

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning
Application reference:	241692
Applicant:	Hickman Estates
Location:	18a Hickman Avenue, Chingford, London, E4 9JG
Proposed development:	Redevelopment of site to provide a part 6, part 8 storey building comprising 87 self-contained flats (Use Class C3); associated roof top plant; landscaping, refuse storage and cycle parking, and associated infrastructure. Amendments to originally submitted scheme include: Omission of commercial space, Increase in residential units, revised internal layout, provision of vehicular parking within building, revised parking and servicing strategy; updated plans and supporting documentation (Amended Description).
Ward	Hale End and Highams Park South
Appendices:	None

1. RECOMMENDATION

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

Affordable Housing:

- Securing the provision of 35% affordable housing in the layout set out in the Design and Access Statement.

Employment and Skills:

- An Employment & Skills Plan.
- Provide a minimum of 30% local labour and policy compliant apprentice posts in the construction trade during the construction phase of the development and policy compliant work placements in the construction phase of the development with such posts being first offered to local residents.

In the event that obligations towards work placements and apprenticeships remain unfulfilled, then the developer must pay a default payment of £3500 per work placement lost, towards employment training and business and £21000 per apprenticeship post lost, towards employment, training, and business, to be used for residents, payable to the Council upon practical completion of the development.

Highways:

- A S106 contribution of £7,500 is towards Construction Logistics Plan monitoring.
- A S106 contribution of £87,000 towards walking and cycling improvements in the vicinity of the site.

Car Free Housing

- The site will be car-free, residents will not be entitled to parking permits for any existing or new CPZ 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 a blue badge holder.

S278 Works

- Renewal of the footway on Hickman Avenue frontage
- Construction of a new footway on Jacks Farm Way frontage along with public realm/landscaping improvements
- Removal of the vehicular access and the installation of a dropped kerb to provide a continuous footway on Hickman Avenue
- New public lighting design along Jacks Farm Way
- Review of existing lighting design and installation of new column if required along Hickman Avenue
- Conversion of the existing parallel RPZ parking space into a loading bay along Jacks Farm Way. The materiality and arrangement (i.e. bay length) will be subject to further review.
- Installation of a new RPZ parking space opposite no. 2 Celebration Way adjacent to the existing street tree, for the use of JF permit holders only.
- New loading restrictions and associated signage along Hickman Avenue
- Traffic management orders to facilitate any changes to existing restrictions with associated lining and signage.
 - Installation of bollards to restrict vehicle override and impermissible waiting and loading activity on the footway along Hickman Avenue if necessary.

S38 Agreement to include the following:

- The construction of the new public footway along Jacks Farm Way, agreed in principle.
- Landscaping and public realm works along Jacks Farm Way, agreed in principle.
- New lighting design along Jacks Farm Way, agreed in principle.

- Widened footway along Hickman Avenue, subject to further agreement.
- A S106 contribution of £20k towards CPZ consultation
- Highway condition surveys carried out prior to commencement and post completion with developer committing to funding any damage caused as a result of construction works associated with the development.

Travel Plan:

- A travel plan monitoring fee of £4500.

Energy and Sustainability:

- A financial contribution of £78,078 towards a Carbon Offset Fund. Payable upon implementation.
- Second COF payment
- Connection Ready.
- Updated Energy Statements on commencement and completion based on As Built energy calculations.
- Prior to occupation evidence must be provided that any communal energy supply billed to occupants are guaranteed fair and clear billing in line with GLA guidance.
- 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.)

Epping Forest Special Area of Conservation:

- A financial contribution of £56550 (£650 per unit) contribution to Strategic Access maintenance and Management Strategy.

Biodiversity Net Gain (BNG)

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

Air Quality:

A contribution of £8700 towards the implementation of the Council's Air Quality Action Plan.

Child Play Space:

- A contribution of £18,937 to address the deficit of child play space in the development towards the improvement of other spaces in the local area.

Architect retention clause.

- The architects of the approved drawings or any suitably qualified architect to the satisfaction of the LPA shall be retained throughout the construction phase of the development.

Legal Fees:

- Payment of the Council's legal fees for the preparation and completion of the Legal Agreement. Monitoring Fee:
- Payment of 5% of the total amount of financial contributions towards monitoring, implementation, and compliance with the S106 Agreement.

REASONS REFERRED TO COMMITTEE

- 1.2 The case meets the threshold for referral to Planning Committee due to the level of public interest. It was also called in by an adjoining Ward Councillor.

2. SITE AND SURROUNDINGS

- 2.1 The site comprises an existing two storey office building and associated car park within Highams Park District Centre. It forms part of recent development centred around the Tesco Superstore. It sits at the northern edge of this project, in between housing development - largely medium density blocks of flats at 4-5 storeys in

height; and the Highams Park Industrial Estate; which comprises large warehouse style buildings and associated parking areas located off Hickman Avenue and Jubilee Avenue.

- 2.2 The existing building is clad in white with a distinctive curved metal roof. It was constructed around 2012 as a light industrial building. It was subsequently converted to offices and is currently occupied by a security company. The northern frontage, which comprises its most active element, fronts on to a private car park. To the rear the elevation comprises a deep gabion wall, which faces on to a residential 'home zone' shared service parking area primarily used by the properties that face on to Jack Farms Way.
- 2.3 The western boundary of the site comprises the Aldriche Way Estate, on raised land separated from the site by a retaining wall. Notably, to the immediate west of the site there is a 13 storey block of flats, St Nicholas Court, associated with late twentieth century development on the Aldriche Way Estate, and a prominent feature in the townscape of the northern part of the Borough. This is a landmark building characteristic of its time, but also reads as a rather isolated feature that is visually dominant in relation to site, and the centre of Highams Park more broadly.



Figure 1: Site location plan



Figure 2: Existing building looking west with St Nicholas Court in the background.

3. APPLICATION PROPOSAL

- 3.1 The proposal involves the demolition of the existing building, and its replacement with a residential development of 87 residential units.
- 3.2 A new recessed frontage would be created to the south creating a new, enlarged area of pavement to Jack Farms Way. This would extend around the corner to Hickman Avenue, where the existing vehicular access to the site would be reconstructed to provide a vehicular entrance for the new building. The footprint of the new building would extend up to the northern boundary of the site, abutting the neighbouring car park associated with the adjacent business premises. To the west it would be set back from the retaining wall, with the resultant recessed area being walled off, albeit with access being provided for maintenance purposes.



Figure 3 : A CGI of the proposed building as viewed from Jack Farms Way

- 3.3 Visually, the new building would comprise two elements at six and eight storeys in height, with a large roof garden on the sixth floor across around half of the footprint of the building; and the 8 storey element stepping up towards St Nicholas Court. The upper storeys of the building are characterised by deep recesses, these provide amenity space and a degree of dual aspect to the new apartments. There would be two cores in the centre of the new building, from where the new apartments will be accessed, interlinked by a central corridor. There is a second area of communal external amenity space at first floor, on the western side of the building.
- 3.4 At ground floor level there would be a podium structure covering the whole footprint of the building, from where the various access points are located along with the frontages of three self-contained residential duplex apartments facing on to Jack Farms Way.

3.5 The proposal has been amended during the course of the planning application. Perhaps most significantly, this omitted the commercial element originally proposed at ground floor level. This was in part to address issues identified in public consultation, reflecting the need to provide blue badge parking within the building; but also to improve the overall quality of residential development being delivered.

4. RELEVANT SITE HISTORY

4.1 The relevant Planning History is as follows:

- 2008/1490 – Redevelopment to provide Class B1-B8 Employment Uses, Class A1 retail store (5,523 sqm gross), 10x Class A1-A3 Retail units, Class D1 Community Use, Primary Care Trust (PCT) facility, 253 residential units of mixed tenure and size. Associated Parking and servicing facilities. Approved 2011. (Note: the existing building formed part of this wider development project).
- 163466. Non-material amendment to planning permission ref: 2008/1490, date 02/02/2011 to allow substitution of amended plans in relation to amending scope of proposal.(Approved December 2016)

Pre-Application (LBWF and Design Review Panel)

4.2 The proposal is the subject of a Development Performance Agreement which covers the pre application and application stage. A series of changes were made through the pre application process including alterations to public realm, landscaping and housing layout.

4.3 As part of the pre application process the proposal was referred to the Waltham Forest Design Review Panel. The first meeting took place on 12 December 2023. A summary of the key points raised in the follow up letter are set out below.

- The proposal should better reflect the context of the immediate area particularly industrial elements.
- Concern that massing would preclude future development on the Highams Park Industrial estate.
- More justification is needed for the demolition of the existing building and further consideration needed for sustainability elements.
- Further thought should be applied to landscaping and the possibility of integrating the development with green space to the west adjacent to site.
- Concern regarding user experience particularly wheelchair users and cyclists.
- Further separation desirable between commercial and residential elements.
- Concern about proximity to Furrow House and extent of single aspect units given GLA dual aspect guidance.
- Natural light should be provided in corridors.
- Other detailed concerns about internal layout and architectural treatment.

4.4 A second Design Review Panel was held on 31 May 2024. The follow up letter set out the following key points:

- Scheme would benefit from reinforcement of entrances.
- Encourage greening around the site.
- Encourage re-use of reclaimed materials from existing building.
- Further consideration necessary in relation to landscaping and drainage
- Consideration should be given to shading particularly to child's play space.
- 2 on street disabled parking spaces are insufficient for a development of this scale
- Route for disabled residents and cyclists to accommodation is unappealing.
- Natural light should be provided in corridors.
- Entrance lobbies are too small
- Proposal for recesses cannot be classified as true dual aspect.
- Architecturally could incorporate more industrial context.

5. CONSULTATION

Pre-Application

- 5.1 The applicant undertook pre application public consultation by way of a series of public engagement activities from 18th January 2024 to 25th February 2024. As set out in the Statement of Community Involvement, this included a leaflet drop to 2015 local households and businesses with information on the proposed development, website/contact details, how to provide feedback and details of two in-person consultation workshops. The website received 788 visits during the 5 week consultation period.
- 5.2 Pre-application consultation also took place with local ward Councillors from Hale End and Highams Park south and Larkwood, also the cabinet member for Housing and Regeneration.
- 5.3 Two in-person consultation sessions took place on Wednesday 31st January 2024 and Saturday 3rd February 2024, both at Hale End Library, Castle Avenue, E4 9QD. These were attended by a total of 23 people.
- 5.4 39 responses were received from the pre-application public consultation exercise. The applicant records the pre application feedback provided in the Statement of Community Involvement as follows:

Objections and Concerns:

- Buildings are too tall (referred to by 3 consultees)
- Will cause more traffic and congestion on surrounding roads. (referred to by 2 consultees)
- Will make the present lack of on-street parking worse (referred to by 10 consultees)
- Will reduce the sunlight/daylight for neighbouring residents (referred to by 3 consultees)
- There are already too many flats in the area.

- There should be more effort to connect with the streets on Aldriche Way
- Will add to the pressure on public services (referred to by 2 consultees)
- Does not help reduced the levels of anti-social behaviour in the surrounding area. (referred to by 2 consultees)
- Unattractive design (referred to by 2 consultees)
- The layout of rooms is inappropriate.
- The site is overdeveloped.
- There needs to be speed humps on the road by the site.
- Will harm the views from neighbour's residences. (referred to by 2 consultees)
- Will affect the noise level for neighbouring residents (referred to by 3 consultees)

8 Comments in Support

- The development is welcomed bringing new homes to the Highams Park area.
- Welcome new improved retail units
- Welcome that the development could be an opportunity for new sporting facilities, including basketball, to be considered, along with exercise classes.

Application Stage Public Consultation

- 5.5 A site notice was displayed originally outside the site, and second site notice put up to the rear of the site on Aldriche Way. A notice was also published in the press. In addition to this 500 letters of consultation were sent out.
- 5.6 The Council received a total of 30 individual representations from members of the public and adjacent landowners, objecting or otherwise making comments on the development.
- 5.7 The proposal was amended in early 2024. Following this a second phase of public consultation took place, with new site and press notices. Following this, a total of 5 further individual representations were received from local residents.
- 5.8 The planning issues contained within the letters of public objection are summarised within the table below:

Issue Raised	Officer Response
Principle of Development: excessive density for plot size Preference for commercial development instead of flats	The density is considered appropriate given the site is located in a strategic town centre location. Careful consideration was given to whether commercial development could form part of the scheme. However it was not considered possible given the constraints of the site, for the reasons set out in this report. Otherwise, the Council have to determine the scheme that is before it.

