

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 4 th March 2025
Application reference:	242383
Applicant:	London Borough of Waltham Forest
Location:	Railway Arches (Nos. 5-20), Courtenay Place, Walthamstow, London E17
Proposed development:	Change of use of Arches 5-20 to a flexible use comprising Class E (Commercial, Business and Services) and Sui Generis (drinking establishments and drinking establishments with expanded food provision) along with external alterations including facade treatments with associated works.
Wards affected:	High Street
Appendices:	None

1 RECOMMENDATION

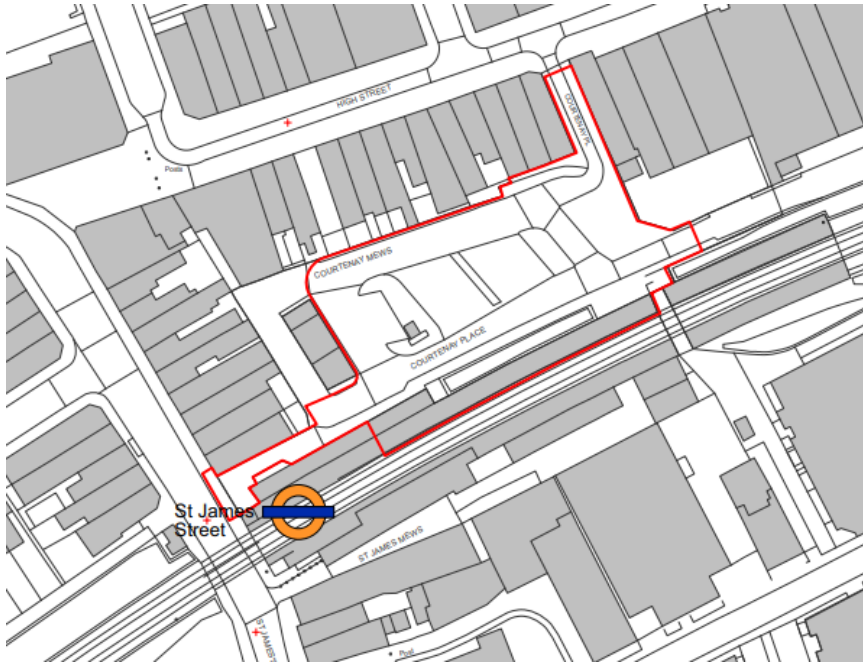
1.1 That planning permission is GRANTED subject to conditions and informatives.

2 REASONS REFERRED TO COMMITTEE

2.1 The Council is the applicant.

3 SITE AND SURROUNDINGS

The application relates to the south of Courtenay Place, the subject site comprising 16 arches situated under the railway line of the adjacent St James Street overground station and opposite the Courtenay Mews bus station. The High Street is located to the north of the site and access can be achieved through Courtenay Place. The arches are currently blocked up with access restricted by wired fencing and are in the most part obscured by an area of overgrown vegetation.



Location Plan

- 3.1 The arches themselves are not afforded any statutory or local designation. The site does not lie wholly within the Walthamstow St James Conservation Area, however it does extend around the subject site to the north, west and east. As such, it is considered that the site contributes to the setting of the Conservation Area.
- 3.2 The subject site has a Public Transport Access Level (PTAL) of 4 owing to its proximity with bus and overground stations. The site has a low probability of flooding being located within Flood Zone 1.
- 3.3 The surrounding area is of a mixed character, the rear of residential properties with commercial uses on the ground floor fronting High Street backing onto the Mews to the west and north, with the predominant feature being the bus station. The property is not located within a Conservation Area, is not listed and is not subject to an Article 4 direction other than the Borough-wide change of use from Class C3 to C4.



Image of arches as existing behind the land bank or bricked up.

4 APPLICATION PROPOSAL

- 4.1 The application seeks planning permission for refurbishment and change of use of the vacant railway arches to flexible uses including Class E (Commercial, Business and Services) and Sui Generis (drinking establishments and drinking establishments with extended food provision).
- 4.2 The external alterations are separated into the following Arch groups:
- Façade Type 1- Arches 5-7 & 10-20:
 - Replacing blocked up facades with new glazed 'shopfronts' with low brick stall riser.
 - Installation of asymmetrical and paired doors with entrance hoods
 - Fascia signage zones and façade lighting comprising ground mounted LED uplighters for viaduct piers, linear lights for signage and downlights within the entrance hoods.
 - Façade Type 2 – Arches 8 & 9:
 - Replacing blocked up facades with new metal cladding panels/frames and doors to create two service arches accommodating welfare facilities (Arch 8) and accessible toilet and bin store (Arch 9)
- 4.3 The proposed development includes the installation of a dedicated loading bay directly opposite arches 11-14.
- 4.4 There are wider works proposed to the site including public realm improvements, however these do not require planning permission and are therefore not subject of this application. The red line has been amended over the course of the application to include the full site and ensure any Biodiversity Net Gain features can be captured within the red line boundary. Re-consultation to the public was undertaken.

