that the proposal would not overshadow neighbouring private external amenity space associated with residential properties, a finding reflected in the conclusion of the Daylight and Sunlight report. It is acknowledged that there would be overshadowing of communal landscaping associated with Boothby Court, but the area in question is already heavily overshadowed by existing mature trees which would limit the impact of the new building.

Privacy and Overlooking

- 8.47 Policy 57 of the Waltham Forest Local Plan LP1 (2024) highlights that new developments should respect the amenity of existing and future occupiers and neighbours by avoiding any harmful impacts from overlooking or enclosure and loss of privacy.
- 8.48 The proposed building is largely orientated towards the Larkswood Road which is a major public thoroughfare and there are no overlooking concerns about windows or balconies facing on this space from up to 6 storeys in height. In terms of the health centre uses to the immediate north and west of the site, these are public facilities with an expectation of natural surveillance around their public areas. The provision of windows and balconies in this residential building overlooking this space would be consistent with this prevailing residential environment.
- 8.49 The south west elevation of the building would face Boothby Court, which is a residential use, rising up to 6 storeys in height on the corner. Windows on this elevation would overlook Boothby Court at a distance of approximately 24 metres, which is in excess of the typical minimum separation distances applied in an urban

context such as this. The flats on this side of the proposed building are all triple aspect, with the rooms in them having multiple windows with the exception of four kitchens which are separate from the main living area. To avoid any risk of a perceived loss of privacy for the residents of Boothby Court, including its communal garden area, the windows on the south west elevation of the building could be made from obscure glazing to a height of 1.7 metres above the respective floor area of the building. This could be secured by a condition, which the applicant has agreed to.



Figure 11 – relationship of south west elevation with Boothby Court.

- 8.50 Overall, and subject to the imposition of appropriate conditions, the proposal is considered to be acceptable in relation to privacy and overlooking.

Residential Amenity – Other issues

- 8.51 In all other respects the proposed use is consistent with the prevailing residential environment, which is largely comprised of suburban housing interspersed with health uses. The healthcare uses also provide a barrier within which to absorb noise and disturbance arising from the new development and associated population increase. Access points are provided to Larkshall Road and Friars Close, which would direct movement associated with the development away from existing residential development.

Residential Amenity - Conclusion

- 8.52 Overall the proposal would not result in any harm to the amenity of neighbouring residential occupiers. It complies with policies D6 of the London Plan and Policy 57 of the Adopted Local Plan, which seek to ensure development achieves a high standard of amenity for existing users.

F. STANDARD OF ACCOMODATION

- 8.53 Policy D6 of the London Plan sets out housing quality and standard design specifications for new developments. It seeks design that maximises dual-aspect homes and provides sufficient daylight and sunlight, requiring new homes to be of high quality design and provide adequately sized rooms with comfortable and functional layouts meeting minimum floorspace requirements and floor to ceiling heights. This is reflected in Policy 56 of the Adopted Local Plan.

Unit Size

8.54

The table below compares the proposed unit sizes against the relevant Nationally described space standard, which is also reflected in policy 56 of the adopted Local Plan. This demonstrates that all the units comply with the Nationally Described Space standard in terms of size. In the case of units 22, 31, 40 and 46 the size is 0.1 sqm below the requirement, this is regarded as a negligible difference.

Unit	Size (GIA)	Relevant Standard	Space	Complies?
Ground Floor				
Unit 1 (2b 4p)	86.4	70		Yes
Unit 2 (2b 4p)	86.7	70		Yes
Unit 3 (3b 6p)	116.5	95		Yes
Unit 4 (2b 4p)	91	70		Yes
First Floor				
Unit 5 (2b 3p)	61.7	61		Yes
Unit 6 (1b 2p)	52.6	50		Yes
Yes	52.9	50		Yes
Unit 8 (2b 4p)	70.3	70		Yes
Unit 9 (2b 4p)	70.3	70		Yes
Unit 10 (1b 2p)	50.8	50		Yes
Unit 11 (2b 4p)	70.3	70		Yes
Unit 12 (3b 5p)	86.3	86		Yes
Unit 13 (2b 4p)	91	70		Yes
Second Floor				
Unit 14 (2b 3p)	61.7	61		Yes
Unit 15 (1b 2p)	52.6	50		Yes
Unit 16 (1b 2p)	52.9	50		Yes
Unit 17 (2b 4p)	70.3	70		Yes
Unit 18 (2b 3p)	70.3	61		Yes
Unit 19 (1b 2p)	50.8	50		Yes
Unit 20 (2b 4p)	70.3	70		Yes
Unit 21 (3b 5p)	86.3	86		Yes
Unit 22 (3b 5p)	85.9	86		Yes
Third floor				
Unit 23 (2b 3p)	61.7	61		Yes
Unit 24 (1b 2p)	52.6	50		Yes
Unit 25 (1b 2p)	52.9	50		Yes
Unit 26 (2b 4p)	70.3	70		Yes
Unit 27 (2b 3p)	70.3	70		Yes
Unit 28 (1b 2p)	50.8	50		Yes
Unit 29 (2b 4p)	70.3	70		Yes
Unit 30 (3b 5p)	86.3	86		Yes
Unit 31 (3b 5p)	85.9	86		Yes
Fourth floor				
Unit 32 (2b 3p)	61.7	61		Yes
Unit 33 (1b 2p)	52.6	50		Yes
Unit 34 (1b 2p)	52.9	50		Yes
Unit 35 (2b 4p)	70.3	70		Yes
Unit 36 (2b 3p)	70.3	70		Yes
Unit 37 (1b 2p)	50.8	50		Yes
Unit 38 (2b 4p)	70.3	70		Yes
Unit 39 (2b 4p)	73.8	70		Yes
Unit 40 (3b 5p)	85.9	86		Yes

Fifth floor			
Unit 41 (1b 2p)	50.9	50	Yes
Unit 42 (2b 3p)	67.6	61	Yes
Unit 43 (1b 2p)	50.8	50	Yes
Unit 44 (2b 4p)	70.3	70	Yes
Unit 45 (2b 4p)	73.8	70	Yes
Unit 46 (3b 5p)	85.9	86	Yes

- 8.55 In addition to compliance in relation to overall size, the units achieve acceptable compliance with the technical guidelines set out in the Space Standards, relating to room widths and headroom. The detailed layouts do not in all cases identify storage provision in accordance with the NDSS, but this is considered to be a matter that can be reasonably dealt with by way of planning condition.

Unit Layout

- 8.56 Policy 56 of the Adopted Local Plan requires that the provision of dual aspect units should be maximised and the provision of single aspect units avoided where possible. The layouts associated with the building all have a regular form in a pattern typical of flats, with a living area and bedrooms of appropriate size and proportions. In most cases the living area and kitchens are combined into one large room, but in some cases, there are separate kitchens.
- 8.57 As a consequence of the irregular shape of the building the development provides a wide variety of units of different shape and orientation. With one exception, the units are all dual or triple aspect which is a significant positive consideration in relation to the scheme. The exception to this is unit 1 at ground floor level which would have an external door only on one side. However, it would otherwise have an open, east facing aspect.