	This is explained further in section A of this report.
Design and Townscape - excessive density - out of context - excessive height in relation to surrounding buildings - adverse impact on local character - building should be set back further from the road (first version of scheme) - proposal will lead to lead to loss of views of open spaces - single mass of build leads to poor quality development at street level - poor quality public realm due to size of the building. - detrimental impact on skyline - proposal will detract from 'village feel' of Highams park	The design issues raised by local residents in relation to Design and Townscape are considered in section C of this report. The proposal is surrounded by existing built development so would not lead to any significant loss of views of open spaces.
Residential Amenity - loss of privacy - loss of daylight and sunlight - loss of natural light - loss of outlook and sense of enclosure - proposal will block view of the sky	These issues are considered in depth in section E of this report.
Standard of Accommodation - concern about lack of open space within the development.	This matter is considered in section F of this report.
Crime and Safety - History of Anti Social Behaviour on Jack Farms Way, leading to crime and intervention through CCTV installation. - Area around industrial estate is unsafe at night; will lead to greater use of parking on industrial estate.	This matter is considered in depth in section G of this report.
Transport, Highways and Servicing - site has low PTAL rating and is of excessive density - proposal will lead to parking stress despite provision of on site parking. - proposal would lead to excessive pedestrian and vehicular including cycle traffic	These issues are considered in section H of this report The swept path diagrams provided are considered to be of sufficient accuracy to enable a determination to be made.

- inadequate infrastructure on road to deal with additional traffic movements. - Swept path diagrams suggest tight turning circles for refuse and other vehicles accessing the site. - construction methodology suggests large amounts of waste generated during construction. - proposal will result in more people parking on the Industrial estate due to parking stress. - proposal will exacerbate congestion issues arising from the level crossing in Highams Park. -proposal will undermine existing speed limiting measures installed on Hickman Avenue. - Transport statement does not consider the cumulative impact of other developments including James Yard and the Regal Cinema - Parking associated with commercial development will lead to congestion.	
Noise - proposal will lead to noise due to additional population density	The character of the area is defined by medium density residential development alongside commercial development associated with a town centre. In this respect the likely issues associated with noise arising from population density would not adversely impact on the character of the area. The issues associated with noise arising from plant are dealt with in section L of the report.
Other Issues raised - impact on services in local area given increase in population density - concern about lack of infrastructure - concern about poor quality of existing landscaping and noise/air quality around the site. - request that parking is provided for existing residents in Tesco supermarket. - owners were not aware of project when purchasing property adversely impacted by daylight/sunlight. - lack of indoor play opportunities in area surrounding Highams Park	The impact on services will be addressed in part through the Community Infrastructure Levy, the development forms part of planned growth within the Borough. Parking rights in Tesco is a private matter.

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Other Consultation

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

Consultees	Comments	Officer comment
Place and Design (Urban Design & Conservation)	No Objection	Comments have been integrated in the analysis in Section C of the officer report.
Place and Design (Planning Policy for Place)	No objection	Comments have been integrated in the analysis in Section A of the officer report.
Place and Design (Tree Preservation and Urban Greening Officer)	The submission of a UGF in accordance with the GLA's calculator is required. Inclusion of a BNG strategy and Detailed Landscape and Ecological Management Plan (LEMP) will be dealt with by the Biodiversity Net Gain condition.	The information submitted by the applicant is considered sufficient to enable a determination to be made, with conditions imposed as appropriate. This is considered further in Section I of the report
Environmental Health (Air Quality)	Will require contribution to Air Quality Action Area (circa £100 per unit)	This is considered in Section L of the report
Environmental Health (Noise)	Condition recommended relating to Noise impact assessment, and Internal Noise.	This is considered in Section L of the report
Environmental Health (Contaminated Land)	Suggested condition regarding contaminated land	This is considered in Section L of the report
Sustainability	No Objection subject to conditions and S106 clauses	This is considered in Section J of the report
Transport Policy	No objections. More broadly, the scheme has been through an iterative pre-application process	This is considered in Section H of the report

	with both Transport Policy and Highways and to work through the transport elements of the site. Cycle Parking and Blue Badge Car parking is provided in accordance with the LBWF Local Plan. Given the location and scale of development we would request a Full Travel Plan is conditioned with measures included to encourage sustainable travel to and from the site with a monitoring fee of £4,500 requested.	
Highways	No objection subject to conditions and S106 obligations	This is considered in Section H of the report
Housing Officer	Any response to be reported verbally	
Waste and recycling	Route is acceptable and bulky waste store welcomed. Request for 2 further bins to be stored on the site, along with further details regarding the specification of refuse enclosure store.	This is considered in Section H of the report
Sport and Leisure	Any comments to be reported verbally.	
Building Control	Any comments to be reported verbally.	
NHS Integrated Care Board	Any comments to be reported verbally.	
Employment and Skills Team	Based on SPD contributions required for local labour, apprenticeship posts and work placement. Financial contribution of £436k sought for loss of employment land.	This is considered in Section A of the report.

External Consultees

Consultees	Comments	Officer Comment
Metropolitan Police Secure by Design Advisor	No Objection subject to conditions	Crime and safety issues are considered in Section G of the report.
HSE	No objection	This is considered in Section M of the report.
London Fire Brigade	No observations to make – (Letter dated October 2024) Any further comments to be reported verbally	This is considered further in Section M of the report.
Transport for London	Any comments to be reported verbally	
Thames Water	Any comments to be reported verbally.	
Natural England	No objections subject to mitigation being secured in relation to the Epping Forest Special Area of Conservation.	This is considered in Section L of the report.
Environment Agency	Any comments to be reported verbally	
Network Rail	Any comments to be reported verbally	
Highams Park Planning Group	We are broadly in favour of this development so we decided there was no need for us to comment on this application. Had a building of this height been somewhere else we would have made an objection but given its proximity to St Nicholas Court and the surrounding character, we considered this acceptable.	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 Assets and Archaeological Priority Areas
Policy 74 Non-Designated Heritage Assets
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

Highams Park Neighbourhood Plan (Adopted 21 May 2020).

- Policy SET 3: Business, Employment and Economic Development
- Policy SET 4: Transport and Parking
- Policy SET 5: Housing Development and Affordability
- Policy SET 6: Character, Design and Public Realm
- Policy SET 7: Biodiversity and Nature Conservation
- Policy SET 8: 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. The Plan has been submitted for public examination which will take place in June 2025.
- 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).

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

7.15 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

7.16 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

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

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

7.18 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

7.19 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

7.20 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

- 7.21 This 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

- 7.22 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

- 7.23 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.

Waltham Forest – Planning Obligations SPD – 2017

- 7.24 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

- 7.25 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

- 7.26 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, although the position in relation to affordable housing grant in section B of the report should be noted.
 - The Council expects to receive income from LBWF CIL in relation to this development.
 - The Council 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)

- 7.27 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

- 7.28 This guide gives advice on site layout planning to achieve good sun lighting 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 - loss of existing use
- 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

- 8.2 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.
- 8.3 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 housing, envisioning net increases of: 27,000 additional homes.

Replacement of existing building

- 8.4 The existing structure on the site is a purpose-built light industrial building that is just over a decade old and was converted to offices around 2017. As a modern building it is energy efficient. It has a large car park associated with it. The building was thoughtfully designed with a curved roof and frontage of gabion walls facing the home zone on Jack Farms Way. The design provides light to the adjacent north facing flats. The building has been designed to provide a functional transition between the residential development and the adjacent warehousing/industrial development associated with the Highams Park Industrial Estate.
- 8.5 Very careful consideration has been given to the justification for removal of the existing building. Regarding this, there are three considerations which are considered to be of particular relevance.
- Firstly, the existing development does not optimise the potential of the site for development. The density of existing development is low.
 - Secondly, the layout of the site is orientated around the car. Such development runs counter to the vision of high density, car free urban development in town centres around transportation hubs; inherent to contemporary ideas about sustainability as set out in the National Planning Policy Framework and the Local Plan Part 1.
 - A third reason is the site is less sensitive than others in Highams Park in relation to building height. This is because it sits immediately adjacent to an existing, relatively isolated 13 storey residential building. Consequently, there is an opportunity with this site to improve the setting of St Nicholas Court, reducing its isolation in the local townscape through a gradual increase in density and height across the site, and set away from the main 'village' part of Highams Park centre. This approach can also deliver a potentially significant amount of housing, which is an important planning policy objective.
- 8.6 Consequently, officers consider the site as represents an opportunity for change, which can in principle justify the replacement of the existing building on the site.

Loss of existing use

- 8.7 Policy 24 (Supporting Economic Growth and Jobs) sets out that opportunities for employment growth in Waltham Forest will be maximised to ensure there is sufficient capacity to deliver a minimum of 52,000 sqm of additional employment floorspace across the borough, of which c. 18,800 sqm is an identified office need. This figure is based on the Employment Land Study (2019). Part B of the policy identifies that the delivery of Class E Part G i and ii (office & R&D, respectively) will be in designated town centres.
- 8.8 Policy 40 (Revitalisation, Adaptation and Regeneration in Designated Centres and Parades), Part C of the Local Plan expresses support for proposals for the alternative use of commercial and retail premises (for example, as housing, business, leisure, entertainment and community uses), but only where

commercial demand no longer exists (as evidenced by vacancies). Policy 28 (Approach to Non-Designated Employment Land) set outs that that development which seeks to introduce residential or mixed-use elements to non-designated locations will only be supported where: it provides replacement or intensified employment floorspace (Part A); or the scope for mixed-use intensification with employment uses has been explored fully and any loss of floorspace is justified with reference to marketing evidence of at least 12 months demonstrating no reasonable prospect of the site being retained in business or industrial uses. The position set out in Policy SET 3 of the Neighbourhood Plan reflects this, stating that development proposals that result in a reduction in employment will generally be resisted.

- 8.9 The site currently provides around 1400sqm GIA of commercial office space with a substation and an open area currently used for car parking and refuse store, occupied by a security company. No substantive argument has been advanced that the existing office is unviable or uneconomic. Officers initially sought for the alternative commercial floorspace to be provided in the new development and this was reflected in the scheme at pre app and originally submitted at the time of the planning application in mid 2024.
- 8.10 The issue that officers and the design team encountered in seeking the integration of replacement commercial space within the development was it repeatedly resulted in a convoluted layout at ground floor level with poor permeability and future resident experience. This was largely due to the need to comply with contemporary requirements in relation to security and fire safety, meaning that all servicing corridors at ground floor level had to be separated between uses. The space required for cycle storage, refuse storage and energy also add to this. It also meant that there was no space to provide blue badge parking within the building, making the development unacceptable in this respect. No design solution could be found to resolve these challenges whilst retaining commercial space and the quantum of residential needed to make the scheme feasible from a commercial perspective, without increasing the height of the building; which would raise design concerns.
- 8.11 By omitting the commercial elements of the development the proposal is considered to be much more successful in design terms. In particular the internal space at ground floor level is enhanced, providing a better quality living experience for future residents. The frontage to Jack Farms Way, with duplex frontages rather than commercial windows and doors better complements the prevailing residential environment in this part of the town centre. As such, officers are supportive of the changes made by the developer, in this respect.
- 8.12 Notwithstanding this it is acknowledged that the loss of commercial without the justification required by the relevant planning policies results in a conflict with the development plan. The question of whether mitigation to achieve policy compliance would be possible, for instance in terms of a payment towards alternative commercial provision or other mitigation, has been considered. The Employment and Skills team have advised the required contribution would be £436k, which could potentially be pursued via a Section 106 agreement.

- 8.13 However, the scheme presents significant viability challenges. These are explained further in Section B of this report. Even in the scenario reported by the Council's independent advisor, the scheme reports a deficit of around £3 million. In this context, officers have not sought to pursue such a payment. Instead, we would recommend consideration of the loss of commercial as part of the overall planning balance, where policy conflicts are weighed against the benefits of development, including the need to provide high quality housing in the Borough, with good quality living conditions for future residents.