5 RELEVANT SITE HISTORY

5.1 Planning:

- Ref. 090483 – Full Planning - Installation of an 11.7 metre telecommunications pole with equipment cabinet and electric meter pillar as shown on drawing nos. R101 to 103 received on 23 April 2009. - Approved
- Ref. 030137 – Full Planning - Installation of portacabin for use as drivers mess room and retention of bus stop and shelter. - Approved
- Ref. 021182 – Full Planning - Continuation of temporary use as satellite bus station. - Approved
- Ref. 000065 – Full Planning - Temporary use of land as satellite bus station for two years including demolition of existing garages and stall. - Approved
- Ref. 830780 – Full Planning - Construction of rear access road and market stall compound. - Approved
- Ref. 830779 – Full Planning - Construction of rear access road and market stall compound - Approved.

5.2 Pre-application:

PRE_24_0179 – Advice given:

- *“In summary the proposed development is acceptable in principle and the opportunity to improve the physical environment in this location is welcomed. However, to ensure the scheme is supportable at Officer level, the details must be of high quality and consolidated to ensure proper assessment of the overall scheme. The requested detail including consolidated and clearly plotted plans, landscaping, ecological, highways and technical matters such as operations and servicing for earmarked uses of the units, as detailed in this advice letter must be included with any forthcoming application.”*

5.3 Enforcement:

None relevant to this subject site

5.4 Adjacent/neighbouring sites:

None relevant to the proposal

6 CONSULTATION

6.1 Public Consultation

A site notice was displayed, dated 8 October 2024. Further consultation period was undertaken following amendment to the red line to accommodate Biodiversity Net Gain provision. A total of properties 481 were consulted by the Local Planning Authority, these are identified on the below map:



The Council received 4 representations, though some were found to be duplicated, therefore resulting in 3 objecting addresses.

Objection Received	Officer Response
Blocking balcony view.	The built form in terms of structures will remain largely the same as existing given the proposal seeks to open currently vacant railway arches. As such, outlook from any nearby properties is not adversely impacted. The amenity impacts are discussed later in this report.
Further detail required regarding businesses proposed within the arches and idea of demographics.	Permission is sought in relation to use classes rather than specific businesses. Ultimately the acceptability of the proposed use classes is assessed, and arches offered to potential businesses on that basis.

The applicant team also undertook public consultation process through engagement events prior to submission of the application. This included a Community Stakeholder Workshop in June 2024, High Street Pop-Up Event in July 2024 and an Online Public Survey from 12 July to 15 August 2024. The key themes raised in the consultation activities included:

- More lighting, surveillance and activation of the site to improve perception of safety

- Green and tree planting
- Support for the opening of the arches and artwork opportunities surrounding the arches
- Removal of pests and general improved maintenance of the site

6.2 Statutory Consultation

Consultees	Response
Design	<p>The proposal is broadly acceptable in that it would create an active frontage in a town centre location, providing commercial and entertainment uses to an unused site.</p> <p>Consolidation of waste and WC facilities considered to be appropriate in design terms. Façade setback and stall risers are welcomed to reflect high quality design appropriate to reflect the function. Proposed signage zones are appropriately scaled and the folded metal canopy hoods are a high quality design feature.</p> <p>The colour palette relates to the local context and proposed design code is welcomed as reflecting the character of the local neighbourhood as well as ensuring visual consistency across the scheme and as the development is phased.</p> <p>Overall, the proposal is considered to preserve and enhance the setting of the nearby St James Conservation Area and no harm is identified to the setting of the Conservation Area, in light of the quality of the design and sensitivity of the development approach.</p> <p>Informative is recommended to remind applicant of requirement for advertisement consent and conditions to secure design code implementation.</p>
Highways	<p>Publicly maintainable footway behind loading bay acceptable at 1.5 metres, however elsewhere should be 2 metres.</p> <p>Please provide TfL agreement to the layout of the loading bay and swept path drawings.</p> <p>The necessary highway works to facilitate this application are -</p> <ul style="list-style-type: none"> • the provision of a loading bay, with lines, signage and TMO's changes • the renewal of the public footway • elements of landscaping with SuDS and possible attenuation.

Consultees	Response
	<p>Wider highway and public realm works are also included as part of the public realm scheme including landscaping, changes to signage, road markings, street lighting improvements, new areas of footway or carriageway.</p> <p>Outline CLP is not yet agreed, however the requested details are with the Applicant Team. The safety of bus services and bus passengers needs to be demonstrated via the design and road safety audit process, the Outline and Detailed CLP's will need to address how works access will mitigate adverse impacts on the network at this location.</p> <p>Condition the following details:</p> <ul style="list-style-type: none"> • Stage 1 and 2 Road Safety Audit • Sustainable drainage strategy • Lighting strategy <p>Clarifications requested to the drawings including:</p> <ul style="list-style-type: none"> • Blue area meaning to the key • Gap between public highway and building activation zone • Location of stud installation on pink not green line • Soft and hard landscaping clarified
Urban Greening and Trees	<p>The amended red line now aligns with the red line used in the ecological reports, the baseline BNG and projected post development habitat improvements are therefore now acceptable. The projected outcome is based only on the proposed rain gardens and sand gardens which would achieve a 208% increase in habitat units.</p> <p>The inclusion of trees as part of the proposed landscaping has not been considered by the metric which would increase the biodiversity outcomes, however it is acknowledged that this is subject of the separate public realm works and could be secured through soft landscaping condition as part of the urban greening improvements.</p> <p>Proposal is supported in principle subject to conditions to secure Biodiversity Net Gain.</p>
Metropolitan Police	The applicant team met with MET on 15/10/2024 to provide advice on the requirements to meet Secure by Design Certificate.