Outlook and Privacy

- 8.58 The development is surrounded by landscaping on three of its sides providing a buffer to the site boundary. The ground floor flats all open out on to this space beyond a private, defensible garden area, thus providing living accommodation that has sufficient privacy. The upper floor flats all have an outlook that is unobstructed.
- 8.59 Concerns have been raised in the course of the application process by the Place and Design team and the Metropolitan Police Secure by design officer, regarding the colonnade access at ground floor level within the private amenity space associated with the building. It is noted that this area would comprise a thoroughfare within the development, as residents would need to use it to access the two cores to get to the upper floors of the building. One issue raised is that it could create conflict with the occupants of the two ground floor flats at this level.

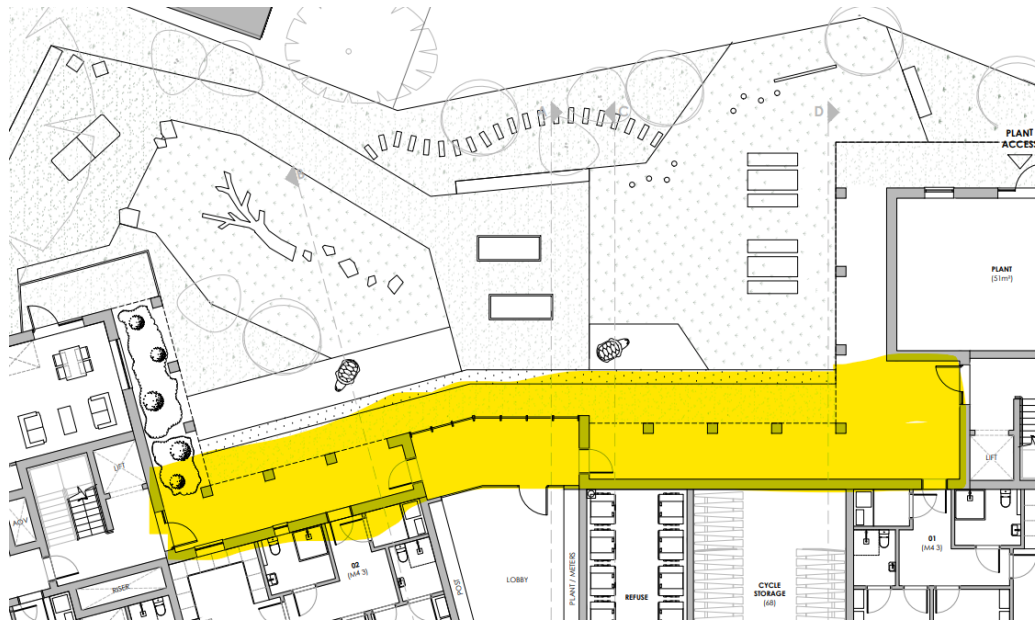


Figure 12 – the ground floor colonnade access path (highlighted in yellow)

8.60 In response it is noted that the layouts of the two ground floor units do not have significant windows that overlook the access path. They have two doors, and unit 2 has a bathroom and kitchen window that overlook this space, the kitchen window being one of two within the room in question; the other window looking out over the private garden area to the front of the building. Notably the bedrooms are located away from the path, on the other side of the flat. It is considered that, in each case, the layout adopted reduces the risk of disturbance and conflict to the greatest extent feasible. Whilst the situation in these two flats is not ideal, it is not unusual in the case of ground floor flats, and would not justify further design revisions or the refusal of planning permission.

Amenity Space

8.61 London Plan Policy D6 requires the design of outside spaces to minimise overshadowing to maximise their usability. Table 3.2 sets out that communal outside amenity space should provide sufficient space to meet the requirements of the number of residents; be designed to be easily accessed from all related dwellings; be located to be appreciated from the inside; be positioned to allow overlooking; be designed to support an appropriate balance of informal social activity and play opportunities for various age groups; and meet the changing and diverse needs of different occupiers.

8.62 Policy 56 of the Waltham Forest Local Plan LP1 (2024) sets out better aligned quantitative space with the current expectations from developments. It seeks a minimum of 50 sqm of private external amenity space for all houses, and a minimum of 10 sqm of external amenity space for all flats, increasing by 1 sqm for each additional resident in homes containing three or more bedrooms. As with the adopted standards, external amenity space for flats can be private or communal, provided that an individual flat has an element of private external amenity space measuring at least 5 square metres in size and achieve a minimum depth and width of 1.5 metres.

8.63 All the units in question have private external amenity space. Where this falls below the 10 sqm required by policy, the additional space is accounted for in the common landscaping associated with the development. Comments on each area of private amenity space are provided in the table below:

Private amenity space

Unit	Private amenity space	Comment
1	13	Private patio area to front of building
2	13	Private patio area to front of building
3	18	Private patio area to front of building
4	11	Private patio to communal garden area.
5	10	Private deck overlooking communal amenity space
6	6	Balcony overlooking Friars Close
7	7	Balcony overlooking Friars Close
8	9	Balcony overlooking Larkshall Road
10	5	Balcony overlooking Larkshall Road
11	7	Balcony overlooking Larkshall Road
12	19	Balcony overlooking Larkshall Road
13	9	Private deck overlooking communal amenity space
14	10	Private deck overlooking communal amenity space
15	6	Balcony overlooking Friars Close
16	7	Balcony overlooking Friars Close
17	7	Balcony overlooking Larkshall Road
18	7	Balcony overlooking Larkshall Road
19	5	Balcony overlooking Larkshall Road
20	7	Balcony overlooking Larkshall Road
21	8	Balcony overlooking Larkshall Road
22	9	Private deck overlooking communal amenity space
23	10	Private deck overlooking communal amenity space
24	6	Balcony overlooking Friars Close
25	7	Balcony overlooking Friars Close
26	7	Balcony overlooking Larkshall Road
27	7	Balcony overlooking Larkshall Road
28	5	Balcony overlooking Larkshall Road
29	7	Balcony overlooking Larkshall Road
30	8	Balcony overlooking Larkshall Road
31	9	Private deck overlooking communal amenity space
32	10	Private deck overlooking communal amenity space
33	6	Balcony overlooking Friars Close
34	7	Balcony overlooking Friars Close
35	7	Balcony overlooking Larkshall Road
36	7	Balcony overlooking Larkshall Road
37	5	Balcony overlooking Larkshall Road
38	7	Balcony overlooking Larkshall Road
39	11	Balcony overlooking Larkshall Road
40	9	Private deck overlooking communal amenity space
41	11	Private deck overlooking communal amenity space, second area of space overlooking green roof towards Friars Close.
42	7	Balcony overlooking Larkshall Road
43	5	Balcony overlooking Larkshall Road

44	7	Balcony overlooking Larkshall Road
45	11	Balcony overlooking Larkshall Road
46	9	Private deck overlooking communal amenity space

- 8.64 The proposed amenity space exceeds the 5 sqm required by policy in each case. In all cases the depth of the balconies is sufficient to provide useable external amenity space, having regard to the 1.5m guideline set out in policy 56.