Location/Density

- 8.14 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.
- 8.15 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.
- 8.16 The site has a Public Transport Accessibility Level that ranges from 1B to 2. Notwithstanding this, it is located in a Town Centre with an overground station in 5 minutes walk of the site. There are multiple bus routes as well as a good range of services and facilities available in Highams Park. It is well suited for accessibility by means other than the public car. The site is therefore well placed in principle to absorb car free population growth. It is also designated as a Strategic Location, identified in policy 4 of the Local Plan as the focus for development and regeneration. Officers consider that the scale of development proposed optimises the potential of the site, and this accords with local policy and that set out in the London Plan. The density of the scheme therefore aligns with the aims of strategic and local planning policy.

Impact on continuity and future development of Highams Park Industrial Estate.

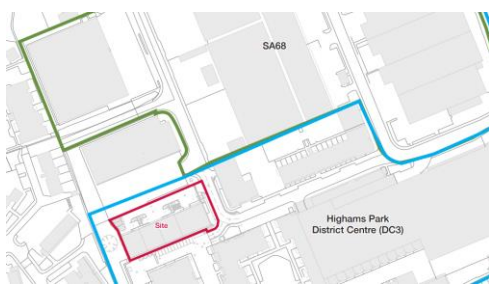


Fig 4: Site in relation to Highams Park Industrial Estate

8.17 The site falls outside of the adjacent Highams Park Industrial Estate, which comprises a Locally Significant Industrial Site. The separation distance is considered sufficient to avoid conflict arising from residential uses being located in close proximity to industrial uses. It is noted that the area has a mixed character with housing to the immediate east falling in close proximity to the industrial area at Furrow House. It is not considered the development would prejudice future development, either for industrial or residential purposes, on land to the north of the site at the Highams Park Industrial Estate.

Conclusion: Principle of Development

8.18 The site comprises brownfield land in a sustainable location and its use for housing at the density proposed accords with the objectives of local plan policy and that set out in the London Plan. However to achieve this there would be a loss of existing commercial development which results in conflict with planning policies, particularly policies 28 and 40 of the Local Plan Part 1. However, officers are supportive of the approach in the particular circumstances of this case; and consider that there are benefits with this proposal that outweigh the conflict with the development plan, in this respect. This issue will be returned to in Section 9: Planning Balance and Conclusion.

B) HOUSING – TENURE AND MIX

Policy Background

8.19 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.

8.20 Policy 13 of the Waltham Forest Local Plan LP1 (2024) seeks to deliver 50% of all new homes to be genuinely affordable housing. Proposals that are not public sector land or industrial land are required to achieve a minimum of 35% affordable housing without public subsidy. Where this criteria cannot be achieved they are required to undertake viability testing as necessary. 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.

8.21 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 5 : Preferred unit mix in Local Plan

8.22 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 – Unit mix

8.33 The development as proposed comprises 87 residential units, with 21 affordable housing units (social rent) and 10 affordable units (shared ownership). Affordable housing would comprise 35% by unit numbers. The affordable housing would be located on the lower floors of the building, but accessed through the same common parts.

	Home types			Total
	1 Bed	2 Bed	3 Bed	
Private	25	25	6	56
Shared Ownership	5	5	0	10
Social Rent	10	7	4	21
Homes	40	37	10	87
Mix	46%	43%	11%	

Fig 6: Unit Mix

8.34 There are a notably large proportion of 1 bedroom flats across the different tenure types and a lower proportion of larger 3 bedroom homes, falling below the amount sought by policy (between 20 and 50% dependent on tenure type). In this case however the proposal provides flatted development, providing higher density housing in a town centre location. The location of the site is such that it is well situated to provide smaller housing units which can serve the needs of younger people and those downsizing. The four three bed social rent units would clearly fulfil a strong need for family sized housing amongst those in need, and together with the 6 private units, the scheme would contribute towards the delivery of this type of housing.

- 8.35 Overall therefore the unit mix is considered to be acceptable in relation to the relevant planning policies in relation to this issue, including policy 15 of the Local Plan.

Affordable Housing – delivery

- 8.36 The application was supported by a viability appraisal. This indicated that, even in a scenario where no affordable housing was being provided and the scheme was delivering 100% market housing, it would not generate sufficient profits to be viable. The reason for this is a combination of two factors: high build costs (£24.4 million), the recent growth of which has not been matched by an increase in sale values for this type of development. In this case however the existing building also has a relatively high benchmark land value (assessed as £6.94 million by the applicant). Consequently, the overall deficit re the project is reported at £6.4 million.
- 8.37 The viability evidence submitted by the applicant has been independently reviewed by BPS Surveyors, on behalf of the Council. The main difference between the two surveyors is the assessment of the benchmark land value, with BPS assessing this at £4.63 million. However, even in a scenario where the BPS assumptions were agreed, the project would still be in significant deficit (£3.2 million on the BPS assumptions).
- 8.38 The viability modelling accounts for a scenario where 35% affordable housing is delivered with grant, as it is acknowledged that the developer would be unable to do this without subsidy. The Council's advisor disagreed with the predicted revenue from the affordable element but, even when using the BPS assumptions, the scheme remains in significant deficit.
- 8.39 Notwithstanding the above, the applicant wants to progress the scheme with 35% affordable housing. This will require securing a housing association partner and working with the Council to obtain grant funding. As such, the scheme in its current form, if approved, would deliver 35% affordable housing in line with the application, and this can be taken account of in the decision. This is reflected in the proposed heads of terms to the Section 106 agreement. This approach is considered to comply with local planning policy, particularly policy 13 of the Local Plan.

Housing – Tenure and Mix – Conclusion.

- 8.40 The proposal as submitted would deliver affordable housing, although this would need to be grant funded. The unit mix is considered acceptable given the characteristics of the site and the surrounding area. The proposal is considered to be compliant with the development plan, in this respect.

C. DESIGN AND TOWNSCAPE

- 8.41 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.

- 8.42 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.
- 8.43 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

- 8.44 A detailed height and massing analysis is presented within the design and access statement. This draws attention to relatively low height of the existing building by comparison to its surroundings. The development to the south and east is defined by 4-5 storey residential buildings. As previously discussed, St Nicholas Court to the west, is 13 storeys in height. This is visually illustrated in figure 7 below. The development to the north, associated with the Highams Park Industrial Estate, is identified for future development in the emerging Local Plan Part 2. Notwithstanding this, being industrial in nature, it is a less sensitive visual receptor with good separation distance from the site.

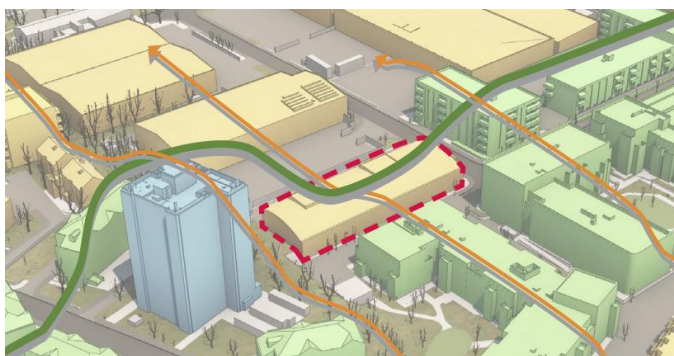


Fig 7: Diagram of existing building heights

- 8.45 Within this context the development would represent a gradual intensification of the local townscape. The building would rise gradually from 6 to 8 storeys towards St Nicholas Court. Whilst this would be readily apparent in local views around the site, the massing would be broken up by deep recessing, which is an integral part of the building design. In localised views, for instance along Hickman Avenue from the east, the building would 'step up' towards to St Nicholas Court,

helping to frame this landmark building and reduce its visual isolation in the townscape.



Fig 8: Proposed height and massing



Fig 9: Townscape view of massing from Hickman Avenue looking west (existing development in yellow, proposal in beige).

8.46 The building has been considered in other long range views around Highams Park. The view analysis developed by the applicant demonstrates that the building would be relatively hidden away in the townscape. Because it is surrounded by existing development, it would be of limited visibility. Where the building is seen, it would be framed by St Nicholas Court and against this backdrop the increase in height and mass would read as an appropriate intervention in the local townscape.

8.47 As such, the height and massing of the proposal has been appropriately justified. The approach is supported by officers, and complies with planning policy.

Layout and Public Realm

8.48 There are two active frontages to the site, along Jack Farms Way and Hickman Avenue. The other two frontages are to a retaining wall and on to a car park associated with the neighbouring industrial building to the north.

- 8.49 Jack Farms Way currently has the character of a no through road and designed as a home zone. The northern and western edge is set abruptly to the road with gabion walls. On the northern side the gabion wall would be replaced by deep pavement area, including some landscaping and urban greening, beyond which the new building would sit. This intervention would deliver a sense of space and active frontage that helps to provide an appropriate setting for the new building and helping it to assimilate into its surroundings.
- 8.50 To Hickman Avenue the building would have a deep pavement with sections of landscaping abutting the east facing elevation. This would provide an appropriate setting for the building in relation to the road, so it would not appear overbearing, and sufficient spacing is provided to adjacent residential development. The area of the site to the west facing the retaining wall would be appropriately secured and the northern elevation of the building at ground floor level would be present a blank frontage which does not preclude future development coming forward on the adjacent site. The external ground floor layout and public realm being delivered is considered to be appropriate.

Architecture and Materiality

- 8.51 The design rationale for the proposal explains that the material palette has been informed by the assessment of the traditional Highams Park character. The overall composition of the building is comprised by two main volumes; ground floor podium and the residential volume above.
- 8.52 The design and access statement explains that the ground floor podium is articulated in a striped brick pattern alternating white and cream coloured brick; a horizontal white brick band creates a top to the volume. The residential lobby frontage is heavily glazed to maximise animation. The entrances to the residential cores are emphasized and made legible through the use of recessed entrances and metal canopies.
- 8.53 In terms of the remainder of the building the bay articulation of the building is emphasised through the different treatment of the projecting and recessed bays. Further articulation is provided by vertical piers with cream brick, white brick window lining, white brick banding to introduce horizontal articulation and a white brick window recessed panel, as shown in fig 10 below.



Fig 10: Architectural detailing

8.54 The recessed bays are set in darker brick so as to emphasise the differentiation between sections and assist in breaking up the visual mass of the building. There would be alternating white and red balconies and privacy screening, which would add to the visual interest of the building.

Heritage Impacts

8.55 The nearest Conservation Area is Ropers Field to the north of the site, beyond the Highams Park Industrial estate and the Rolls Park Playing Fields. The special interest of this area is derived from its visual qualities as a low density development of semi-detached houses and maisonettes set in a spacious layout. It is a notably high quality example of twentieth century municipal housing.

8.56 From the Conservation Area the building would read as being visually subservient to St Nicholas Court and part of an established mid rise townscape associated with development around Highams Park. Given the extensive separation distance the proposal would not result in any harm to the character or the appearance of the Conservation Area.

8.57 Fig 11, below, from Rolls Park to the south of the Conservation Area represents a visual demonstration of this, with existing recent development in yellow and the new development in beige.

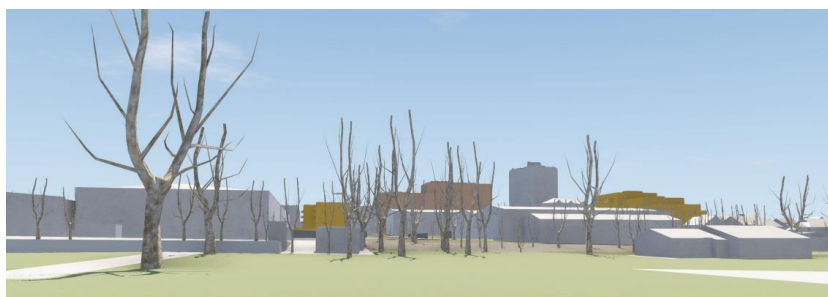


Fig 11. View of development from Rolls Park

8.58 There are otherwise no listed buildings or non designated heritage assets that sit within material visual proximity of the site such that the development would

impact on. Overall it is considered that 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 and the relevant statutory duties in this respect.

Overall Conclusion – Design and Townscape.