Consultees	Response
	No objections in principle to the proposal subject to inclusion of condition to achieve Secure By Design Accreditation.
Transport for London	Clarifications required regarding the proposed servicing arrangement for the arches and potential conflicts with bus movements, swept paths have been reviewed and discussions ongoing.
Transport for London (London Underground/DLR) Infrastructure	No comment.
Historic England	On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England's Greater London Archaeological Advisory Service under their consultation criteria.
London Fire Commissioner	The London Fire Brigade (LFB) has been consulted regarding the above-mentioned premises and have no further observations to make. It should be ensured that if any material amendments to this consultation is proposed, further consultation may be required.

7 DEVELOPMENT PLAN

The London Plan (2021)

7.1 On Tuesday 2nd March 2021 the Mayor of London published the replacement London Plan. From this date it forms part of the Development Plan for the purpose of determining planning applications. The 2021 London Plan supersedes the 2016 London Plan, which no longer has any effect. The relevant policies within the London Plan 2021 are:

- GG2 Making Best Use of Land
- D1 London's form, character and capacity for growth
- D4 Delivering good design
- D8 Public Realm
- D14 Noise
- E2 Providing suitable business space
- HC5 Supporting London's culture and creative industries
- HC6 Supporting the night-time economy
- G6 Biodiversity and access to nature
- SI 2 Minimising greenhouse gas emissions

- Policy SI8 Waste capacity and net waste self-sufficiency
- SI 13 Sustainable Drainage
- T4 Assessing and mitigating transport
- T5 Cycling
- T7 Deliveries, Servicing and Construction

Waltham Forest Local Plan LP1 (2024)

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

- Policy 10 Central Waltham Forest
- Policy 34 Railway Arches
- Policy 35 Promoting Culture and Creativity
- Policy 44 Evening and Night-Time Economy Uses
- Policy 45 Shopfronts and Signage
- Policy 53 Delivering High Quality Design
- 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 65 Construction Logistics Plans
- Policy 66 Managing Vehicle Traffic
- Policy 85 A Zero Carbon Borough
- Policy 91 Managing Flood Risk
- Policy 93 Waste Management

8 OTHER MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework (2024)

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

For decision-taking the NPPF states that the presumption means "approving development proposals that accord with an up-to-date development plan without delay" and where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless "...any adverse impacts would significantly

and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The NPPF gives a centrality to design policies. Local planning authorities (LPAs) are to make sure that the quality of approved developments does not materially diminish “between permission and completion, as a result of changes being made to the permitted schemes.”

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

- Delivering a sufficient supply of homes
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land
- Achieve well-designed places
- Conserving and enhancing the natural environment

Other Planning Guidance

- 8.2 Supplementary Planning Document Urban Design (2010)

Local Finance Considerations

- 8.3 Local Finance Considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL).
- 8.4 The Council received a Levelling Up Funding of £17.2m from the Department of Levelling Up Housing and Communities (DLUHC) in March 2023 for improvements to public spaces in High Street, Hoe Street and St James Street.

9 ASSESSMENT

- 9.1 The main issues for consideration, in relation to the proposed development are as follows:
- A. Principle of development
 - B. Design and Character
 - C. Safety and Security
 - D. Amenity
 - E. Highways
 - F. Waste management
 - G. Landscaping and Ecology

A. Principle of development

- 9.2 The National Planning Policy Framework (NPPF) at paragraph 85 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt with significant weight placed upon the need to

support growth and productivity. Paragraph 86 specifically notes the importance of local policies and decisions for economic development; the need to address potential barriers and the importance of allowing new and flexible approaches to changing work practices and economic circumstances.

- 9.3 Policy 34 of the Local Plan specifically relates to development within railway arches and that this is to be supported, particularly where this results in promoting improvements to the appearance of the arches through upgrades and active frontages. The development would occupy empty railway arch units within Courtenay Place, an area that would benefit from the redevelopment and refurbishment to activate the public realm in this area, creating a safe and enjoyable place as well as providing employment opportunities and stimulating the economy.
- 9.4 Policy 10 of the Local Plan LP1 at C.ii. specifically states support for proposals that seek to establish and consolidate the development of a cultural quarter and evening economy at the eastern end of the High Street and a residential neighbourhood, with retail, leisure, evening economy and community and health infrastructure as a part of the emerging St James Quarter at the western end of the high street, whilst preserving or enhancing the St James Conservation Area and recent heritage shopfront and public realm investment. There is a clear aspiration within the adopted plan to deliver social and economic improvements through development within the St James Street area, as proposed through the change of use of the arches and activation of the subject area.
- 9.5 Policy 34 states that B2, B8, Class E and drinking establishment uses in arches outside of designated employment locations, especially with proximity to stations, in Town Centres, or as part of wider regeneration schemes are supported. No objection is raised to the principle of Class E and Sui Generis uses in this location with direct pathways from the retail parade to the site as well as the bus station to the north of the arches. Given the improvements to pedestrian movements within and to and from the site through public realm works, there is in principle support for the scheme.