Play Space

- 8.65 London Plan Policy S4 seeks to ensure that development proposals should include suitable provision for play and recreation and incorporate good-quality accessible play provision for all ages, of at least 10sqm per child. Policy 56 of the Waltham Forest Local Plan LP1 (2024) states a minimum of 10sqm of play space should be provided as per child (as per the London Plan and the Mayor's Providing for Children and Young People's Play and Informal Recreation SPD).
- 8.66 Regarding this matter the applicant has commented that, according to the GLA population yield calculator the scheme would yield 32.3 children thus generating a requirement of 324 sqm of on site play space. The applicant comments that 575 sqm of child play space is provided on the site which comprises a mixture of formal play as well as informal natural play. Further details of the child play space being delivered by the development can be required by way of planning condition.

Accessible Homes

- 8.67 London Plan Policy D5 requires an inclusive design that takes accessibility, diversity, and the need for social interaction into account. It requires inclusive design, including fire evacuation lifts for people requiring level access in all proposed developments with lifts. Policy D7 requires that at least 10% of relevant new homes meet Building Regulation requirement M4(3) for wheelchair-user dwellings, with the remainder meeting requirement M4(2) for accessible and adaptable dwellings. Policy 16 of the Local Plan include similar requirements as per Policy D7 of the London Plan.
- 8.68 The proposal provides a total of 5 accessible (M4.3 units), all of which meet the Nationally Described Space Standard. This is over 10% of the total. The remaining units are M4(2) compliant. The proposal is therefore policy compliant in relation to Accessible Homes.

Sunlight, Daylight and Overshadowing

- 8.69 An Internal Daylight and Sunlight Report supports the application. This evaluates the daylight, sunlight and overshadowing of the internal rooms within the development. All but one of the bedrooms passes the BRE criteria for daylight, with the remaining bedroom falling within 90% of the recommended target. In terms of the living, kitchen and dining areas, there are 7 that do not technically meet the BRE standards, this is often a consequence of windows facing on to areas that are enclosed by balconies which inevitably obstruct daylight. Additionally, four units have deep single aspect living/kitchen dining areas, where part of the room has limited natural light, as shown in figure 13 below.

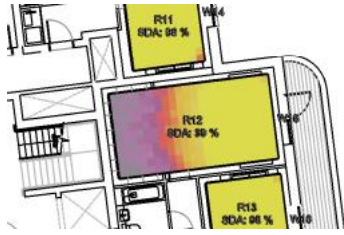


Figure 13 – example of living room with part reduced daylight light.

- 8.70 Notwithstanding this, when the scheme is considered as a whole, the level of compliance in terms of daylight and sunlight it considered to be very good, particularly when considered alongside the fact that nearly all the units are dual or triple aspect. The existence of a few rooms which do not technically comply with the BRE standards would not constitute a reason for refusal.

Sunlight to Gardens and Outdoor Spaces

- 8.71 The new areas of amenity space within the development are set to the east and south of the building. As a consequence of the low prevailing building heights in the area surrounding the site, in combination with the separation distances to adjacent properties; the spaces in question would receive good levels of natural light. This is reinforced by the conclusion of the overshadowing assessment submitted as part of the Daylight and Sunlight Report submitted with the planning application, that concludes that the analysis indicates the amenity space provided within the proposed development will receive good levels of sunlight, meeting the BRE requirements for overshadowing.

Noise

- 8.72 Policy 57 of the Adopted Local Plan states that new development should respect the amenity of future occupiers by, amongst other things, avoiding harmful impacts from noise and vibration.
- 8.73 The proposed development faces the Larkshall Road which is an existing source of noise and which would impact on the living environment of the development. Additionally, it is noted that air source heat pumps are to be installed at roof level on the fifth-floor roof, which would potentially be audible from residential apartments and amenity space at fifth and sixth floor level. Plant rooms are also to be installed adjacent to residential properties which is a potential source of noise disturbance which should be mitigated through insulation.
- 8.74 A noise report was provided in support of the proposed development which reflects the findings of a noise survey in the area around the site. The scheme provides a landscaped buffer to the Larkshall Road which helps absorb noise impact and the building itself would act as a 'barrier block' that significantly reduces noise levels in the west facing façade, including the new communal amenity space associated with the development.

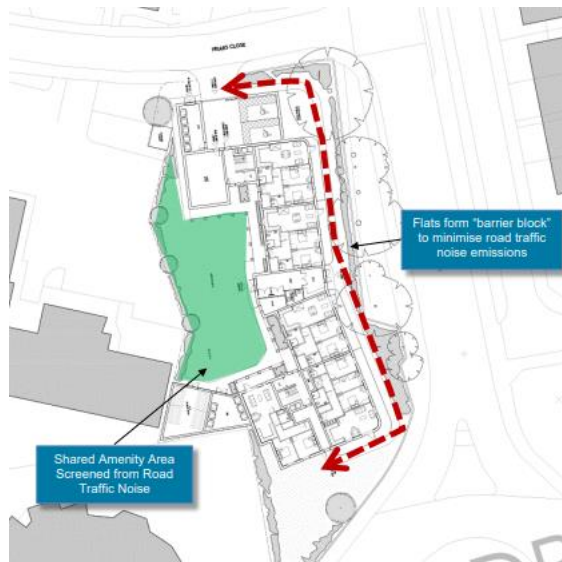


Figure 14 – illustration of noise ‘barrier block’.

- 8.75 The noise assessment however notes that further consideration will need to be given to sound insulation (including glazing specification), ventilation and cooling, particularly in relation to the affected windows facing Larkswood Road to ensure the living environment does not expose future residents to either excessive noise or overheating. This is a matter that can be reasonably dealt with by way of planning condition.
- 8.76 In terms of external amenity space, many of the balconies would be exposed to road noise from the Larkshall Road, along with landscaped space to the east and south of the building, and this is acknowledged in the noise report. Some mitigation is possible (for instance through the acoustic insulation of the underside of balconies), but overall this situation is not unusual in urban environments where there is significant pressure arising from competing land uses. As noted previously, the common internal amenity space to the west of the building is well screened due to embedded noise mitigation by the building itself.

Overall Conclusion on standard of Accommodation

- 8.77 The development provides a good standard of living accommodation. The design approach adopted has sought to maximise the provision of dual aspect dwellings, and the layouts in each case provide functional and useable accommodation, with a good standard of amenity space. The resultant housing would comply with space standards and those relating to accessibility, and generally provide attractive living environments for its future occupants. Where there are challenges these have been resolved as far as possible through the design process, and where there is further work required, for instance on the detail of child play space design and noise mitigation, this can be secured through the use of planning conditions. As such the proposal complies with relevant planning policies relating to this issue.

PART G. SECURE BY DESIGN

- 8.78 Policy D11 of the London Plan sets out requirements for all new developments to design out crime and incorporate an acceptable level of safety and security measures and ensure development is resilient to emergency. Policy 58 of the Local Plan developments should 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 via the Secured by Design scheme, in combination with the Metropolitan Police.