8.59 The proposal is considered to represent a high standard of design. The height is appropriate for the location and the layout and public realm surrounding the site would be moderately enhanced as a result of the development. The use of contrasting bricks on the main façade, and alternation of balcony colours within the recesses represents a high standard of architectural detailing for the proposed building. There are no adverse impacts on heritage assets. Conditions are recommended in relation to materials and an architect retention clause is recommended in relation to the S106 agreement to ensure the design quality is secured in the construction phase. The proposal complies with all relevant development plan policies in relation to design. This element of the scheme is a matter that weighs positively in the planning balance.

D. IMPACT ON RESIDENTIAL AMENITY

8.60 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.

8.61 The site is surrounded by existing residential development to the south, east and west at between 4 and 13 storeys in height. Development along Hickman Avenue and Jack Farms way is characterised by four to five storey blocks set around 20 metres apart. Many of these flats have inset balconies - so the main window associated with the living/kitchen/dining area receives reduced light. The building to the west, St Nicholas Court, is 13 storeys high but physically separated from the development due to the change in land levels to a greater degree than other surrounding residential buildings.

Daylight and Sunlight

8.62 The applicant has carried out a Daylight and Sunlight analysis. This assesses the impact of the proposal on surrounding residential uses, including through the following tests in accordance with BRE guidelines:

- Vertical Sky Component (VSC): This is the proportion of the sky dome that can be seen from a point in the centre of a window. Daylighting may be

regarded as adversely affected if a main window retains less than 27% VSC or less than 0.80 times the VSC over the existing conditions.

- No Sky Line ('NSL') – This is the area of the working plane in a room that can receive direct skylight. The BRE guide suggests that daylighting may be adversely affected if a habitable room retains less than 0.80 times the NSL in the existing conditions.
- Annual Probable Sunlight Hours ('APSH') – the total number of hours in the year that the sun is expected to shine on a window, allowing for average levels of cloudiness.

8.63 The applicant's daylight and sunlight assessment has assessed the impact of the proposed development to the surrounding properties in accordance with the table set out below. The findings of the report are summarised in the following discussion, which should be read in conjunction with the report itself:

1. Furrow House (Block H)
2. Citius Court (Block C)
3. Altius Court (Block F)
4. Repton House (Block G)
5. St Nicholas Court
6. 123-137 Aldriche Way
7. 97-119 Aldriche Way



Fig 12. Diagram of adjacent properties

8.64 Taking account of the above, the following comments are made in relation to surrounding buildings.

Furrow House

8.65 Of the 54 windows tested within this building 22 would retain less than 27% of VSC or 0.8 times the VSC over existing conditions. 17 rooms would have less than 0.8 times the NSL in existing conditions. 7 rooms would result in residual levels of APSH less than that recommended by the BRE.

8.66 The losses are a consequence of the increase in height and bulk over the existing position. In some cases the windows face on to enclosed balconies, which limit the light coming in to the window at present, which is reflected in the low headline figures. When modelled with balconies, which is an accepted methodology, the impact is minor.

Altius Court

8.67 Of the 72 windows in this building modelled 39 would retain less than 27% of VSC or 0.8 times the VSC over existing conditions. All the rooms would however comply with BRE criteria in relation to No Sky Line. 8 rooms would result in residual levels of APSH less than that recommended by the BRE.

8.68 The losses are a consequence of the increase in height and bulk over the existing position. In some cases the windows face on to enclosed balconies, which limit the light coming in to the window at present, which is reflected in the low headline figures. The applicant notes that whilst a large amount of rooms do not meet BRE guidelines in relation to VSC, in the case of windows beneath balconies, the absolute losses are limited. It is noted that, in the case of some windows including those in the curved section of Altius House facing on to the development; there would be high losses in percentage terms, albeit starting from a very low baseline. On balance the overall impact is considered minor, given the NSL compliance.



Fig 13: Altius Court

Repton House

8.69 Of the 49 windows in the building modelled 37 would retain less than 27% of VSC or 0.8 times the VSC over existing conditions. 14 rooms would have less than 0.8 times the NSL in existing conditions. In terms of sunlight there would be no change over the existing position largely due to the fact that most of the rooms are north facing and consequently do not receive sunlight, there would be no conflict with BRE guidelines in this respect.

8.70 The losses are a consequence of the increase in height and bulk over the existing position. In some cases the windows face on to enclosed balconies, which limit the light coming in to the window at present, which is reflected in the low headline figures. Officers note that, in the case of Repton House, there is a particular issue with losses to the rooms that face on to the development from north facing single

aspect units. The development would lead to significant decreases in the VSC on the ground, first and second floor in the windows associated the recessed section in the centre of the building. The lowest figure would be 0.16% retained VSC in room W12 in the diagram above (a bedroom window). Residual NSL in the 14 affected rooms at between around 25% and 50% of the previously existing position.



Fig 14: Diagram of affected windows in Repton House.

8.71 By way of justification, the applicant comments in the daylight and sunlight report that the residual levels of VSC are similar to other existing buildings in the recently built estate. The example noted is of Altius Court, as noted in fig 13 above. The windows in the recessed balconies at ground floor level were constructed with VSC at 0.67% in one example.

8.72 Considering the matter further, it is noted that there would be residual VSC of 14% in at least one window serving the main living/kitchen/dining area for each of the most affected single aspect flats in Repton House. Officers consider that, whilst this would represent a significant change over the existing position, there would still be sufficient residual natural light in the affected properties to take a balanced view of the resultant harm in planning terms; retained VSC in the mid-teens is considered acceptable within an urban context.

St Nicholas Court

8.73 Of 121 windows within this building tested, 21 would retain less than 27% of VSC or 0.8 times the VSC over existing conditions. All the rooms would however comply with BRE criteria in relation to No Sky Line. In terms of sunlight there would be no change over the existing position largely due to the fact that most of the rooms are north facing and consequently do not receive sunlight, there would be no conflict with BRE guidelines in this respect.

- 8.74 In terms of the losses to daylight, the applicant comments that the side facing windows are bedrooms and that each bedroom would be served by at least one window that retains in excess of 14.86% VSC.

Citius Court

- 8.75 The analysis identifies three windows in living rooms that would result in losses to VSC in excess of BRE guidance. However, these are secondary rooms where other windows retain VSC in excess of 28.14%. There are otherwise no concerns raised by the analysis in relation to daylight or sunlight.

123-127 Aldriche Way and 97-119 Aldriche Way

- 8.76 These properties are located adjacent to St Nicholas Court. The analysis identifies that there would be losses in terms of VSC beyond the BRE guidelines to existing kitchen windows, but notes that in percentage terms these are small and the windows in question are located in recesses. There are no breaches of the No Sky Line guidance or Sunlight.

Other Properties

- 8.77 In addition to the properties identified above there are commercial premises to the north of the site beyond car parking. These premises are less sensitive to daylight and sunlight impacts. The separation distance means that there would be no harm in this respect. Similarly the separation distance is such that no other residential properties beyond those identified above would experience any adverse daylight and sunlight impact as a result of the proposed development.

Analysis – Daylight and Sunlight.

- 8.78 The proposal would result in noticeable losses of daylight to certain windows/rooms in surrounding properties discussed in the paragraphs above. These are most significant to three single aspect flats in Repton House opposite the development site across Jack Farms Way. As a consequence of the development these flats would experience daylight at around half of the levels previously experienced. However, the main living areas would have windows with VSC at around 14%. The resultant situation would not be inadequate and is acceptable in this particular urban context. It is considered a balanced view can be taken of this issue.
- 8.79 In these cases the losses are to some degree a consequence of the inset balcony design adopted in the affected properties. But it is also noted that other similar relationships exist across the recently constructed estate and indeed around London where medium density blocks are laid out with similar spacing resulting in limited daylight at lower levels of the buildings. Any development that comes forward on this site (18A Hickman Avenue) would be likely to result in similar issues in relation to daylight and sunlight impacts on the existing properties around the site. Inevitably the planning process has to weigh up the need to deliver new housing, growth and development alongside amenity impacts on existing residents.

8.80 The Daylight and Sunlight position has been reviewed independently. A methodology has been applied whereby a 20-29% loss is regarded as 'minor', 30-39% 'moderate', and over 40% 'substantial'. With the exception of Repton House, most of the losses are minor to moderate, but as a consequence of the factors outlined above, Repton House would experience a substantial impact across the central part of the building. However, as noted previously, officers consider that the resultant living conditions would not be inadequate as there would still be some daylight penetration of the rooms in question.

8.81 Overall, officers consider that the proposal would result in a moderate amount of harm to the daylight and sunlight amenity of existing residents. This is a matter that should be considered further in the planning balance, in section 9 of this report.

Privacy /Overlooking/ Sense of Enclosure

8.82 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.

8.83 In this case there would be a separation distance of at least 18 metres between the proposed development and existing properties at Farrow House, Altius Court, Repton House and St Nicholas Court. It is noted that the area is characterised by blocks of flats at similar levels of spacing. In this context the interlooking would not lead to a material loss of privacy for existing or future residents. The development is therefore acceptable in terms of its effect on the privacy conditions of existing residents.



Fig 15: Architectural diagram of separation distances

8.84 Whilst it is noted that the proposed building will exceed the height of many existing buildings in the locality it is considered the level of spacing, in combination with the design which incorporates deep recessed sections, will avoid any sense of enclosure or overbearing effect.

Residential Amenity – Other issues

8.85 The development would result in some level of noise and activity but this is not likely to be greater than that which would be associated with the existing office. A noise study would be required by planning condition, in line with the recommendations of the Environmental Health Team.

Residential Amenity – Conclusion

8.86 The proposal would result in material losses to the daylight and sunlight amenity of neighbouring residents as discussed in this report. The losses would be most significant in the case of 3 single aspect flats in Repton House. However the resultant living environment would not be inadequate. As such, the harmful impacts in this respect must be weighed against the positive elements of this development in the Planning Balance. In all other respects the proposal is acceptable in terms of its impact on the amenity of existing residents.

F. STANDARD OF ACCOMODATION

8.87 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

8.88 The proposed development is designed to the London Plan, Housing Design Standards LPG and Nationally Described Space Standards. This includes relevant guidance on storage, room widths, and relevant seating length. A detailed explanation of this is set out on page 94 of the Design and Access Statement.

Unit Layout

8.89 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. In this case all units with the exception of one (discussed further below) have been designed as dual aspect.

8.90 The applicant has sought to design in dual aspect through deep recesses across the centre of the building which provide the main living kitchen dining area with a second aspect. This approach has been achieved in all but one unit. It is considered to be an appropriate design solution given the constraints of this site, that provides high quality living accommodation whilst having regard to the guidelines set out in the Housing Design Standards London Plan Guidance.

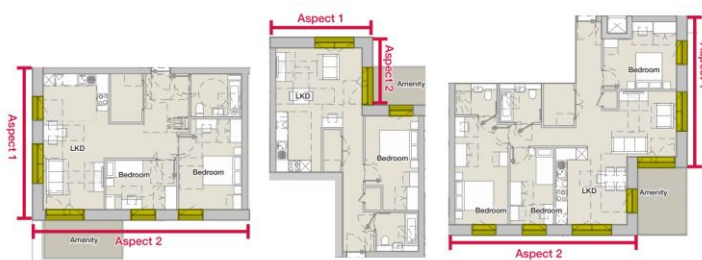


Fig 16: Diagram of dual aspect units

8.91 The internal layouts are otherwise acceptable in principle, benefitting from appropriate functional layouts and appropriate natural light.

Outlook and Privacy

8.92 The development benefits from acceptable outlook and privacy levels given the prevailing urban character of the area which is defined by blocks of flats laid out at circa 20 metre distance. It is noted that view from west facing windows on lower floors of the building may be partially obstructed by the retaining wall associated with the rise in land levels to the Aldriche Way Estate, but the flats in question would have a second aspect which is unobstructed.

Amenity Space

8.93 Policy 56 of the Waltham Forest Local Plan LP1 (2024) 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.

8.94 All the flats have private amenity space in excess of 1.5 m width and 5 square metres in total. In each case this is good quality space with good levels of natural light and unobstructed outlook. Any deficit against the 10m per unit target set out in the Local Plan is accounted for by the two large areas of communal amenity space set out on the first and 6th floor. The proposal complies with relevant planning policies in this respect.