B. Design and character

- 9.6 The NPPF (2023) states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policies D4 and D6 of the London Plan (2021) states that development should be of a high quality of design and placemaking. Policy 53 seeks to ensure that development responds appropriately to its context in terms of scale, height and massing, enhancing local character in relation to the architectural integrity of the area.
- 9.7 The existing site comprises the railway arches, currently partially infilled with land bank and access restricted by metal fencing. The site at present is conducive to anti-social behaviour given the lack of natural surveillance, despite being a location of opportunity given the key transport accessibility of the bus station immediately fronting the railway arches and the above St James Street

Overground Station. The site is also accessible from footpath off the High Street to the north, within the High Street Conservation Area, and a pedestrian passage to the south of the site under the railway lines, providing access to St James Quarter which is allocated under Local Plan Part 2 Site Allocation document to provide new homes, workspace, community, cultural and town centre uses, as well as new and enhanced public realm and biodiverse open spaces. Though the plan is not adopted and afforded full weight in decision making, it is a material consideration in terms of understanding the aspirations of the area and affirms that the proposal would align with the strategic objectives of the Borough.

- 9.8 The proposal would involve the removal of earth and opening up of the arches to provide a mix of commercial units and drinking/eating establishments. This is supported in principle as the new uses will increase footfall around the area, providing active frontage and placemaking benefits.
- 9.9 The development would improve the connectivity for pedestrians, noting the wider pedestrian spaces to the frontage of the arches as well as the key routes being considered in terms of access to the High Street and the station. Given the increased activity through the introduction of commercial and retail uses within the arches, the associated movements, management/maintenance and lighting will by extension provide additional security to users of the space. The area is currently underused and negatively impacts the streetscene, the proposal offers visual improvements to the townscape through the use of a design code to ensure cohesive approach to the appearance of the activated arches. The use of a design code also provides some assurance that there will be a visual and operational consistency across the different phases and sections of the arches refurbishment programme.
- 9.10 The design code itself has taken reference from the nearby Conservation Area context, including nearby shop fronts, the Overground's recessed brick details and Warner Estate double entrance doors. The colour palette has also drawn from Warner green and the station's dark orange brick. This is considered appropriate in reflecting the viaduct's visual dominance but also references the design guidelines of Network Rail and TfL. The design guide focusses on the following key elements across the two arch types:
1. Shadow Gap and Structure: The arch frontage is set back from the viaduct structure via a shadow gap that also conceals a structurally independent metal frame.
 2. Asymmetrical & Paired Doors: 1m wide doors, placed asymmetrically in pairs, create shared entry zones that foster user interaction, community, and safety.
 3. Glazed Shop Front: Glazing above and below the signage allows for diffused north light and visibility into the premises, with solid panels and openable glazing offering privacy and ventilation.
 4. Stallriser: A durable brick low wall protects the façade from impact and weathering and is rendered to allow for potential community artwork commissioned by LBWF.

5. Entrance Hood: Each door features a projecting wedge-shaped metal hood for weather protection and visibility, with an LED downlight to enhance safety and deter antisocial behavior.
6. Signage Zone: Signage is positioned above the glazing and aligned with the entrance hood, featuring a 200mm high text zone with 100mm margins. Only stenciled or painted signage is allowed; illuminated, lightbox, 3D, or folded tray signs are prohibited.
7. Ventilation Zone: A minimum 0.25m² area above the entrance hood must remain clear for natural ventilation. The louvre can be replaced for future mechanical ducting.
8. Façade Lighting: Three-layer façade lighting includes in-ground LED uplights for the viaduct piers, linear lights for signage, and downlights within entrance hoods.
9. Central Back-of-House Facilities: Communal WCs and refuse storage are centrally located, with the refuse store within 15m of the loading bay for easy access by refuse trucks.
10. Colours: A two-tone scheme must be applied across the full run of arches. One colour from the base to the signage zone, and another colour above. Green and orange will be used for the Planning Phase. Phases 2 and 3 may use different colour pairings to complement their surroundings.