- 8.79 As noted previously, the proposal has private windows and doors that look directly out on to shared walkways or common amenity space. This is largely a consequence of the desire to provide well-lit, dual aspect accommodation that optimises the potential of the site for housing. The use of such external walkways does however pose security challenges and increases the risk of conflict between users of the development arising from privacy concerns, particularly if non-residents are able to access the common parts of the building. Additionally, there are a number of facilities (plant rooms, bin stores, cycle storage facilities) which are accessed from external doors, creating security challenges and possible opportunities for anti-social behaviour. Concerns about this have been raised both by the Metropolitan Police and the Place and Design Team.
- 8.80 The applicant has engaged with the Metropolitan Police at the pre application and planning application phase on Secure by Design issues. As a result changes have been made to the development that mitigate the aforementioned risks through a) control of the openings and minor changes to the layout of the development and b) the development of a robust access control strategy. Work on these matters is ongoing. However, the Metropolitan Police have advised that it can continue in response to a planning condition, so it follows that there is no fundamental objection to the development from a Secure by Design perspective.
- 8.81 Overall it is considered that the development is likely to achieve Secure by Design or alternative crime prevention standards. The development, still ongoing, of successful access control measures is critical to this, and can be secured by a planning condition that also requires their retention over the lifetime of the development. Consequently, the risk of security concerns can be managed and planning permission should not be refused on this basis. As such there is no conflict with policy D11 of the London Plan or 58 of the Adopted Local Plan which seek to adopt appropriate safety and security measures into new development.

H. TRANSPORT, HIGHWAYS AND SERVICING

- 8.82 The National Planning Policy Framework (2023) at para 104 sets out that transport issues should be considered at the earliest stages of development proposals in order to ensure that the impact of development on the transport networks can be assessed and that opportunities to promote the use of active travel and public transport are prioritised. This is carried forward in paragraphs 110 -113 which amplify these priorities in a placemaking context, harnessed to need to ensure safe and suitable access to the site for all users.
- 8.83 London Plan (2021) Policies T1 and T5 set out that proposals should support the delivery of the Mayor's Healthy Streets transport strategy which aims to ensure that by 2041 80% of all trips in London are to be made by walking cycling or public transport. Policy T6 sets out the thresholds for car parking in new development which should be restricted in line with levels of existing and future public transport in the area. It states that developments should provide the minimum necessary parking, and that an absence of local on-street parking controls should not be a barrier to development.

8.84 In terms of the key policies in the adopted Local Plan, Policy 60 seeks to promote sustainable transport and a key objective here is supporting car-free development to reduce car dominance; Policy 61 seeks to support Active Travel encouraging an increase in walking and cycling. Policy 62 and 63 seek to support public transport and manage development and transport impacts. Policy 64 seeks to minimise the adverse impacts of deliveries and servicing, and policy 65 sets out detailed criteria for Construction Logistic Plans.

(i) Car Parking provision (within site)

8.86 The proposal provides two on-site parking bays. The use of these spaces would be limited to disabled blue badge holders who occupy the development. They would be located in the servicing and parking bay accessed from Friars Close. Appropriate space would be provided around the new parking spaces to facilitate safe access and egress. From the parking space, a level/step free path is provided to the main core of the building.

8.90 The blue badge parking levels represent a provision of 4% of housing within the development which it is acknowledged does not achieve the 5% + 2% additional passive provision aspired to in the local plan parking standards. The applicant seeks to justify this by reference to data demonstrating the proportion of residents in Waltham Forest that currently have blue badges is 3.4%. It also states that further changes to increase the parking proportion would result in the loss of residential units and thereby detract from the viability of the scheme, which is delivering affordable housing.

8.91 Officers consider that the position set out with this application in relation to disabled parking is not ideal but the under provision against policy would not cause significant harm. The policy conflict in this respect should be considered in the overall planning balance, and against the benefits of the proposed development.

8.92 Aside from the disabled parking bays, the development does not otherwise provide any on-site parking for the future occupants of the development. Whilst the site has a low level of Public Transport Accessibility (PTAL level 2) due to its relative distance from overground and underground stations, it is nonetheless on a bus route with regular buses towards Chingford, Chingford Mount and Highams Park. Services and facilities can be easily accessed within walking distance, including a GP Surgery, pub, church, convenience store, nursery and primary school, post office, pharmacy, leisure centre and gym and fast food takeaway, all within 650 metres of the site. The level of connectivity by foot is therefore reasonably good.

8.93 As such, it is considered that future occupants who are non-blue badge holders would be able to access employment and everyday services without driving or owning a car. This aligns with the objectives of local, regional and national planning policy, which seek to encourage a car-free approach where new development is proposed.

8.94 This position is also consistent with the Councils parking standards as set out in the adopted local plan. This states that, for residential dwellings, there should be no parking unless justified through a need established in a Transport Statement.

ii) Car Parking – impact on existing on street parking

8.95 A number of objectors, including the ward Councillors, draw attention to the issues surrounding the lack of on-site car parking, noting that it is likely that some

residents will still own and use a car, thus putting pressure on the surrounding road network, along with the demand for parking generated by visitors to the development. This would add to existing pressure in the immediate vicinity of the site, with overspill parking from the adjacent health facilities utilising existing uncontrolled on street parking spaces along Friars Close, which would be put under further pressure from the development. This would also be exacerbated by the removal of residual parking spaces on the site, historically used by Highams Court.

- 8.96 In response, the applicant has undertaken surveys of the local highway network to establish the existing baseline position in relation to on-street parking. Initial surveys at the time of the application demonstrated parking stress in the area immediately surrounding the site at 84-89%. Further surveys took place in June 2024, encompassing a larger area around the site, which revealed slightly more capacity, with total parking stress at around 71%.
- 8.97 The most appropriate approach to managing the issues surrounding the management of parking stress is through the introduction of a Controlled Parking Zone. This approach has been reinforced by the Planning Inspectorate when it considered the issue in relation to the site at (480-510 Larkshall Road¹) The option of introducing a CPZ is one that is open to the Council and were such a CPZ imposed then future residents of the development could be excluded from applying for permits on the basis that the development is zero parking. The applicant has agreed to Section 106 clauses reinforcing this, and these are reflected in the heads of terms.
- 8.98 In practice, it is acknowledged that the introduction of such a CPZ may not be immediate. Were the development to be occupied prior to the introduction of a CPZ, the development would pose two particular challenges. Firstly, there would be competing pressure for spaces on the site outside Friars Close, and secondly, there would be pressure to utilise the area on the on Larkshall Road for unauthorised loading and parking.
- 8.99 A series of interim measures have therefore been agreed to mitigate the risks associated with additional on street parking demand in the immediate vicinity of the site, associated with this development. Firstly, a new kerb edge has been designed for Larkshall Road, inserting a rain garden in the pavement verge adjacent to the new crossing which is a proven mechanism to deter on street parking and waiting. This would be secured through a Section 278 agreement. Secondly, the introduction of and painting of double lines would be introduced on Friars Close, and on the roads immediately surrounding the site, including the suspension of on street parking necessary to ensure manoeuvrability in the area around the site. This would be carried out prior to the occupation of the development, and a section 106 payment has been agreed to increase parking enforcement in the area around the site thereafter.
- 8.100 Officers consider that these measures would manage the impact of the additional off street parking demand associated with the development, to a degree such that it would not cause any unacceptable risk to highway safety or lead to a significant risk of additional hazards on the road network.