Play Space

8.95 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).

- 8.96 The applicant has undertaken a child yield calculation which demonstrates a need for 405 sqm of child play space. There are two areas of child play space included within the development which add up to a total of 375 sqm. The deficit is 30 sqm. The current cost for refurbishing existing play areas by way of mitigation is £625/sqm which is the basis of the headline calculation for the figure agreed in the Section 106 agreement. The Vincent Road Play Area is identified as falling within the Infrastructure Development Plan for improvements and enhancements so directing the payment here would fulfil an identified need.
- 8.97 As such, subject to this mitigation being secured, the proposal would comply with London Plan and Local Plan policy in relation to child play space provision. The proposal is acceptable and complies with the development plan, in this respect.

Accessible Homes

- 8.98 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.
- 8.99 The proposal provides a total of 10 accessible (M4.3(a) 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 location of the units within the development are as set out in figure 17 below. The scheme is therefore compliant in terms of planning policy on Accessible Homes.

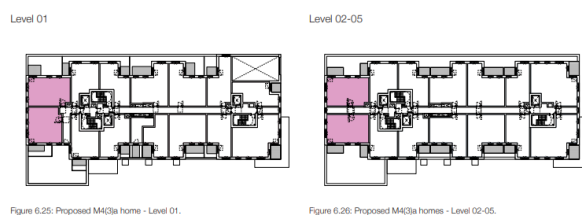
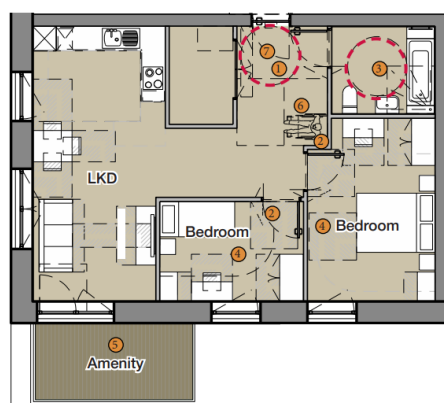


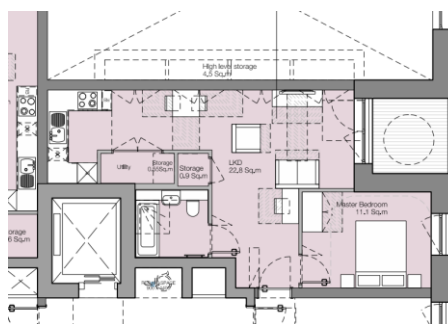
Figure 6.25: Proposed M4(3)a homes - Level 01.

Figure 6.26: Proposed M4(3)a homes - Level 02-05.

*Fig 17 – location and layout of M4 (3) units*

Sunlight, Daylight and Overshadowing

- 8.100 An Internal Daylight and Sunlight Report supports the application. This evaluates the daylight, sunlight and overshadowing of the internal rooms within the development. This has been independently reviewed by a consultant on behalf of the Council.
- 8.101 In terms of daylight the scheme is compliant with BRE standards relating to the layout of new development with the exception of one living / kitchen / dining room on the first floor, facing on to Hickman Avenue. This has an enclosed balcony area that limits daylight penetration of the room in question. The addition of an enclosed balcony here is appropriate given that it is located on the first floor; the inset balcony provides more privacy and defensible space to the unit in question given its proximity to the road and servicing area. In this context the layout proposed is considered acceptable, notwithstanding the reduction in light to the living area.

*Fig 18 Single aspect unit*

- 8.103 Regarding Sunlight exposure there are 231 rooms in the development. Of these 122 rooms would not meet the minimum BRE target of 1.5 Hours sunlight per

day. Out of these rooms, 33 are Living/Kitchen/Dining Areas. The independent review advises the main reason for this is because most of these rooms face north or are affected by balconies which act as an obstruction to sunlight, this would limit the amount of sunlight that reaches the rooms in question.

- 8.104 The independent review comments that the amount of consequential harm would be limited as a consequence of this. The prevailing urban context is also relevant here in that the proposal broadly reflects an established pattern of development established around the local estate.

Sunlight to Gardens and Outdoor Spaces

- 8.105 There are two roof gardens within the proposed development. Whilst these have not been the subject of a detailed assessment in terms of daylight, sunlight and overshadowing it is noted that these are both open areas which would experience good levels of daylight and sunlight thus providing acceptable living conditions for future residents.

Noise

- 8.106 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.
- 8.107 There is a possibility of noise from the nearby industrial estate impacting on the northern façade of the building and the balconies on it, although there is a reasonable level of separation distance in this instance and the situation would be similar to that which already exists at Furrow House. Furthermore the town centre context is relevant, where there is existing background noise.
- 8.108 The Environmental Health Officer has recommended conditions in relation to appropriate noise levels within each dwelling. The developer would need to achieve these and demonstrate how this has been done in a noise assessment submitted in response to a planning condition. Subject to this, the resultant noise environment within the development is considered to be acceptable.

Layout and Communal Space

- 8.109 The development provides high quality common space. The two residential lobbies are in excess of 50 metres in size and lead directly in each case to the relevant core of the building. In each case a door from the car park leads directly to the core from where the flats on the upper floors of the building can be accessed by way of lift. A further positive feature of the development is that the upper floors have corridors with natural light penetration, thus providing outlook to the common areas.



Fig 19. Ground floor layout

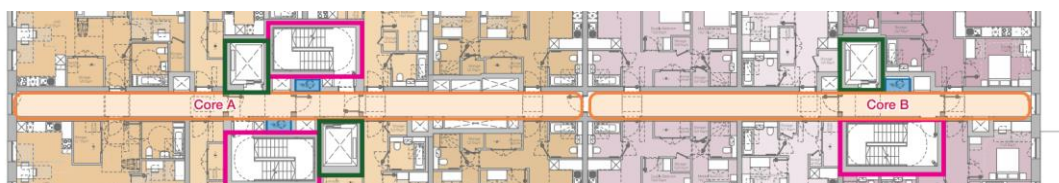


Fig 20 typical upper floor layout showing corridors with natural light.

Overall Conclusion on standard of accommodation

- 8.110 Overall, when considered as a whole, the proposal is considered to provide a high standard of accommodation for future residents. It responds effectively to the constraints of the site whilst optimising the potential of the site for housing delivery. The good standard of internal and communal space outweigh the issues relating to limited light in one unit. The high quality standard of accommodation is a positive element of the scheme that weighs in its favour.

PART G. SECURE BY DESIGN

- 8.111 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.
- 8.112 The site is located within a Town Centre which is at risk of Anti-Social Behaviour, and this is a matter that is noted in a number of consultation responses. The proposal has been reviewed twice by the Secured by Design officer at the Met Police. The most recent comments refer to areas that should be reviewed to ensure a security conscious scheme. This includes, in particular, access control, double doors, defensible zones and climbing aids. It is advised that, if these comments are addressed the site could achieve SBD certification. This is a matter that will require further work but can be dealt with by way of planning condition, and this approach has been agreed with the Metropolitan Police. Subject to this, the proposal is considered acceptable in terms of safety

and security and the proposal would not exacerbate existing issues relating to Crime and Anti Social Behaviour. It complies with the relevant policies in the development plan, relating to this issue.

H. TRANSPORT, HIGHWAYS AND SERVICING

- 8.113 The National Planning Policy Framework (2023) states 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 policy on these priorities in a placemaking context, to ensure safe and suitable access to the site for all users.
- 8.114 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.
- 8.115 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)

- 8.116 The proposal is to be car free, in alignment with the approach envisaged in the Local Plan parking standards. It is located within a Controlled Parking Zone ("CPZ") and, in line with the Council's standard approach, future occupants would be prohibited from applying for parking permits within the CPZ. 6 blue badge parking spaces are proposed within the building itself. This accords with the relevant local plan standard of 4 plus 2 passive spaces; in this case the passive provision is being provided at the start of the development process, but this approach does not raise any planning concerns.
- 8.117 Aside from the disabled parking bays, the development does not otherwise provide any on-site parking for the future occupants of the development. Being located in a town centre in close proximity to transport links, this is acceptable.

ii) Car Parking – impact on existing on street parking

- 8.118 A number of existing residents draw attention to existing pressure within the CPZ, which is oversubscribed.

- 8.119 The proposal will not result in any loss of parking spaces within the CPZ. Whilst one space is being removed to create a servicing bay, another space is being added to the CPZ next to Celebration Way as mitigation. As noted previously, future occupants of the development will not be entitled to apply for a parking permit. There are sufficient disabled bays within the development to absorb capacity for any disabled parking within the site. The development includes a bespoke servicing bay on the street, which reduces the risk of servicing traffic associated with the development obstructing existing residents parking.
- 8.120 It is noted that parts of Hickman Avenue and Jubilee Avenue have unrestricted parking which is currently in very high demand. The applicant has agreed to a financial contribution which could be used to support consultation processes associated future CPZ expansion, if locally supported and justified.
- 8.121 As such, steps have been taken to mitigate and manage this issue as far as is reasonably possible through the design and layout of the project, and through S106 contributions. The highway authority do not object to the development. As such, the proposal is considered to be acceptable in terms of its impact on existing on street parking.

iii) Cycle Parking Standards

- 8.122 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 (Appendix 1) 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.
- 8.123 Cycle Parking would be provided in two bespoke stores. These are located off Jack Farms Way with capacity to provide policy compliant levels of cycle parking in relation to the London Plan and the Local Plan. The stores are well designed, benefiting from natural light and direct external access. In addition, short stay residential visitor cycle parking is provided adjacent to the residential lobby. The detailed design of cycle parking, including the stands to be used, would be required in response to a planning condition. The provision of cycle storage is supported by the Transport Policy team. The scheme is fully compliant with the development plan, in this respect.

(iv) Electric Vehicle charging

- 8.124 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

- 8.125 The proposal includes two servicing bays, one within the building for refuse collection, and an on street bay on the corner of Hickman Avenue and Jack Farms Way. The bays are sized to meet the relevant standards. These bays would accommodate all traffic likely to be generated by the proposed building without creating an obstruction to existing vehicular traffic. Waste would be collected from within the building via a bespoke bay via the vehicular access in to the development. The exact dimensions of the bay will be agreed in relation to a planning condition to ensure the Council's refuse vehicles can service the site. The proposal is compliant with the development plan, in this respect.

vi) Construction Logistics Plan

- 8.126 A number of respondents to the consultation process draw attention to concerns about the impact of the construction process. 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. The Highways department have raised a number of concerns regarding the outline CLP which means that it cannot be an approved document. A detailed CLP will be required by way of planning condition and the issues with the submitted outline CLP are set out in an informative. Subject to this the proposal is compliant with the development plan, in this respect.

vii) Highways – conditions and obligations.

- 8.127 A series of conditions and planning obligations have been requested by the highways team. These have been imposed where they meet the relevant policy tests that apply to the use of planning conditions and obligations. It is noted that Hickman Avenue in particular would benefit from upgrading to improve facilities for walking and cycling. The payment of £87,000 would be for purposes such as this as mitigation for the increase in population arising from this development. This is separate to the improvements to the public realm around the immediate site area, which are necessary to directly integrate the development into its surrounding and provide appropriate living conditions for future residents of the development, together with any visitors to the building.

viii) Highways – other issues raised by interested parties

- 8.128 A number of respondents to the consultation express concern about the impact of increased traffic to the development, including concern about the methodologies used in generating estimates of the number of trips and the extent to which other planned development has been considered. However in response to this it is noted that the development is car free and designed as such and reasonable mitigations have been put in place to ensure that this is the case. There is a bespoke servicing bay located on the corner of the site adjacent to the main entrance that would be immediately apparent to those

visiting the site to undertake deliveries, such trips can be accommodated without disruption to the local highway network.

- 8.129 When considering the question of trip generation, it is also noted that the existing use, which generates vehicular trips by virtue of its large car park, is ceasing. As such any more traffic along Hickman Avenue arising from the development would broadly replace existing vehicular movements. The proposal would not affect the character of traffic around Highams Park, including at the nearby level crossing.
- 8.130 It has previously been noted that there may be some additional demand to park along Hickman Avenue and Jubilee Avenue, roads that are known to experience a high amount of parking pressure at present, but these roads do not experience a continuous flow of traffic and so can absorb pressure from any future residents or visitors seeking local parking options without detriment to highway safety.