Arch Type 01: Arches 05-07, 10-20



Arch Type 02: Arches 08 & 09



- 9.11 The proposal includes a consistent lighting strategy across the arches, showing linear LED signage lighting, downlighting under the entrance hood and uplighting of the piers. This is considered acceptable in terms of way finding and contributing to the improved aesthetic of the development without overbearing the area. The façade designs include standardised space for signage to maintain consistent expression across the arches, with tenant names being stenciled or painted within a designated fascia above the shop fronts. These will have a maximum text height of 200mm. Projecting signage would be double sided mounted on the viaducts prick piers.
- 9.12 The Design Officers have reviewed the scheme, supporting the proposals in design and heritage terms. The siting of consolidated waste and WC facilities

is appropriate with regards to design and functionality, the signage is accepted to be of appropriate scale and façade details are high quality. The Design Team welcome the design code and confirm that it reflects the character and heritage of the local area and ensures the visual consistency. It is concluded that the proposal overall would preserve and enhance the setting of the nearby St James Street Conservation Area and no harm is identified due to the high quality and sensitive design and finishes.

- 9.13 For the above reasons, the development is considered to comply with the design objectives of Policy 53, 70 and 72 of the Local Plan, and Policy D4 and HC1 of The London Plan.

C. Safety and Security

- 9.14 The Metropolitan Police have reviewed the application and raised no objection to the proposals, the activation of the area would deliver improvements in terms of increased footfall and natural surveillance, reducing the opportunity for anti-social behaviour through increased lighting and movements. The scheme is required to achieve Secure by Design Certification, this can be secured by condition for later approval. consultation response lays out a number of security features that need to be considered by the applicant as the certification is sought, however a number of the details relate to the wider public realm works so are not necessary to secure prior to the determination of this application that relates to the change of use of the arches themselves.
- 9.15 Therefore, subject to the inclusion of the appropriate condition, the proposal is considered to adhere to the requirements of Policy 58 of the adopted Waltham Forest Local Plan LP1 (2024).

D. Residential Amenity

- 9.16 The National Planning Policy Framework requires new development to be appropriate for its location having regard to the likely effects (including cumulative) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Where necessary, developments will be expected to mitigate and reduce to a minimum any potentially adverse noise impacts and avoid giving rise to 'significant adverse' impacts on health and quality of life.
- 9.17 Policy 57 seeks to maintain the amenity of current and future occupiers in terms of overlooking, noise, enclosure and/or the loss of daylight, sunlight, outlook and privacy.
- 9.18 The site is characterised by the adjacent railway line/station and bus stand as well as the wider context of the High Street. There are residential properties above the commercial units fronting the High Street and St. James Street, though the area is not overtly residential in nature. It is acknowledged that the proposed use would result in increased movements and activity in and around the site, however, given the current context of transport links and retail areas, and associated background noise levels, it is not considered that the new units

would give rise to any demonstrably adverse impacts upon the nearby residents.

- 9.19 The design of the arches has taken into account external impacts as a result of the new use. Type 1 arches are fitted with motorised louvre above the entrance for natural ventilation and type 2 arches would have extraction provided by a duct-mounted inline fan. The tenants would be responsible for installing additional services dependant on their needs. The lighting scheme is not invasive and is considered appropriate for purpose without impacting the nearby properties.
- 9.20 The units would not be used for night-time entertainment or related uses that would give rise to noise and disturbance within unsociable hours. Condition is recommended to restrict operational times to within 7am and 11pm to appropriately accommodate the range of uses within the proposed use classes, without allowing operations beyond a reasonable hour taking into account the context of the immediate site. Conditions are included to restrict external amplified music and noise, as well as restricting noise levels from any associated extraction systems or other site equipment within acceptable levels.
- 9.21 The objection received regarding the impact on the view from balconies is acknowledged, however the massing and scale of the existing built form on site would be largely as presently stands on the site, with the exception of the removal of existing metal fencing and earth bank.
- 9.22 Therefore, the Local Planning Authority can reasonably conclude that the proposal meets the requirements of Policy 57 of the Waltham Forest Local Plan LP1 (2024).

E. Highways

- 9.23 The NPPF (2024) states that development should take opportunities to promote walking, cycling and public transport use. Policy T1 of the London Plan (2021) states that proposals should support the delivery of the Mayor's strategic target of 80% of all trips in London to be made by foot, cycle or public transport by 2041 and requires developments to make the most effective use of land, reflecting its connectivity and accessibility by existing and future transport, walking and cycling routes and ensure that any impacts on London's transport networks and supporting infrastructure is mitigated.
- 9.24 Policy T5 of the London Plan (2021) seeks proposals to help remove barriers to cycling and create a healthy environment in which people choose to cycle by securing the provision of appropriate levels of cycle parking, which should be fit for purpose, secure and well located.
- 9.25 Policy 60 of the Waltham Forest Local Plan LP1 (2024) sets out that the Council will promote sustainable with new developments expected to contribute to more attractive, accessible, healthy and safe streets, places and neighbourhoods.
- 9.26 The application comprises a 'minor development' proposal that would be car free and where most of the trips to and from the proposed commercial premises would typically be expected to be undertaken by non-car modes of transport. Hence, the impact on the local highway network can reasonably be expected to be negligible in terms of users.