¹ APP/U5930/W/22/3304178

8.101 In considering this issue, it is also relevant to consider that the existing building (a supported housing use) would have generated its own parking demand and, were the proposal to be refused planning permission, it could be bought back in to use, would add to existing parking pressure without any mitigation. Taking all the above considerations into account, the impact on existing car parking arrangements are considered to be acceptable.

iii) Cycle Parking Standards

8.102 London Plan standards at Policy T5 Table 10.2 for residential development requires 1.5 cycle parking spaces per 1 bed units, and 2 spaces for all other residential units. In the adopted local plan the requirement is for 1.5 space per 1 bedroom home, 2 spaces per 2 bedroom home, and 3 spaces for all other dwellings, with 1 visitor space per 40 homes with a minimum of 2 spaces.

8.103 The development proposes 100 long stay cycle parking spaces and six short stay parking spaces, at ground floor level, in excess of local and regional standards. Of these, 76 spaces are provided by a two tier system in a large, central room at ground floor level with natural light and visibility, with 4 further spaces on vertical hangers within the central internal store. A further 14 spaces are provided on a semi-vertical arrangement in the external secure store, and 6 Sheffield stands are located outside the principal entrance.

8.104 The provision of cycle storage at levels that exceed policy requirements are welcome. Further detail on the cycle parking is required by planning condition to ensure the cycle parking is appropriately designed and is of an adequate specification.

(iv) Electric Vehicle charging

8.105 London Plan Policy T6.1C requires that all residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces. This translates to a requirement for one of the disabled parking bays to have charging facilities, which is a matter that can be dealt with by way of planning condition.

(v) Servicing

8.106 The proposal includes a servicing bay accessed from Friars Close with a bay that can accommodate a 2.2m long van. This would accommodate the likely servicing demand from residential occupants of the proposed development. The van can get in to and out of the development in forward gear and there is good visibility from the vehicular access point being created in the proposed development.

8.107 The on-site servicing bay is not big enough to accommodate a refuse vehicle. Refuse collection would take place on the street, from Friars Close. An on street bay would be created for this purpose adjacent to the site to the west of the vehicular site access, set away from the junction with Larkshall Road. Waste would be stored in refuse facilities in the core of the development and then moved to an on street waste storage facility by the developer on collection day.

8.108 There would be around 3 collections of waste from the site per week, with dwell times at an estimated maximum of 10 minutes. Whilst this is happening, vehicular traffic would need to overtake the refuse vehicle, and parking bays on the opposite

side of Friars Close would be extinguished to ensure they have adequate visibility to do so. Such a manoeuvre would represent a typical low level hazard, common in urban areas.

- 8.109 Highways have raised concerns about on – street servicing, expressing a preference that it is carried out within the red line of the site, and this was reflected in advice given to the applicant at the pre application stage. Policy T7 of the London Plan states that provision of adequate space for servicing, storage and deliveries should be made off-street, with on-street loading bays only used where this is not possible.
- 8.110 It is accepted that ideally such servicing would take place within the site, and this principle should be generally retained when dealing with major development so as to reduce the impact of new development on the highway network. However on this occasion the additional impact studies carried out demonstrate that the arrangement would not cause highway safety issues such that would justify refusal of planning permission. Whilst there is residual conflict with policies that seek to promote such an arrangement (including London Plan policy (T7), this needs to be balanced against the public benefits of the development.

(v) Traffic

- 8.111 The transport statement models the level of traffic being generated by the development, and compares it to the existing use. This indicates a net change of around four increased vehicular movements (departures) in the weekday morning peak, and 5 additional movements in the weekday evening peak. It additionally predicts around 4 servicing trips per day. This level of additional traffic is of such a scale that it would not detrimentally impact on the local highway network such that mitigation is necessary to make the development acceptable in planning terms.
- 8.112 Whilst the highway department have questioned some of the underlying methodology used by the applicant in support of this position to calculate the trip generation, they accept that the proposal would not be of a scale whereby there is a severe impact on the road network. As such, having regard to the National Planning Policy Framework planning permission should not be refused for the proposed development.
- 8.113 The applicant has also agreed to a condition requiring a travel plan to be submitted to and approved in writing by the local planning authority. The purpose of such a travel plan would be to promote sustainable transport options to new residents. This will help reduce vehicular trips and reduce the likelihood of the development generating large amounts of traffic.

Vi) Construction Logistics Plan

- 8.114 Policy 65 of the Adopted Local Plan states that proposals should be supported by an outline construction logistics plan. An Outline Construction Logistics Plan (“CLP”) was provided with the planning application. This was subsequently revised on two occasions, in response to comments from the highways department.
- 8.115 The main issue of concern expressed by Highways colleagues in relation to the existing outline CLP is the extent of disruption during the construction process caused by construction traffic, particularly if the site is accessed by construction

vehicles from Friars Close. The applicant has been asked to explore an alternative solution involving a temporary access from the Larkshall Road roundabout.

- 8.116 The site is accessible by road on all sides. If the construction access takes place from Friars Close, careful management will be necessary to mitigate disruption to traffic which it is clearly desirable to avoid. However, having regard the NPPF, the construction access is not considered to be a fundamental constraint such that would justify further delaying a decision or refusing planning permission. This is a matter that can be reasonably dealt with by way of planning condition.
- 8.117 It is noted that there is concern raised by the operators of neighbouring healthcare uses in relation to construction disruption. This issue will need to be resolved through the Construction Logistics Plan. An informative advises the applicant to work with neighbouring landowners to develop proposals in relation to construction management, and to evidence this in any detailed construction logistics plan submitted in response to the requirements of planning conditions.

(v) Highway Safety and Site Layout

- 8.118 The applicant has provided diagrams showing that all vehicles can safely enter and exit the site in forward gear without disruption to the highway network.
- 8.119 It is noted that, at present, the turning from Larkshall Road to Friars Close is heavily vegetated and has limited visibility. It has been observed that this has the effect of limiting vehicular speeds around the corner in question, leading to traffic from the south proceeding with caution as it enters Friars Close.
- 8.120 Friars Close is already subject to occasional obstructions in the area outside the site, for instance through traffic traversing the centre line as it passes parked cars, and there are no records of any collisions arising from this situation in the last 5 years. As such, the proposed arrangement where the refuse vehicle waits on the road intermittently whilst servicing the site would not raise significant highway safety concerns. Further speed calming measures around this corner can be added to the Section 278 agreement if agreed to be necessary, to help reduce the risk of conflict and improve safety on the highway.
- 8.121 Overall, it is considered that the proposal would deliver a safe and suitable access and is acceptable in highway safety terms.

vii) Street trees

- 8.122 The proposal would result in the loss of four street trees. Three of these are category U trees and one is a category C tree. The removals are necessary to provide high quality and permeable access to the development. Mitigation will be required to account for the loss of these trees, through additional planting in locations in close proximity to the site. This comprises an obligation in the draft heads of terms.

Overall Conclusion – Transport and Highways

- 8.123 The proposal would not have an unacceptable impact on highway safety. It provides a good standard of cycle parking and the site is well located for zero parking development. However, it does not deliver policy compliant disabled parking, and the refuse collection takes place on the road which does accord with London Plan Policy T7. These are matters that need to be weighed against the

public benefits of the development, namely through the provision of affordable housing, a matter which will be returned to in Section 9 of the report.