Overall Conclusion – Transport and Highways

- 8.131 The proposal is fully policy compliant in terms of Transport and Highways issues. For the reasons set out above, the issues raised by local residents regarding parking and traffic in consultation have been addressed by the applicant. This is a matter that weighs positively in favour of the proposed development.

I. TREES LANDSCAPING AND ECOLOGY

- 8.132 London Plan (2021) Policy G1 requires that development proposals incorporate elements of green infrastructure to deliver multiple benefits. London Plan (2021) Policy 8.133 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.
- 8.133 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.

Landscape Strategy

- 8.134 In broad terms the project aims to provide green roofs across the development with various raised planting. This is in accordance with the diagram below.

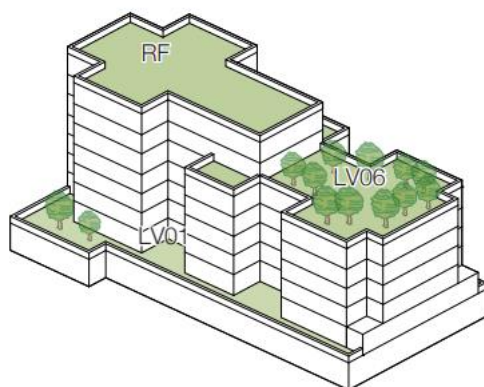


Fig 21. Diagram of green spaces within development

- 8.135 The roof at level 8 would be non accessible roof top planting integrated with roof top plant. The area at level 6 would be a discovery garden/ play area. The intention is to reuse the existing gabion wall at ground floor level which would be salvaged from the demolition process in the roof top garden on level 6. In addition to this there would be roof top planting at level 1, as well as at ground level. The design of the ground floor planting will need to be established by agreement with the highway authority as part of the Section 278 works. Cumulatively this represents a significant amount of planting. The exact detail of the planting will need to be agreed following the submission and approval of a planning condition.



Figure 8.43: Urban bee-keeping and solar energy with biodiverse rooftop planting.



Figure 8.44: Rooftop design incorporates sustainable urban drainage and a range of habitats.

Fig 22: indicative rooftop planting.

Existing trees

- 8.136 5 trees within the site would be removed of which 4 are grade C, and 1 is grade B. The site is otherwise comprised largely of a solid roof and hardstanding. Whilst regrettable due to their relatively young age (largely being planted around the time of the original building), the Urban Greening officer does not object to their loss subject to successful alternative landscaping and ecological enhancements being achieved, which would be the case with this development.

- 8.137 Whilst the development is set away from other trees it is noted that works will take place in very close proximity to the adjacent retaining wall to the Aldriche Way estate beyond which there are multiple mature trees. As such it is recommended that a tree protection plan is required in response to a planning condition to ensure the construction process is managed in relation to these trees.

Biodiversity Net Gain

- 8.138 The urban greening officer accepts in principle the position respective planting would achieve biodiversity net gain in excess of the 10% mandatory net gain required, as set out in the application. This is due to the replacement of hardstanding with landscaping across the site and in particular the large area of landscaping on the areas of roof, which include significant planting.
- 8.139 Notwithstanding this the exact arrangement of planting is yet to be determined and relies in part on negotiations being carried out as part of the detailed design of the public realm facing Jack Farms Way and the extent to which it can accommodate landscaping. It is therefore suggested that this matter is concluded through appropriate conditions and Section 106 clauses relating to Biodiversity Net Gain.

Urban Greening Factor

- 8.140 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.
- 8.141 In this case the proposals achieve an Urban Greening Factor of 0.4 so complies with policy in this respect.

Ecology

- 8.142 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.
- 8.143 An Ecological Assessment was submitted in support of the planning application which was informed by a visual inspection of the site. This assessed the habitat potential of the site which was established to be limited by virtue of the nature of the existing development on the site and limited habitat. It does not recommend further surveys of the existing site taking place prior to construction and the Council's urban greening officer has not objected to the development on this basis.
- 8.144 The application includes habitat enhancement measures but a limited level of detail has been provided on these. As such it is recommended that they are

required by planning condition to ensure compliance with relevant planning policies, in this respect.

Epping Forest Special Area of Conservation – Appropriate Assessment

- 8.145 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.
- 8.146 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.
- 8.147 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.
- 8.148 In this case the development is outside the boundary of the SAC and its immediate buffer zone but within the 6.2 kilometre Zone of Influence. It is around 0.9 km from 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.
- 8.149 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 £56550 (£650 per unit) is required for this purpose. This is in accordance with the methodology set out in the Epping Forest Strategic Access Management and Maintenance (SAMM) Strategy.
- 8.150 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. Based on the methodology set out in the emerging strategy, it is anticipated that the 87 new homes proposed would result in a potential visitor uplift. Of the proposed SANGs that this site falls within the catchment of, investment in the Highams Park is proposed to mitigate the potential recreational impacts on Epping Forest SAC. This would be funded via Community Infrastructure Levy.
- 8.151 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

- 8.152 At present the development is dominated by hardstanding. Because of the use of green roofs the proposal would lead to a significant betterment through urban greening which overcomes the issues that arise through the loss of trees and the small amount of soft landscaping that exists at present. This is reflected in the high scores in terms of Biodiversity Net Gain and the Urban Greening Factor. Subject to this being secured by appropriate conditions, this is overall a positive consideration that weighs in favour of the proposed development. Other impacts, such as that on the Epping Forest SAC, can be mitigated.
- 8.153 As such, 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

- 8.154 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.
- 8.155 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.
- 8.156 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

- 8.157 The submitted energy statement outlines measures that reduce energy demand and increase the environmental performance of the building. The approach follows the three-step Energy Hierarchy set out in the London Plan and reflected in the Waltham Forest Local Plan Part 1. The approach achieves

estimated regulated CO2 savings for the site as a whole are 73%, against a Part L 2021 compliant scheme with SAP10.2 carbon factors.

- 8.158 Of the above 25% savings are achieved through 'Be Lean' Measures, ie insulation and efficient lighting. The remaining 48% savings come from the use of renewable energy namely ASHP and PV panel systems.
- 8.159 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. A carbon offset payment of £78,068 is necessary to achieve net-zero carbon in line with Policy 85 of the Waltham Forest Local plan.
- 8.160 It is noted that at 73%, the improvement over the London Plan/Local Plan minimum of 35% carbon reduction, and the guideline target of 50% for residential schemes represents a significant achievement. This is a matter that attributes significant weight in the overall planning balance.
- 8.161 The development is acceptable in terms of Sustainability and Energy Efficiency, subject to appropriate conditions and S106 clauses set out in this report.

Water Efficiency

- 8.162 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.
- 8.163 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.

Pre Demolition Audit and Circular Economy

- 8.164 The application has been accompanied by a pre demolition audit, circular economy statement and whole life carbon assessment. These measures reduce the environmental impact of construction by seeking to conserve resources, eliminate and manage waste, and reuse materials. They would be approved plans which the development must be carried out in accordance with.
- 8.165 However, of particular importance in the context of this case is the question of salvage in relation to the building to be demolished as it is only around a

decade old. The demolition report contains a range of options but not explicit commitments to reuse/recycle materials. Some of the materials eg the gabion walls are to be reused in the project. To ensure the intention set out in the justification for the proposal is carried through, it is recommended an updated demolition and reuse/recycling strategy is provided prior to demolition works taking place.

- 8.166 Overall however the submitted documentation demonstrates the proposal is compliant with the strategic approach to the circular economy and reducing the environmental impact of demolition.

Conclusion on Energy and Sustainability.

- 8.167 The proposal achieves significant carbon reduction levels above building regulations and exceeds relevant local and London Plan targets in this respect. This is a matter that weighs in favour of the proposed development. Subject to relevant conditions and S106 Planning Obligations, the proposal complies with planning policies in relation to energy efficiency and sustainable design and construction.

K. FLOOD RISK AND DRAINAGE CONSIDERATIONS

- 8.168 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).
- 8.169 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 or any significant risk of groundwater, sewer or reservoir flooding.
- 8.170 In terms of surface water drainage, the site at present discharges to an existing surface water sewer. Regarding the proposed development, the drainage statement explains that runoff from the development will discharge to a storage tank and then into an existing surface water sewer under Hickman Avenue via a Hydrobrake. Foul water will drain to an existing foul water sewer located under Hickman Avenue.
- 8.171 The principle of the above system has been agreed with the Council's drainage engineer however further details of the scheme are required to ensure the tank being installed is appropriately sized and the resultant flows to the surface water sewer are acceptable. This is a matter that can be dealt with by way of planning condition. Subject to this the proposal is acceptable in terms of flood risk and drainage and complies with relevant planning policies, in this respect.

L. ENVIRONMENTAL IMPACT CONSIDERATIONS

- 8.172 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

- 8.173 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.
- 8.174 The risks from contamination are considered to be low given that the site was recently redeveloped at which point issues associated with decontamination would have been considered within a broadly similar policy framework to that which exists today. Notwithstanding this a contaminated land report has been issued and further investigative works recommended. 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

- 8.175 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.
- 8.176 The residential development will have some impact on Air Quality due to emissions from visiting traffic, but this is limited in part due to the absence of on site parking (other than disabled parking). 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 (£8700) has been calculated and is reflected in the heads of terms of the section 106 legal agreement.

- 8.177 The Environmental Health team have raised concerns regarding the boilers that may be used within the development due to the position of any discharge flues in relation to windows and vents within the development. Further details of these features can however be required by way of planning condition.
- 8.178 Overall, subject to the mitigation measures discussed, the proposal 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

- 8.179 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.
- 8.180 The site is subject to existing instances of noise arising from the adjacent town centre and commercial development. However, the separation distance associated with the development to surrounding residential properties is such that the proposal will not lead to significant issues relating to noise and vibration. The final location and specification of plant would be subject to a further noise assessment, as recommended by Environmental Health. This is to preserve the living conditions of existing residents.
- 8.181 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.
- 8.182 Overall, subject to the condition outlined above, the proposal is acceptable in terms of its environmental impact in relation to Noise.

External Lighting

- 8.183 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.
- 8.184 The proposal is located in an existing town centre, replacing an existing commercial building the use of external lighting would have a limited impact on the environment. Final details can however be provided in response to a planning condition to ensure the proposed development is acceptable in respect. Subject to this there is no conflict with relevant planning policies in relation to this issue.

N. FIRE SAFETY

- 8.185 Policy D12 of the London Plan (2021) sets out that all major developments should be accompanied by a Fire Statement. These should be produced by a third-party, independent and suitably qualified assessor. The building is over 18 metres tall and thus is regarded as a high risk building which will require the involvement of the Building Safety Regulator.
- 8.186 An outline fire strategy was submitted with the application prepared by Ashton Fire. This covers matters such as Fire Safety Systems, Means of Warning and Escape, Passive Fire Protection, External Fire Spread and Access and Facilities for the Fire and Rescue Service.
- 8.187 The Health and Safety Executive (HSE) were consulted on the original scheme who raised concerns with the original design particularly relating to compartmentalisation arising from the mixed use nature of the scheme. These have been successfully resolved through the change to a fully residential project and there is no objection to the current scheme from the HSE. The London Fire Brigade have not raised concerns.
- 8.188 A planning condition can be imposed which requires the submission of a detailed fire strategy prior to construction of the development. This can account for any changes arising through detailed design necessitating changes to the outline fire strategy. The proposal is considered to be policy compliant in relation to fire safety issues for the purposes of the planning stage.

P. PLANNING OBLIGATIONS

- 8.189 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.
- 8.190 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.
- 8.192 Comments on this are set out in the table below.