i) Highways Infrastructure

- 9.27 The subject site sits directly opposite the bus station at Courtenay Place, as such the development has taken into account the movements associated with the bus routes. The application includes a Servicing Strategy Plan showing the new loading bay to the frontage of the arches. Transport for London have been consulted on the arrangement and discussions are ongoing regarding the exact siting of the bay. Though no objections are raised in principle, there are minor details required in terms of the swept paths and the relationship between the buses turning into the station and the eastern corner of the loading bay. This matter is being addressed between the applicant team and Transport for London directly, as well as with the Council's Highway Team. Confirmation of Transport for London's agreement to the layout will be provided to the Local Planning and Highways Authority prior to any consent being issued.
- 9.28 The Highways Team have reviewed the application who requested clarifications to the plans to show the stud delineations on the ground and areas of hard and soft landscaping. Site plan has been submitted to show the stud demarcations location to provide clarity between the Highways and private land on along the footway. The areas of hard landscaping under the context of this application are provided in terms of siting, however it is acknowledged that much of the landscaping in the wider site is to be dealt with through the public realm works outside of the scope of this planning application.
- 9.29 The consultation response also sought increase in the publicly maintained footway to 2 metres, with the exception of the area behind the loading bay which shows the acceptable width of 1.5 metres. Whilst it is accepted that the proposed use would increase footfall and movements along the footway, the proposal would improve the current situation by opening up the space to the front of the arches which is currently constrained in terms of width. The proposed plans show a minimum of 1.5 metres for pedestrians along the entirety of the site, with additional space achievable at points along the length of the pavement.
- 9.30 Though a portion of space is demarked on the plans as activation zone to the immediate front of the arches for potential seating and tables associated with the new businesses, the reality on the ground, once operational, will still allow pedestrian movement within this space with an acceptable level of publicly maintainable footway adjacent to the highway. The plans also show passing places along the path, ensuring that at particularly busy times pedestrians will not be forced to walk on the road.
- 9.31 The Highways Team have also requested the inclusion of conditions to secure Stage 1 and 2 Road Safety Audit, SuDS and drainage strategy, highways works relating to TMO, lines and signage changes, lighting strategy and a condition survey in the unlikely event that the public realm works do not come forward.

ii) Construction Logistics Plan

- 9.32 The application is accompanied by an Outline Construction Logistics Plan (OCLP) and Construction Management Plan (CMP). The Council's Highways Development team requested several changes and clarifications to the submitted Outline CLP prior to the determination of the application. The

applicant team are addressing these matters with the Highways Officers and Outline CLP will be approved prior to the issuing of any approval.

- 9.33 Additionally with any forthcoming planning consent, an appropriately worded pre-commencement condition will be attached requiring the submission of a detailed CLP in accordance with Policy 65 of the adopted Waltham Forest Local Plan LP1 (2024).

F. Waste management

- 9.34 Policy SI7 of the London Plan (2021) seeks to reduce waste and support the circular economy. Policy 57 of the Local Plan LP1 (2024) states that new developments should ensure that the provision of adequate facilities for the storage, collection and disposal of refuse is well secured.
- 9.35 The proposal includes the provision of two service units within arches to the west of the site, this includes a bin store within Arch 9. This would be a secured storage area to prevent the misuse of the area. The drag distance to the loading bay would be 12 metres which is less than the maximum 15 metres indicated in guidance. The storage facility provides 1320 litres of storage, 2x 660 litre bins and 140 litre food waste bin. The Waste Officer has reviewed the provision and raises no objection to the scale or location of the storage. Accordingly, the proposal aligns with the relevant policies and is considered acceptable in terms of waste management.

G. Landscaping and Ecology

- 9.36 Policies GG1, G1 and G5 of the London Plan (2021) require new development to incorporate urban greening features such as street trees, green roofs, green walls, raingardens and nature-based sustainable drainage. Policy 79 of Waltham Forest Local Plan LP1 (2024) sets out that schemes should demonstrate a minimum 10% biodiversity net gain using the Defra Biodiversity Metric 2.0 (or subsequent version), even where development proposals do not result in biodiversity loss. Biodiversity net gain is now also a statutory requirement under the Town & Country Planning Act 1990 for most new developments.
- 9.37 During the application, the redline was amended resulting in additional public re-consultation to capture the entirety of the blue line site on a procedural basis to secure the Biodiversity Net Gain features proposed across the development site within the relevant condition as directed by the legislation.
- 9.38 The proposal has been supported by a Biodiversity Net Gain Assessment Report, Ecological Baseline, Ecological Impact Assessment Report and Arboricultural Impact Assessment. The Trees and Urban Greening Officer has had sight of the supporting documents and raises no objections to their findings or recommendations, which would be secured by condition.
- 9.39 The application sufficiently identifies no impact on protected habitats as a result of the development, though two potential impacts upon protected species (bats and birds) were identified. The Ecological Impact Assessments includes

mitigation measures and on-site habitat enhancements to overcome the potential harms.