I. TREES LANDSCAPING AND ECOLOGY

- 8.124 London Plan (2021) Policy G1 requires that development proposals incorporate elements of green infrastructure to deliver multiple benefits. London Plan (2021) Policy D8 relates mainly to public realm proposals but includes the principle that landscaping, including planting, street furniture, and hard-surface materials, should be of good quality. Policy 80 of Waltham Forest Local Plan LP1 (2024) requires development proposals to take account of existing trees on site and adjoining land, retaining any significant trees and re-provide the amenity, canopy, habitat and biomass of the existing trees through the planting of significant mature trees within the proposed scheme.
- 8.125 London Plan Policy G5 requires major development to contribute to the greening of London, whereby the Mayor's recommended target Urban Greening Factor (UGF) score is 0.4 for developments that are predominately residential. Policy 79 of the Local Plan also seeks developments to achieve a UGF score of 0.4.

Existing Trees

- 8.126 The proposal identifies a need to fell one category B and five category C trees along with some existing vegetation on the site in order to facilitate the proposed layout, additionally five retained trees will require alteration to permit construction access. Of the trees to be removed, one tree- T005 - a purple Norway Maple tree is considered to be of particular value which was identified in consultation with the Council's urban greening officer.
- 8.127 The applicant was asked in the course of the application to consider whether tree T005 could be retained. This would necessitate a change to the building footprint resulting in the loss of 13 bedspaces across the gross internal area, which would in turn have a significant impact on the viability of the proposal, which is delivering 100% affordable housing.
- 8.128 Mitigation for the loss of the tree is achieved through replacement planting further away from the footprint of the building and closer to the adjacent road, which is considered to represent a more appropriate long term solution. This is alongside a wider landscaping strategy encompassing replacement planting across the site.

Landscaping Strategy

- 8.129 To mitigate the impacts of the trees that are to be lost, and to assimilate the building into its local environment a landscaping strategy has been devised. This seeks to retain mature trees and landscaping features bounding Larkshall Road and Friars Close, enhanced with further planting to develop a strong green buffer to the adjacent road. Existing trees away from the site, that provide separation to Boothby Court are retained, and further trees are planted across the site within the areas of amenity space being created in the development.



Figure 14 – landscaping strategy

8.130 Overall, the landscaping strategy submitted with the application sets out an intention to increase the tree cover across the site to 24, thus mitigating the impact of the loss of 7 trees and with the associated potential to improve the environmental quality of the site. The level of detail provided in terms of landscape is at this stage at a high level and it is recommended that a hard and soft landscape design is secured by way of planning condition, along with the securing of existing tree protection plans.

Urban Greening Factor

8.131 London Plan Policy G5 requires major development to contribute to the greening of London, whereby the Mayor's recommended target Urban Greening Factor (UGF) score is 0.4 for developments that are predominately residential. Policy 79 of the Local Plan also seeks developments to achieve a UGF score of 0.4.

8.132 The Urban Greening Factor is a tool to evaluate the quality and quantity of urban greening. It enables major developments to demonstrate how they have included urban greening as a fundamental element of site and building design. In this case the proposals achieve an Urban Greening Factor of 0.4 which is a positive, policy compliant element of the development.

Biodiversity Net Gain

8.133 Whilst the application was submitted prior to the introduction of statutory Biodiversity Net Gain (BNG), the urban greening officer advises that the scheme would comply with the 10% requirement which is standard now across application types.

Ecology

8.134 London Plan Policy G6 requires that development proposals manage impacts on biodiversity. Local Plan LP1 Policy 81 states that proposals should seek to protect

and enhance biodiversity and geodiversity resources in the borough and will ensure that all development should maximise opportunities to create new or make improvements to existing natural environments, nature conservation areas, habitats or biodiversity features and link into the wider green infrastructure network.

- 8.135 A Preliminary Ecological Appraisal (PEA) was submitted in support of the planning application. This assessed the habitat potential of the site. It was found that there is moderate habitat value for roosting bats, and further emergence surveys were recommended to establish the exact extent of bat presence on the site. The applicant intends to carry these out prior to any formal decision being issued by the Council. In the event that bats are found on the site, a license will be required from Natural England for their removal prior to the commencement of any works, and if necessary further conditions will be imposed reflecting this.
- 8.136 The PEA also established some potential for hosting nesting birds along with reptiles and hedgehogs. The presence of these species on the site is reflected in the detailed design of habitat enhancement measures as set out in the submitted Ecological Enhancement Management Plan. These include a hibernaculum of earth, logs and stones to provide a refuge and hibernation site for herptile enhancement; the installation of bat boxes, an external lighting strategy that is sensitive to bats; bird and bee boxes, a beetle 'loggers' and a hedgehog house.

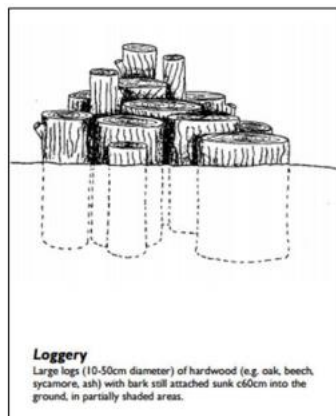


Figure 15 – A beetle 'loggers'.

- 8.137 Measures are also set out for post development monitoring, management and maintenance over a 25 year period. It is recommended that the exact location and number of habitat enhancement measures are agreed in response to a planning condition, but subject to these being installed and retained, the biodiversity and ecological value of the site should increase significantly as a consequence of this development.

Epping Forest Special Area of Conservation – Appropriate Assessment

- 8.138 A shadow Habitats Regulation Assessment was prepared by the applicant dealing with the impacts of the proposal on the Epping Forest Special Area of Conservation ("SAC"). This has informed the 'appropriate assessment' under the Habitats Regulations 2017 which forms this part of the report.
- 8.139 The qualifying features of the Epping Forest SAC from which its special interest is

derived are Atlantic acidophilous beech forests; European dry heaths and Northern Atlantic wet heaths; and the qualifying species are the stag beetle. The Conservation objectives are to ensure the integrity of the site is maintained or restored.

- 8.140 Potential likely significant effects are identified as arising from additional recreational pressure (additional population accessing the SAC for recreational purposes), and urbanising effects, specifically cat predation, fires and fly tipping. Other ways in which the development would have a likely significant effect on the SAC is through construction dust, and visual impact, specifically due to artificial light.
- 8.141 In this case the development is around 750 meters away from the boundary of the SAC. The separation distance is such that there are no pathways for impacts of construction and site specific urbanisation to result in impacts on the SAC. The intensified residential use of the site will however result in increasing recreational pressure on the Epping Forest.
- 8.142 Mitigation for this can be achieved through a financial contribution to a Strategic Access Management and Monitoring Strategy which sets out a fully costed set of measures to be delivered in the forest itself, ranging from interventions like repairing and improving paths and trackways to protect the special interest of the SAC. A financial contribution of £627 per unit is payable for this purpose and the applicant has agreed to this, and this can be secured through the Section 106 agreement.
- 8.143 Secondly, the Council has developed a strategy for Sustainable Alternative Natural Greenspaces which provide alternative locations for recreation and leisure to the Epping Forest SAC, thus reducing recreational pressure on it. The Council has set this out in a published SANGS strategy with costed improvement measures. As the development forms social housing, it is not liable for Community Infrastructure Levy payments which would normally fund these measures. However, it has agreed to provide a financial contribution towards SANGS measures as part of the Section 106 agreement.
- 8.144 Consequently, as a result of the avoidance and mitigation measures set out above, the proposed development would not result in any adverse impact on the integrity of the Epping Forest Special Area of Conservation. The proposal is acceptable in this respect and there is no conflict with the requirements of the Habitats Regulations.