Planning Obligation	Planning Justification
Affordable Housing	To ensure compliance with planning policy having regard to how the planning application was presented.
Employment and Skills Obligations	To comply with the Councils adopted SPD on Planning Obligations.
Highways: Car Free Housing.	To comply with the Council's policies on car free development and for reasons of highway safety, to ensure that the

	development does not result in additional vehicle movements such that could lead to harm to highway safety.
Highways: S278 works and S38 works	To ensure the public realm around the new building is reconstructed in accordance with the intention of the planning application and in line with the specifications set out by the local highway authority.
Highways: CPZ consultation	To assist with the management of parking in the local area that has the potential to be exacerbated by vehicular trips arising as a result of the proposed development.
Highways: Condition Survey and CLP monitoring.	To manage the impact of construction traffic associated with the development and necessary to ensure the development is completed.
Highways: Walking and Cycling contribution	To build upgraded walking and cycling facilities around the site to assist with the mitigation of additional population.
Travel Plan:	To promote sustainable travel in line with the application and relevant planning policies
Energy and Sustainability	To ensure the conclusions of the Energy report are implemented in line with established planning policy and guidance.
Epping Forest Special Area of Conservation	To implement the conclusions of the Appropriate Assessment carried out in this report.
Biodiversity Net Gain	To comply with relevant legislation on Biodiversity Net Gain
Air Quality	To ensure the implementation of the Council's Air Quality Action Plan
Child Play Space	To mitigate the deficit in this respect in line with planning policy.
Architect Retention Clause	To fulfil the Council's policies in relation to Design and to ensure there is no deterioration in design quality.

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 two areas of conflict with the development plan. These relate to the loss of the existing commercial facility without the justification necessary under the relevant planning policies. Secondly, the proposal would result in losses to the daylight and sunlight amenity of existing residents as described in Section E of the report, with the single aspect units in Repton House experiencing a particularly significant effect.
- 9.3 Against this the proposal would achieve significant planning benefits. These are summarised below.
- The provision of 87 new homes, compliant with relevant local and strategic housing standards, with built in amenity space, including 35% affordable housing, within a highly sustainable location identified for growth in the Local Plan. This is in line with the Policy 12 of the Local Plan, which seeks to increase housing supply.
 - A high standard of internal layout and design to the common parts of the building that has been particularly thoughtfully designed for disabled people including those using the blue badge parking, which is provided in accordance with the Council's policies, in accordance with Local Plan Policies.
 - An attractive building that is very well detailed, and which improves the setting of St Nicholas Court by virtue of its approach to height and massing.
 - An attractive renewed public realm around the building at ground floor level.
 - High quality cycle parking facilities, located effectively at the front of the development adjacent to the main entrance, thus supporting the Council's approach towards car free development.
 - Environmentally, a highly efficient building that through the provision of on site renewable energy generation that exceeds policy targets for carbon reduction.
 - The provision of high quality landscaping within the development, to be secured by condition, that provides permeable surfaces for the treatment of rain water and, together with habitat enhancement measures, achieves biodiversity enhancement over the existing situation.
 - There would be economic benefits through construction activity in the short term, and over the long term the significant uplift in residents would support the centre of Highams Park and businesses within it.
 - Delivery of apprenticeships and work placements in the construction phase.
 - A contribution towards Controlled Parking Zone review, to help address the concerns raised by existing residents in the surrounding area regarding parking issues in the local area.
- 9.4 The points set out in paragraph 9.3 are material considerations that, in officers view, overcome the conflict with planning policies relating to the protection of employment land (summarised in section A of the report – particularly policy 28 and 40 of the Local Plan) and policy 57 of the Local Plan Part 1, which seeks to avoid harmful impacts arising from daylight and sunlight. As such, the planning

balance weighs in favour of granting planning permission for the proposed development.

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. It is only one factor that needs to be considered and may be balanced 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.

RECOMMENDATION

10.7 The Planning Committee is recommended to GRANT Planning Permission subject to the conditions and planning obligations identified in this report.

CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents and thereafter maintained as such for the lifetime of the development: Drawing Reference(s): (TO BE ADDED)

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

3. No development above ground floor level shall take place until details, including samples, of all external facing materials have been submitted to, and approved in writing by, the local planning authority. This should include a mock up brick panel such that can be viewed on site. The development shall be carried out in accordance with the approved details prior to occupation.

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

4. No development above ground floor level shall take place until details of all doors and windows have been submitted to, and approved in writing by, the local planning authority. The information submitted under the terms of this condition should include the depth of the proposed window reveals shown in section drawings, and specify the materials to be used in the construction of the doors and windows within the development. The development shall be carried out in accordance with the approved details prior to occupation.

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

5. No development above ground floor level shall take place until details of all balconies including railings, together with built in privacy screening have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details prior to occupation.

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

6. No development above ground floor level shall take place until details of all soffits have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details prior to occupation.

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

7. No development above ground floor level shall take place until bay studies have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details prior to occupation.

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

8. The development hereby approved shall not be occupied until drawings showing the detailed design of the two child play areas, including final specifications of play equipment, and safety balustrading in accordance with the approved plans, has been submitted to and approved in writing by the local planning authority.

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

9. The development hereby approved shall not be occupied until the units identified as wheelchair accessible units (M4.3) have been built in accordance with the approved plans.

REASON: In the interests of achieving an accessible development in accordance with relevant development plan policies

10. 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, 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 interests of safety and security, in accordance with Policy 58 of the Adopted Local Plan Part 1.

11. No development shall take place until a Detailed Construction Logistics Plan has been submitted to, and approved in writing by, the Local Planning Authority in relation to the development. The Construction and Logistics Plan should have regard to the CLOCS template and guidance found here: https://www.clocs.org.uk/page/construction_logistics. The logistics plan shall include details of site access, journey planning, access routes, hours of deliveries, temporary traffic arrangements or restrictions, site operation times, loading and unloading locations and material storage. The CLP shall include all phases of the development including: i) site setup, ii) below ground works, iii) above ground works. The Construction Logistics Plan should be informed, where appropriate, by consultation with adjacent land uses. All works shall be carried out in accordance with the approved details and the Construction and Logistics Plan should be implemented throughout all phases of construction works.

REASON: To ensure an acceptable standard of development and in the interest of highway and pedestrian safety, in order to comply with Policy 63 of the adopted Waltham Forest Local Plan (2024).

12. Prior to first occupation of the development, a detailed Servicing and Delivery Plan shall be submitted to and approved in writing by the Local Planning Authority. The DSP shall make reference to safety measures that will be in place to reduce conflicts between service vehicles and other users (cycle stores, disabled parking and any other pedestrians) and shall also include details on how delivery vehicles are restricted during peak periods. The development shall be managed thereafter in accordance with the details approved under the terms of this condition.

REASON: In the interests of highway safety, and in accordance with Policy 63 and 64 of the adopted Local Plan.

13. 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 such as swept path drawings, 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: In the interests of highway safety, and in accordance with Policy 63 and 64 of the adopted Local Plan.

14. Prior to first occupation of the residential development hereby approved a Car Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Car Parking Management Plan shall include but not be limited to the following:

- Outline the process for allocating bays to blue badge holders (including passive bays should they be required).
- Details on how enforcement will manage the authorised bays.
- Details on how enforcement will manage unauthorised parking and loading.

The blue badge car parking spaces shall be laid out and allocated in accordance with the approved Management Plan(s) and shall be made available for the purposes of parking vehicles in association with the development and for no other purpose. The development shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.

REASON: In the interests of highway safety, and in particular to avoid obstructions on the highway in accordance with policy 63 of the Adopted Local Plan.

15. Prior to the commencement of development on site, notwithstanding site investigation work, clearance and demolition, a drainage strategy including SuDS (Sustainable Drainage System) to deal with all surface water drainage from the site, including details of proposed rainwater harvesting systems, green roofs and proposed soakaway designs together with infiltration test results and recommended soakage rates, shall be submitted to and approved by the Local Planning Authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. The approved SUDS shall be fully implemented prior to first occupation of any building and thereafter maintained in accordance with the agreed details for the lifetime of the development.

REASON: To achieve a satisfactory standard of development that mitigates the risk of surface water flooding in accordance with with policy 83, 89 and 91 of the Adopted Waltham Forest Local Plan (2024)

16. The development hereby approved shall not be occupied until details of a management and maintenance plan for the green roof has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plans.

REASON: In the interest of biodiversity and local amenity, in accordance with Policy 81 of the adopted Waltham Forest Local Plan (2024).

17. No development above ground floor level shall take place until details of a travel plan, including details of how it will be implemented for the lifetime of the development, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plans.

REASON: In the interests of sustainable travel and to promote successful car free development in accordance with Policy 63 of the Local Plan.

18. No development above slab level shall take place until details of the siting and design of boundary treatments, including railings, walls, gates, privacy screens, and

other means of enclosure, have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in the details submitted to the Council in response to this planning condition, hardstanding levels within the red line boundary, and threshold levels should be designed to tie into existing public highway back of path levels. The development shall be carried out in accordance with the approved details.

REASON: To secure an acceptable standard of development that complements the adjacent public highway.

19. The development hereby approved shall not be occupied until details, including specifications of the cycle parking facilities hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the cycle parking shall be retained for the lifetime of the development.

REASON: To ensure policy compliant levels of cycle parking, to promote cycling as a mode of transport and to promote car free development.

20. The development hereby approved shall not be occupied until details of the waste facilities have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the waste facilities shall be retained for the lifetime of the development.

REASON: To secure an acceptable standard of development in relation to waste storage facilities in accordance with policy 93 of the adopted Local Plan.

21. The development hereby approved shall not be occupied until details of the electric vehicle charging points to be provided within the development, including any relevant passive provision for an additional space, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To provide electric vehicle charging facilities in accordance with London Plan policy T6.1C.

22. Aside from demolition and site preparation works, and notwithstanding the approved plans, no development shall commence until a detailed drawing showing the dimensions of the refuse vehicle servicing area, including access and egress, have been submitted to and approved in writing by the local planning authority. The information submitted under the terms of this condition must include swept path diagrams including all street markings and associated street furniture along with carry and drag distances.

REASON: In the interests of highway safety, to ensure that the waste stores can be accessed.

23. Aside from demolition and site preparation works, no development shall commence until a plan showing land to be adopted along Jacks Farm Way and Hickman Avenue by the local highway authority upon completion of the development has been submitted to and approved in writing by the local planning authority.

REASON: To ensure a satisfactory standard of development in relation to the delivery and long term management of the public realm around the site.

24. Aside from demolition and site preparation works, no development shall commence until a plan showing the detailed design of the new public realm facing Jack Farms Way has been submitted to and approved in writing by the local planning authority. The development hereby approved shall be carried out in accordance with the details approved under the terms of this condition.

REASON: To ensure a satisfactory standard of development in relation to the delivery and long term management of the public realm around the site.

25. Prior to the commencement of development on site excluding ground works and demolition, 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 G1, G5 and G6 of London Plan (2021), Policies 53, 77, 79 and 80 of the adopted Waltham Forest Local Plan LP1 (2024).

26. Prior to the commencement of the development on site, a Biodiversity Gain Plan in accordance with Preliminary Ecological Appraisal Report, version 2.1, dated 11/03/2025, should be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full and retained thereafter in accordance with the approved Biodiversity Gain Plan. In the failure to achieve 10% Biodiversity Net Gain or any shortfall, the developer shall confirm with option they will enter into relating to either "A Biodiversity Offsetting Scheme" or "Statutory Biodiversity Credits" as set out in the s106 legal agreement.

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

27. 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).

28. No development shall take place until details of a tree protection plan has been submitted to and approved in writing by the local planning authority. 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 Arboriculturist and any identified 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 48, 53, 57, 77, 79 and 80 of the adopted Waltham Forest Local Plan (2024).

29. Prior to occupation, details of any form of external illumination and / or external lighting on the buildings and around the site including any street lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the first occupation of any part of the development hereby permitted and retained as such for the lifetime of the development.

REASON: To secure an acceptable standard of development that is well designed in relation to its surroundings and which takes account of the amenity of existing and future residents.

30. Prior to the occupation of the development hereby approved, details of the habitat enhancement features shall be submitted to and approved in writing by the local planning authority. The habitat enhancement features hereby approved shall be installed prior to first occupation of the development hereby approved and shall thereafter be maintained in accordance with the approved details in perpetuity.

REASON: In the interest of biodiversity and local amenity, in accordance with Policy 81 of the adopted Waltham Forest Local Plan (2024).