- 9.40 The Arboricultural Impact Assessment (AIA) identifies one ground of young sycamore trees and an elder, identified as G1 for the purposes of the assessment, within the landbank to the front of the arches which would be removed as a part of the development. The AIA describes these as small, self-sown, non-native examples and that G1 would likely require removal due to the proximity to the railway, regardless of any development on the site. This loss of trees is acceptable in this context; however it will be suitably mitigated through high-quality soft landscaping scheme which can be secured through condition.
- 9.41 As the development subject of this application is one part of a larger scheme of improvement works across Courtenay Mews and Courtenay Place, it is acknowledged that there is some cross over with what is proposed under this application and what is coming forward outside of the planning remit as part of public realm works.
- 9.42 Overall, the landscaping strategy included as part of the proposal for the change of use of the arches is considered to create high quality landscape and a visually attractive environment with planting and functional amenity space.
- 9.43 The amended red line aligns with the larger red line used in the supporting Biodiversity Net Gain reports and documents, indicating an achievable 208% increase in habitat units on the basis of a conservative approach including only the rain gardens and sand gardens. The inclusion of trees as part of the proposed landscaping has not been considered by the metric, however it is acknowledged that the omission at this stage provides a degree of flexibility as the public realm scheme comes forward and it does provide an idea of what additional BNG gains could be achieved over the course of the overall phased development of Courtenay Mews. Though urban greening policies do encourage the use of tree planting, the strategy as submitted fulfils the requirements of the legislation and soft landscaping condition can capture any additional planting.
- 9.44 The overall BNG to be achieved on site is considered acceptable. A planning condition will be attached to any forthcoming consent requiring the submission of Biodiversity Gain Plan and Habitat Monitoring and Management Plan (HMMP), to demonstrate how the net gain would be achieved and managed over required 30 year period.
- 9.45 As such, it is considered that the proposals accord with Policies 79 of Waltham Forest Local Plan LP1 (2024) and GG1, G1 and G5 of the London Plan (2021) and is therefore considered acceptable.

10 CONCLUSION

- 10.1 The principle of development is considered acceptable and consistent with local and regional policies. The Local Plan is clear in that development within railway arches is to be supported, particularly where this results in promoting improvements to the appearance of the arches through upgrades and active frontages. The proposal would result in demonstrable improvements to the area through the activation of the frontages, increased footfall through the introduction of new business, visual appearance benefits in light of the high-

quality design approach and finishes, and the delivery of urban greening and Biodiversity Net Gain.

- 10.2 There are no adverse impacts identified with regards to residential amenity, taking into account the context of the site in terms of the existing retail parade, railway line and bus station resulting in a level of back ground noise, as well as the appropriate use class within a residential context. The hours of operation are to be conditioned to ensure businesses are operating within sociable hours without unnecessarily restricting the variety of tenants within the arches.
- 10.3 No technical objections have been received with regards to waste management, drainage, trees and biodiversity, subject to the inclusion of recommended conditions.
- 10.4 The Planning Committee is recommended to grant planning permission subject to the conditions and informatives below.

11 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.
- 11.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 11.3 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 balanced against other relevant factors.
- 11.4 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

- 11.5 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.

- 11.6 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.

12 RECOMMENDATION

- 12.1 It is recommended to the Planning Committee that planning permission is granted subject to the following conditions and informatives.

12.2 Conditions

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

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

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

- A1125 120 Rev A June 2024
- A1125 400 Rev A Sep 24
- A1125 300 Rev A Sep 24
- 0475-010 Rev 02 13/11/24
- 0475-012 Rev 01 13/11/24
- 0475-014 Rev 03 30/01/25
- A1125 302 Aug 2024
- A1125 301 Aug 2024

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

3. The Class E and Sui Generis (drinking establishments with expanded food provision) uses hereby approved shall only operate between the hours of 07:00-23:00 (Monday to Sunday).

Reason: To protect the amenities of neighbouring occupiers, in accordance with Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

4. The development shall be carried out in accordance with the approved design code details (Drawings 'Façade Type 01' A1125 301 Aug 2024 & 'Façade Type 02' A1125 302 Aug 2024) and thereafter retained as such for the lifetime of the development.

Reason: To safeguard and enhance the visual amenities of the locality, in accordance with Policies 53 and 72 of the adopted Waltham Forest Local Plan LP1 (2024).

5. Prior to the commencement of development on site a Detailed Construction Logistics Plan shall be submitted to and approved in writing by the Local

Planning Authority. The logistics plan shall include details of site access, journey planning, access routes, hours of delivery, temporary traffic arrangements or restrictions, site operation times, loading and unloading locations and material storage. All works shall be carried out in accordance with the approved details throughout all demolition and construction works.

Reason: To ensure considerate construction and to protect the amenities of the nearby residents to ensure that disruption is kept to a minimum and does not affect highway traffic flows, to comply with Policy 65 of the adopted Waltham Forest Local Plan LP1 (2024).

6. In the event that the associated public realm works do not come forward, prior to the commencement of development on site a highway site condition survey to assess the condition of the public highway surrounding the site shall be submitted to and approved in writing by the Local Planning Authority. Any damage to the highway incurred as a result of the construction works would be reinstated by the Council and funded by the developer.

Reason: In the interest of highway and pedestrian safety, to comply with Policies 61 and 66 of the adopted Waltham Forest Local Plan LP1 (2024).

7. Prior to the commencement of development on site, copies of Stage 1 and Stage 2 Road Safety Audits shall be submitted to the Local Planning Authority for written approval.