Overall Conclusion – Trees, landscaping and Ecology

- 8.145 In conclusion, the proposal is considered to be acceptable in terms of its impact on trees, landscaping and ecology. It complies with relevant planning policies that support ecological and biodiversity enhancements including London Plan policies D8 and G1, together with policy 80 of the adopted local plan.

J. ENERGY EFFICIENCY AND SUSTAINABLE DESIGN AND CONSTRUCTION

- 8.146 All major developments are expected to achieve zero carbon standards including a minimum 35% reduction on the Building Regulations 2022 Target Emission Rates achieved on-site, in accordance with London Plan Policy SI2, The London Plan sets out a CO2 reduction minimum, for regulated emissions only, at 35% and target of 50% against Building Regulations 2021 using SAP10 carbon factors as calculated using the GLA Energy Reporting Tool. It also requires domestic units to

achieve 10% and non-domestic to achieve 15% of this target through Be Lean measures.

- 8.147 Policy SI 2 requires major developments to meet minimum targets for carbon dioxide emission reductions, where a minimum on-site reduction of at least 35% beyond Building Regulations is required. Residential development should achieve 10% and non-residential development should achieve 15% savings, through energy efficiency measures alone.
- 8.148 Policy 87 of the Adopted Local Plan requires all new build developments to achieve a minimum of a 35% reduction in carbon emissions below Part L of the Building Regulations on site, targeting net zero carbon where possible, including at least a 10% reduction through energy efficiency measures alone for residential development, and 15% for non-residential development. Policy 88 requires all major developments to install a communal heating system and either connect into a district heating network or “future-proof” for connection.

Energy measures

- 8.149 The submitted energy statement outlines measures that reduce energy demand and increase the environmental performance of the building. Be Lean measures include the selection of materials with lower U values and minimisation of air permeability, natural ventilation and a design concept that provides passive control of solar gains, together with low water consumption. There will be a communal low temperature heating system from air source heat pumps with low energy lighting, and the building will be connection ready should a new Local District Heating Network become available in the future. Cumulatively the proposed building is predicted to achieve a carbon reduction of over 40% beyond building regulation requirements.
- 8.150 The application has been referred to the Council’s sustainability advisor who has recommended conditions and appropriate Section 106 terms to ensure the development delivers the intended carbon reductions. This is reflected in the recommendations of this report.

Water Efficiency

- 8.151 Water saving measures and equipment are also expected to be incorporated into the design of new development, reflected in London Plan Policy SI 5 and Policy 89 of the Local Plan. 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). No detail is provided on this in the application. However the matter can reasonably be controlled by way of planning condition requiring compliance with these well established standards. Subject to this there is no conflict with London Plan Policy SI5 or policy 89 of the Adopted Local Plan.
- 8.152 Overall the measures proposed within the planning application clearly comply with the thrust of policy towards energy efficiency and sustainability and the delivery of these can be secured through planning condition or planning obligations. As such the proposal complies with relevant London Plan and Adopted Local Plan policies in relation to this issue.

K. FLOOD RISK AND DRAINAGE CONSIDERATIONS

- 8.153 London Plan (2021) Policies SI 12 and SI 13 outlines that development proposals should minimise and mitigate flood risk and incorporate appropriate provisions for drainage, following the London Plan drainage hierarchy and other priorities. Policy 91 of the Waltham Forest Local Plan LP1 (2024) sets out various requirements for developments to manage flood risk, including aiming to achieve greenfield run-off rates via the maximisation of Sustainable Urban Drainage Systems (SuDS).
- 8.154 The applicant has submitted a Flood Risk Assessment that explains that the site is in Flood Zone 1, so has a low general risk of flooding. It also explains that there is no significant surface water flood risk and not significant risk of groundwater, Sewer or reservoir flooding. This has been checked against the data on the gov.uk website and remains correct at the time of writing the report. Consequently no further flood risk mitigations are needed to make the development acceptable in planning terms.
- 8.155 Considering Drainage, the FRA sets out an intention to construct a SUDS scheme at the site including Rainwater Harvesting, Green Roofs, bioretention systems, retained trees and pervious pavements. An attenuation storage tank is shown on the plans located to the west of the site to store rainwater and manage the discharge of water from the site. The detail provided on the SUDS scheme at this stage is limited and this is reflected in the comments from the Leal Local Flood Authority however the information submitted is sufficient to demonstrate the principle of the arrangements proposed is acceptable. Further detail on surface water drainage can be provided in response to appropriate planning conditions.
- 8.156 Overall the impact on Flood Risk and Drainage is considered to be acceptable, subject to conditions. The proposal complies with policies SI12 and SI13 of the London Plan and Policy 91 of the Adopted Local Plan, in this respect.

L. ENVIRONMENTAL IMPACT CONSIDERATIONS

- 8.157 Developments are required to create healthy and sustainable places and communities by ensuring that development conforms to appropriate environmental standards, including contamination, air quality, noise, light, and water quality.

Ground Contamination

- 8.158 Policy 90 of the adopted Local Plan seeks to manage contaminated land, with a site investigation and desk based research undertaken. New development must address the impacts of contaminated land to be acceptable in planning terms.
- 8.159 To this end the applicant submitted a preliminary contaminated land risk assessment, which is a desk based survey. It concludes that, based on a historic analysis of development of the site as a hospital the likelihood of hazards or contaminants impacting on the development is low to moderate. It recommends that an intrusive investigation is carried out prior to redevelopment to undertake a more detailed assessment of these risks.
- 8.160 The environmental health officer has considered this report and recommended conditions that ensure such investigation is carried out and, if necessary, remediation occurs to address any potential risk to the health of future occupants by way of contaminants. Subject to these conditions there is no conflict with the requirements of policy 90 of the Adopted Local Plan which, amongst other things, seeks to manage contaminated land.

Air Quality

- 8.161 London Plan SI 1 sets out rigorous air quality standards for new development, including that it must be at least air quality neutral. It also puts in place requirements for during the demolition and construction phases of development. Policy 88 of the Waltham Forest Local Plan LP1 (2024) states that new developments should mitigate any adverse air pollution impacts and be supported by Air Quality Assessment (AQA). It should be noted that the site is in the Waltham Forest Air Quality Management Area (AQMA), which covers the entire Borough and is in place due to vehicle emissions. Developments which may have a significant impact on air quality or, in an area where the existing air quality environment is poor or will have a significant impact on the development; will require a contribution towards implementation of the Air Quality Action Plan.
- 8.162 An air quality assessment was undertaken in support of the planning application. It concludes that the impact of the proposal on the local environment is likely to be insignificant. The development is considered 'air quality neutral' from a building emissions perspective but not from a transport emissions perspective. Whilst some mitigation is being delivered (namely cycle parking, landscaping and planting) this does not entirely offset the air quality impact so an offset payment is necessary to achieve air quality neutrality under terms of planning policy.
- 8.163 The development will also lead to short term air quality impacts through dust generated in the construction process but these impacts can be mitigated through a condition requiring a Construction Environmental Management Plan. The air quality offset payment has been calculated and is reflected in the heads of terms of the section 106 legal agreement.
- 8.164 As such, subject to these mitigation measures, the proposal can achieve air quality neutrality and complies with London Plan Policy SI 1 and policy 88 of the Adopted Local Plan which, amongst other things, seeks to achieve air quality neutrality.