31. Prior to the occupation of any part of the development hereby permitted, a report demonstrating how the scheme reduces the carbon dioxide emissions of the development by at least 50% compared to the 2021 Building Regulations shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall reference the measures set out in the Energy Statement accompanying the planning application but shall explain what measures have been implemented in the

construction of the development. The development and energy efficiency measures shall thereafter be retained.

REASON: In the interests of the sustainability and energy efficiency of the development and to meet the requirements of policy SI 2 of the London Plan.

32. No works above ground level shall take place until an assessment has been submitted to an approved in writing by the local planning authority which deals with overheating risks in the residential units hereby approved. This must include a strategy for residents to cope with heatwaves, having regard to relevant guidance prepared by the Greater London Assembly. The development must be carried out in accordance with the approved plans.

REASON: To achieve a satisfactory development in relation to residential amenity and in the interests of the sustainability and energy efficiency of the development and to meet the requirements of policy SI 2 of the London Plan.

33. Aside from demolition and site preparation works, no development shall commence until a plan showing how the development hereby approved could connect to a future district heating network has been submitted to and approved in writing by the local planning authority. The plan submitted should include drawings showing system schematics, and protected pipework routes through the development (plus designated entry points where applicable) from plant rooms to the edge of the site. The information submitted in response to this condition should also provide an assessment of whether links to neighbouring developments or buildings is feasible including evidence of consultation with them. Further details of constraints to joining the networks should be provided. The development shall be carried out in accordance with the details approved under the terms of this condition.

REASON: To support the future delivery of decentralised energy and sustainable design and construction, in accordance with policies 86 and 87 of the Adopted Local Plan.

34. No works involving demolition may take place until an updated demolition Audit has been submitted to and approved in writing by the local authority. This should include a detailed strategy identifying parts of the existing building to be reused or recycled and a strategy for doing so. The works of demolition must be carried out in accordance with the approved plans. Once the works of demolition have been completed a report demonstrating compliance with the demolition audit approved under the terms of this condition shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development.

REASON: In the interests of sustainability and to respond to the climate emergency.

35. Prior to the commencement of development, a scheme detailing measures to reduce water use within the development, to meet a target water use of 105 litres or less per person, per day, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved scheme and thereafter retained.

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

36. Prior to the commencement of any work involving demolition of the existing building on the site, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of the following:

- Works of demolition and construction shall be carried out during normal working hours, i.e. 08:00 to 18:00 hours Monday to Friday, and 08:00 to 13:00 hours on Saturdays, with no noisy working audible at the site boundary being permitted on Sundays or Bank Holidays
- Construction Vehicle Access Strategy
- Likely noise levels to be generated from plant
- Details of any noise screening measures
- Proposals for monitoring noise and procedures to be put in place where agreed noise levels are exceeded
- Where works are likely to lead to vibration impacts on surrounding residential properties, proposals for monitoring vibration and procedures to be put in place if agreed vibration levels are exceeded. Note: it is expected that vibration over 1mm/s measured as a peak particle velocity would constitute unreasonable vibration.
- The method statement shall make reference to and comply with The Mayor of London's supplementary planning guidance (SPG) 'The control of dust and emissions from construction and demolition'

In particular the applicant shall:

- Submit for approval an Air Quality (dust) risk assessment
- Submit for approval an Air Quality & Dust management Plan
- Equipment and plant used on site shall comply with the requirements for 'Non-Road Mobile Machinery' (NRMM)
- Submit a for approval Dust monitoring programme
- All the above submissions shall have regard to the Mayor's SPG

Reference shall be made to:

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

REASON: To ensure considerate construction and to protect the amenities of the nearby residents from excessive noise and dust in accordance with policy 88 of the adopted Waltham Forest Local Plan (2024)

37. Any development within the London Borough of Waltham Forest is required to have non-road mobile machinery (NRMM) condition. No NRMM shall be used on the site unless it is compliant with the NRMM Low Emission Zone requirements (or any superseding requirements) and until it has been registered for use on the site on the NRMM register (or any superseding register).

REASON: To ensure that air quality is not adversely affected by the development in line with London Plan policy 7.14 and the Mayor's SPG: The Control of Dust and Emissions during Construction and Demolition.

38. Prior to commencement of construction works, a scheme including the following components (where applicable) to address the risk associated with site contamination shall be submitted to and approved in writing by the Local Planning Authority (LPA).

- A) A Desk Study report including a preliminary risk assessment and conceptual site model.
- B) A ground investigation based on the findings of the Desk Study Report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- C) The results of the investigation and revised risk assessment and based on these, in the event that remediation measures are identified necessary a remediation strategy shall be submitted. This should give full details of how the strategy will bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The development shall not be occupied until the following information has been submitted to and approved in writing by the Local Planning Authority

- D) A verification report providing details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology which shall include photographic evidence. Details of any post-remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Any investigation and risk assessment must be undertaken in accordance with the Environment Agency's Model Procedures for the Management of Contaminated Land (CLR11). In the event that additional significant contamination is found at any time when carryout the approved development it must be reported immediately to the

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

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

39. No development above ground level shall take place until an updated Fire Safety Report has been submitted to and approved in writing by the local planning authority, in consultation with the London Fire Brigade. The development shall be carried out in accordance with the approved plans.

REASON: To ensure that the development meets fire safety requirements in National Planning Policy and the London Plan.

40. The development hereby approved shall not be occupied until full details of any boilers being installed within the development have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Environmental Health Team. Details submitted in accordance with this condition should include information relation to their emissions and method of discharge in relation openable windows or air vents.

Reason: To comply with the London Plan Policy SI1 in relation to air quality.

41. Noise Impact Assessment. No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and its surroundings, and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations. Noise Impact Assessment (NIA) shall be conducted in accordance with the following standards:

BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings.

The assessment must provide detailed analysis and recommendations on achieving appropriate internal and external noise levels for residential and non-residential buildings.

BS 4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound.

The assessment must evaluate the potential noise impact from industrial and commercial sources including ventilation/extraction equipment on nearby sensitive receptors, including residential properties, and outline mitigation measures as necessary.

The NIA shall include, but not be limited to, the following:

Background noise surveys to establish existing noise levels in the area, note:

Noise from all new building services plant for the lifetime of the development shall be controlled to a level not exceeding 10dB(A) below the typical underlying background noise level (LA90) during the time of plant operation at a position one metre external to the nearest noise sensitive premises. The underlying background LA90 shall be determined in the absence of the new plant noise.

Assessment of the likely noise impacts from the proposed development including any plant equipment.

Identification of specific noise sources and their potential effects on surrounding noise-sensitive premises.

Recommendations for mitigation measures to ensure that noise levels are within acceptable limits as defined by BS 8233:2014 and BS 4142:2014

The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed-use noise in the immediate surroundings in accordance with Policy 50 of the adopted Waltham Forest Local Plan LP1 (2024)

42. Internal noise. Within the residential unit(s) the following internal noise levels shall be achieved and not exceeded with the windows closed: 35dB(A) Leq 16 hours 07:00hrs – 23:00hrs in living rooms, while 30dB(A) Leq 8 hours in bedrooms and no individual noise event to exceed 45dB(A) max (measured with F time weighting) 23:00hrs – 07:00hrs. External noise affecting gardens, balconies or amenity spaces shall not exceed 55dBLAeqt. This should be reflected in the noise assessment submitted to the Council for Written approval under condition 41.

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

43. Post-Completion Verification. The development shall not be occupied until a post installation noise assessment has been carried out to confirm compliance with the noise criteria in conditions 41 and 42 has been submitted to and approved in writing by the Local Planning Authority.

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

INFORMATIVES

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

2. This determination does not constitute permission to build under the Building Regulations 2010. Works should not commence until any appropriate building regulation applications have been submitted and where necessary approved.
3. To assist applicants the Local Planning Authority has produced policies and provided written guidance, all of which is available on the Council's website and which have been followed in this instance. The Local Planning Authority delivered the decision in a timely manner.
4. Protected species. You are reminded of the requirements of the Wildlife and Countryside Act 1981 in relation to Protected Species and to take any necessary precautionary measures in relation to demolition works on the site.
5. Utilities Infrastructure The development has the potential to impact on local underground utility infrastructure. You are advised to engage with relevant operators including Thames Water to determine any precautionary measures/investigative works necessary to ensure that the proposal does not have any adverse impact on Utilities Infrastructure. Thames Water publish a guide "working near our assets" to ensure your workings will be in line with the necessary processes you should be aware of. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk
6. The applicant is requested to seek the advice of the Metropolitan Police Service Designing Out Crime Officers (DOCOs) in relation to secure by design matters. The services of MPS DOCOs are available free of charge and can be contacted via DOCOMailbox.NE@met.police.uk.
7. The Outline Construction Logistics Plan submitted with the application does not meet the requirements of the Local Highway Authority. Consequently it is not an approved document. The following comments set out below identify the issues associated with the draft document that require resolution in advance of the detailed CLP being submitted under the relevant condition set out above.
 - S2.1 Its expected that all policies referred to within the CLOCS CLP guidance will be included here with a relevant description.
 - S2.2.5 Jacks Farm Way is a home zone with a non-typical highway arrangement. The description of the sites surrounding context needs to include Jacks Farm Way.
 - Figure 2 needs to label all surrounding community considerations including places of worship, schools, nurseries, playgrounds, parks etc.
 - S2.3.1 must include a description of the surrounding cycle infrastructure, for example, the segregated and advisory lanes on Larkshall Road.
 - S2.4 The surrounding community considerations must be listed here.
 - S3 Its understood that a contractor is not yet on board, but this section must be completed as much as reasonably possible to explain how the development will be built.

- S3 A description of the six phases of construction must be included here. The applicant needs to prove to Highways that the construction methodology has been considered sufficiently to ensure that the impact on the public highway, in particular Jacks Farm Way will be mitigated as much as possible.
 - S3 The construction programme graph and table from the CLP tool must be included here.
 - S3.2 must be removed as this is not an infrastructure project.
 - S4 It is noted the during the initial phase of construction, loading will occur within the site boundary. The applicant needs to explain whether this loading will be retained within the site boundary or otherwise as works progress to substructure and superstructure etc.
 - S4 Figure 4.3 must be removed.
 - S4 A Regional routing plan needs to be included in this section as per the CLOCS guidance.
 - S4.3 must be removed.
 - S4.4 How pedestrian safety will be maintained during construction and loading activities must be explained in this section.
 - S4 There are different types of traffic marshals, who will have different roles and levels of qualifications and training. Typically, a 'banksman' will be responsible for the safe movement of plant and vehicles, where a traffic marshal is the interface control point between the public highway and construction site who will also oversee the safety of pedestrians and cyclists. Please clarify which operatives will be in use.
 - S4.6 S4 It is understood that a contractor has not yet been appointed but the applicant must sufficiently explain how and where loading will take place as construction progress and outline any proposed impacts on the public highway.
 - S5 The Planned Measure Checklist Table must be completed. Measures 1, 2, 3 4, 8, 12 and 13 must be committed.
 - S5 An explanation of each planned measure must be provided.
 - S5 FORS Silver is required for all construction vehicles.
 - S5 Permitted delivery hours are Monday to Friday 9.30 am to 3.30 pm.
 - S6 The CLP tool must be used to complete this section. All outputs must be included.
 - S6.3 Permitted delivery hours must be revised as per the above comment.
 - S7 needs to be revised as per the CLOCS CLP guidance.
7. In relation to condition 40 (boilers), you are advised of the following guidance from the Environmental Health team. The boilers shall have dry NO_x emissions not exceeding 40 mg/kWh (0%). Should the development have CHP or biomass, the CHP and or biomass boilers must not exceed the Band B Emission Standards for Solid Biomass Boilers and CHP Plant as listed in Appendix 7 of the London Plan's Sustainable Design and Construction SPG document and must have a discharge stack which is at least 3m above any openable windows or ventilation air inlets within a distance of 5Um.

8. Unless otherwise agreed, hardstanding levels within the red line boundary, and threshold levels should be designed to tie into existing public highway back of path levels. Discharge of surface water onto public highway will not be permitted. This should be secured as a planning informative.
9. Please note; once a Highway Works Application is received, the process of validation, technical review, design development and drafting of legal agreements is approximately 12 months. This process must be completed prior to commencement of the highway works, with occupation only permitted once the highway works are complete.
10. 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.
11. 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.