Reason: In the interest of highway and pedestrian safety, to comply with Policies 61, 65 and 66 of the adopted Waltham Forest Local Plan LP1 (2024).

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

Reason: To ensure a satisfactory appearance and in the interest of local amenity and biodiversity in accordance with Policies 53, 77, 79 and 80 of the adopted Waltham Forest Local Plan LP1 (2024).

9. If within a period of 5 years from the date of planting trees, hedges, and soft landscaping or any replacement planting, is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree, hedge or associated soft landscaping with the scheme, of the same size and species as that originally planted shall be planted at the same place within the first available planting season, unless the local planning authority gives its written consent to any variation.

Reason: To ensure the well-being of the trees and in the interest of biodiversity and the amenity of the surrounding area, in accordance with Policies 53, 79 and 80 of the adopted Waltham Forest Local Plan LP1 (2024).

10. The development shall fully conform with the recommendations of the Arboricultural Impact Assessment Report submitted with this application dated 25th September 2024 Version 2. The development shall be carried out solely in accordance with the approved details, and all works shall comply with BS 3998:2010(Tree Work - Recommendations) and shall be supervised by a suitably qualified Arboriculturalist and any post-construction mitigation measures shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the well-being of the trees and in the interest of biodiversity and the amenity of the surrounding area, in accordance with Policies 53, 79 and 80 of the adopted Waltham Forest Local Plan Part 1 (2024).

11. The development shall fully confirm with the recommendations of the Ecological Impact Assessment Report submitted with this application dated 25th September 2024 Version 3. The development shall be carried out in accordance with the approved ecological assessment recommendations and any necessary mitigation measures shall be provided and thereafter retained in perpetuity.

Reason: In the interest of biodiversity and local amenity, in accordance with Policy 79 of the adopted Waltham Forest Local Plan Part 1 (2024).

12. Prior to the commencement of the development on site, notwithstanding site investigation work, no other work including any site clearance or demolition shall take place until a Biodiversity Gain Plan has been prepared in accordance with Biodiversity Net Gain Assessment Report, by Greenwood Environment Ltd dated 26th September 2024 Final V1, and submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full and retained thereafter in accordance with approved Biodiversity Gain Plan.

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

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

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

14. No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the local planning authority.

The approved system shall be implemented prior to first occupation of the development hereby approved and shall thereafter managed and maintained as such for the lifetime of the development.

Reason: To prevent increased risk of flooding, both on and off-site and to ensure that adequate drainage facilities are provided in accordance with Policies 89 and 91 of the adopted Waltham Forest Local Plan Part 1 (2024).

15. Prior to first occupation of any part of the development hereby permitted, a Waste Management Strategy, which sets out a scheme for the storage and disposal of waste and recycling, including details of methods for collection and enclosures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and the refuse stores brought into use prior to first occupation of any of the dwellings hereby permitted and shall be retained as such together with the approved Waste Management Strategy being operated for the lifetime of the development.

Reason: To ensure that adequate arrangements are made for the storage and collection of refuse and recycling and to comply with Policies 57 and 93 of the adopted Waltham Forest Local Plan LP1 (2024).

16. The development hereby approved, shall achieve Secure by Design Certification.

a) Prior to above ground works, details of the measures to be incorporated into the development demonstrating how the development can achieve Secure by Design Certification, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Metropolitan Police Designing Out Crime Officers. The development shall be carried out in accordance with the agreed details.

b) Prior to the first occupation, each unit of the development shall achieve a Certificate of Compliance to the relevant Secure by Design Guide(s) submitted to and approved in writing by the Local Planning Authority in conjunction with the Metropolitan Police and thereafter shall be fully retained and maintained as such for the lifetime of the development.

Reason: In the interest of security and sustainable development, in compliance with Policies 53 and 58 of the adopted Waltham Forest Local Plan Part 1 (2024).

17. Prior to the commencement of development, notwithstanding site investigation and clearance works, demolition and groundworks to slab level, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented in accordance with the agreed details and thereafter maintained as such for the lifetime of the development.

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

18. No music or amplification noise, including music emitted from the commercial development, shall be audible at any residential or noise-sensitive premises at any time.

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

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

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

Informatives

1. To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which have been followed in this instance, and offers a pre-planning application advice service.

2. The applicant is reminded that this permission relates to planning permission only and does not constitute approval under any other legislation including Building Regulations.

3. The applicant must seek the advice of the MPS Designing Out Crime Officers (DOCOs). The services of MPS DOCOs are available free of charge and can be contacted via DOCOMailbox.NE@met.police.uk.

5. It is an offence to place scaffolding, skip or hoarding on the highway without permission. Early contact with the Council's Network Operations is advisable, as it may affect the construction programme.

6. If approved it is the developer's responsibility to ensure all signage associated with the proposed development i.e., street nameplates, building names and door numbers will be erected prior to occupation, as agreed with the Council's Street Naming/Numbering Officer.

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

8. IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.

(Item 4.1)

- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a Certificate of Lawfulness.