Noise and Vibration

- 8.165 Policy 50 of the Waltham Forest Local Plan LP1 (2024) states that developers will be required to demonstrate the impact of their developments on the noise environment and, where appropriate, provide a noise assessment. It goes on to say that the layout, orientation, design and use of buildings should ensure that operational noise does not adversely affect neighbours, particularly noise-sensitive land uses such as housing.
- 8.166 The proposal comprises residential development in a site largely surrounded by roads and existing healthcare uses. It would not generate significant noise such that mitigation is required to address its impacts on any sensitive receptors outside the application site. It is noted that there is an air source heat pump array on the roof but this is set well away from any neighbouring residential property. The noise impacts of this plant would be concentrated within the development itself.. Otherwise the submitted noise assessment does not deal with the impact of the proposal on surrounding residential properties but given the characteristics of the development there is no reasonable need to undertake such an assessment.
- 8.167 Noise arising during the construction process can be mitigated through a construction logistics plan and construction environment management plan, both required by way of planning condition. Overall, in the particular circumstances of

this case there would be no conflict with policy 50 of the Adopted Local Plan which, amongst other things, seeks to ensure existing occupants of residential accommodation are not adversely affected by noise.

External Lighting

- 8.168 Policy 50 of the Waltham Forest Local Plan LP1 (2024) states that light pollution will be minimised by design measures that would ensure external lighting schemes should only illuminate intended areas. London Plan (2021) Policy D8 has similar requirements concerning lighting in the public realm. The external lighting in this case should be informed by considerations of both security and ecology with the Preliminary Ecological Appraisal identifying a particular sensitivity with bats. The matter can be dealt with by way of planning condition.

N. FIRE SAFETY

- 8.169 Policy D12 of the London Plan (2021) sets out that all developments should be accompanied by a Fire Statement. Fire statements should be submitted with all major development proposals. These should be produced by a third-party, independent and suitably qualified assessor.
- 8.170 A fire strategy was submitted with the application prepared by BWC Fire Limited. This sets out fire safety measures equal or greater than the general standard implied by the relevant building regulation requirements, also dealing with the detailed requirements of Policy D12 of the London Plan. The applicant is currently in the process of revising this plan taking account of updated regulatory requirements, which can be approved with if necessary in response to a pre commencement condition. As such the development is acceptable in relation to Fire Safety issues.

P. PLANNING OBLIGATIONS

- 8.171 Section 106 Agreements are a material consideration in the determination of a planning application. The purpose of such an Agreement is to make otherwise unacceptable development acceptable and they should only be sought where they meet all of the following tests: i) Necessary to make the development acceptable in planning terms, ii) Directly related to the development and iii) Fairly and reasonably related in scale and kind to the development.
- 8.172 The following heads of terms are recommended as per the header of this report. These have regard to planning policy and the statutory provisions that apply in relation to the use of Section 106 agreements.

9. PLANNING BALANCE AND CONCLUSION

- 9.1 Under Section 70 of the Town and Country Planning Act 1990 the Council must make a decision in accordance with the development plan unless material considerations indicate otherwise. In this assessment the development plan must be considered 'as a whole'.
- 9.2 In this case the report identifies three areas where there is a degree of conflict with the development plan. There is a limited degree of conflict with policy 21 of the adopted local plan, as the proposal represents a loss of specialist housing, and it has not been demonstrated that the site could not be viably redeveloped for a replacement specialist housing development. Secondly, the height of the building

on the Friars Close elevation creates a degree of conflict with the Council's policies on design, as discussed in this report. Finally, the approach to servicing, where the refuse lorry services the site from the road, results in a degree of conflict with policy T7 of the London Plan, which seeks to achieve servicing inside the red line of the site.

- 9.3 In other respects however the proposal is acceptable. It provides a high standard of living accommodation with appropriate landscaping. Most significantly it provides a significant quantum of affordable housing, so subsidised housing for residents that are unable to have their housing needs met by the open market. The latter point in particular is one that weighs very heavily in favour of the proposed development. In officers view, it is a material planning consideration that outweighs the identified conflict with the development plan. As such, the conclusion of this report is that planning permission should be granted subject to conditions and Section 106 clauses identified in this report.

10. ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

- 10.1 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.
- 10.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 10.3 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered and may be balance against other relevant factors.
- 10.4 It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights:

- 10.5 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.

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

11. RECOMMENDATION

- 11.1 The Planning Committee is recommended to GRANT planning permission subject to conditions and informatives, and the completion of a Section 106 Agreement with the Heads of Terms as set out in paragraph 1.1 of this report.
- 11.2 That authority to be given to the Assistant Director of Development Management and Building Control in consultation with the Council's Legal Services for the sealing of the Legal Agreement and to agree any minor amendments to the conditions or the Legal Agreement on the terms set out above.

PLANNING CONDITIONS

1. Development within 3 years
2. Development in Accordance with the Approved Plans
3. Details of materials
4. Details of doors and windows
5. Details of boundary treatments
6. Details of balconies
7. Details of soffits
8. Details of bay studies.
9. Detailed drawing of substation
10. Details of windows facing booth court with 1.7 m height obscure glazing, non openable below that.
11. pre commencement condition requiring details of plant details and attendant noise control provisions to be submitted to and approved by the LPA.
12. Sound insulation, ventilation and cooling strategy responding to any material risk of overheating to be approved by way of planning condition.
13. Wheelchair unit compliance (M.43)
14. Secure by design/crime prevention standards
15. Secure by design – certificate of compliance
16. Access control measures – approved and secured for the lifetime of the development if replaced to be approved by the local planning authority.
17. Highway surveys
18. Detailed Construction Logistics Plan
19. Waste strategy and Servicing Management Plan
20. car Park Management Plan Condition
21. Drainage Condition
22. Travel Plan Condition
23. Boundary Treatment Condition.

24. Cycle Parking (Details and retention)
25. Waste Storage (details and retention)
26. Provision of 1x EV charging point and passive provision for the additional parking space.
27. Tree Protection Plan
28. Hard and Soft Landscaping (if required) inc planting plan.
29. External lighting condition
30. Habitat enhancement measures
31. Development in accordance with PEA
32. Carbon condition
33. Supplementary overheating report (subject to comments from sustainability)
34. Target water use 105/l day
35. Construction Environment Management Plan
36. Non Road Mobile Machinery compliance.
37. Contaminated Land Condition
38. Fire safety report
39. Details of built in storage to comply with Nationally Described Space Standards
40. Details of Child Play space

Informatives

1. Statement of Positive engagement:
2. Construction Logistics Plan:
3. Protected Species informative:
4. Utilities Infrastructure
5. Any other informatives considered appropriate.