

LONDON BOROUGH OF WALTHAM FOREST

Committee / Date:	Planning – 3 rd June 2025
Application Reference:	240188
Applicant:	Tribe Brunner Road (80, 85 & 86) Ltd
Location:	86 Brunner Road, Walthamstow, London E17 7NW
Proposed Development:	Full planning application for the demolition of existing structures and construction of a building comprising student accommodation (Sui Generis), commercial floorspace (Use Class E), together with associated landscaping, public realm, access works, cycle parking, refuse / recycling stores and associated works. [For Consultation Purpose Only: The development would be part 10 and part 17 storeys and would comprise 423 student accommodation units and 1,223sqm of commercial space].
Wards Affected:	High Street
Appendices:	None

1. RECOMMENDATION

- 1.1. That Planning Permission be **GRANTED** subject to conditions, informatives, Stage 2 Referral to the Greater London Authority (GLA) and completion of a S106 Agreement with the following Heads of Terms:

Affordable Student Accommodation:

- At least 35% of the accommodation must be secured as affordable student accommodation (based on London Plan definitions). The affordable student accommodation bedrooms should be allocated by the higher education provider(s) that operates the accommodation, or has the nomination right to it, to students it considers most in need of the accommodation.
- The majority of the bedrooms in the development including all of the affordable student accommodation bedrooms are secured through a Nomination Agreement for occupation by students of one or more higher education provider.

Marketing of Student Accommodation:

- All student bedrooms to be marketed exclusively to University of Portsmouth (or any HEP should this change in future) for the first 3 months of marketing and before marketing on the open market.

Accessibility:

- Prepare a Wheelchair Accessible Marketing Strategy for the development that sets out how the wheelchair student accommodation will be promoted and advertised during the exclusivity period, to be agreed prior to commencement of development.
- The requirement for all wheelchair student rooms to be exclusively marketed for 12 months prior to practical completion. If the room is to be re-let, then this needs to be marketed for 3 months in accordance with the strategy before it can be rented on the open market.

Employment and Training Strategy:

- An Employment & Skills Plan.
- Provide a minimum of 30% local labour, 28 apprentice posts in the construction trade during the construction phase of the development and 21 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 £16,750.00 per apprenticeship post lost, towards employment, training, and business, and £3,300.00 per work placement lost, towards employment training and business, to be used for residents, payable to the Council upon practical completion of the development.

Highways:

General

- Removal of all enabling works required for construction.

Brunner Road

- Removal of all existing vehicular accesses to the site.
- Construction of new footway and kerbs along the frontage of the site using materials already agreed as part of the wider regeneration scheme.
- Provision of a speed table in Brunner Road, on the cycle route, linking the underpass to the Essex Brewery development.
- Provision of a Copenhagen style crossing at the junction with St. James Path to ensure a continuous footway for pedestrians.
- Relocation of car club bays in Brunner Road.
- Relocation of the existing lamp columns on Brunner Road.
- Renewal of road markings.

Unnamed Access Road

- Provision of new junction priority markings.

- Amendments to the highway layout to widen the existing public footway to 1.8m, provision of new public footway of 1.8m abutting the site, and reallocation of remaining width for carriageway.
- Construction of new areas of carriageway, associated drainage, and provision of new road markings.
- Installation of public realm upgrades along the footway link between St James Street and Brunner Road designed and developed with the Council's Regeneration, Street Tree, Highway Projects, Highway Maintenance and Highway Lighting Teams.
- New dropped kerb to the service yard.
- Provision of new street lighting.

S38 Works:

- Adoption of new public footway on Brunner Road and the unnamed access road.

Financial Contributions:

- A financial contribution of £120,000.00 towards walking and cycling infrastructure.
- A financial contribution of £5,000.00 towards Construction Logistics Plan monitoring.

Sustainability:

- A financial contribution of £134,390.00 (based on offset rate of £95.00 per tonne over 30 years) towards a carbon offset fund (COF) should be made prior to implementation. This financial contribution will need re-calculation after the strategy has been updated to account for the requirements to consider a connection (Second COF payment).
- Second COF payment.
- Connection ready.
- Updated Energy Statements on commencement and completion based on "As Built" energy calculations.
- Measures to secure post-construction monitoring ("Be Seen").
 - A. Within 8 weeks of the grant of planning permission, to submit to the GLA accurate and verified estimates of the 'Be Seen' energy performance indicators.
 - B. Prior to occupation, the Owner shall provide updated accurate and verified 'as-built' design estimates of the 'Be Seen' energy performance indicators for each Reportable Unit of the development.

- C. Upon completion of the first year of occupation or following the end of the Defects Liability Period (whichever is the later) and at least for the following four years after that date, the Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each Reportable Unit of the development.
- In the event that the 'In-use stage' evidence submitted under Clause C) shows that the 'As-built stage' performance estimates derived from Clause B) have not been or are not being met, the Owner should investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the 'Be Seen' in-use stage reporting webform. An action plan comprising measures identified in Clause C) shall be submitted to and approved in writing by the GLA, identifying measures which would be reasonably practicable to implement and a proposed timescale for implementation. The action plan and measures approved by the GLA should be implemented by the Owner as soon as reasonably practicable.

Air Quality:

- A financial contribution of £12,230.00 towards implementation of the Air Quality Action Plan.

Walthamstow Town Centre Framework:

- A financial contribution of £50,000.00 towards local community infrastructure to support delivery of the Walthamstow Town Centre Framework.
- A financial contribution of £200,000.00 towards step-free access at St James St Station.
- A financial contribution of £8,000.00 towards Travel Plan monitoring to fund the monitoring of measures included within the Framework Travel Plan and Full Travel Plan.

Biodiversity Net Gain (BNG)

- 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.

Epping Forest Special Area of Conservation (SAC):

- A financial contribution of £109,850.00 towards Strategic Access Management and Monitoring Strategy (SAMMS).

Architects:

- 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 S106 Agreement.

Monitoring Fee:

- Payment of 5% of the total amount of financial contributions towards monitoring, implementation, and compliance with the S106 Agreement.

- 1.2. That authority to be given to the Assistant Director – Development Management and Building Control in consultation with the Council's Legal Services for the sealing of the S106 Agreement and to agree any minor amendments to the conditions or the legal agreement on the terms set out above.
- 1.3. In the event the S106 Agreement is not completed within a reasonable timeframe following the date of Planning Committee, the Assistant Director – Development Management and Building Control is hereby authorised to refuse the application. In the absence of this S106 Agreement, the proposed development would not be able to deliver the development on the site.

REASONS REFERRED TO PLANNING COMMITTEE

- 1.4. The case has been referred to Planning Committee for the following reasons:
 - Nature of the proposal; and
 - Scale of development.

2. SITE AND SURROUNDINGS

- 2.1. The site sits with a mixed use area, with retail / commercial to the west and south (residential above) and recently completed residential to the east.

- 2.2. The site of approximately 0.22ha is currently occupied by low-rise industrial units and a vacant former pub. It comprises three parcels. Nos 85 is listed by the Valuation Office as a warehouse with 1,458sqm of floorspace, (of which 249sqm is listed as office). No. 86 is listed as a warehouse and has 316sqm of floorspace. The vacant former pub (No. 80) suffered an arson attack in 2007 and the building has remained vacant and in disrepair since then.
- 2.3. Public Transport Accessibility Levels (PTALs) provide a guide to the relative accessibility of a site. PTAL scores range from 1 to 6b, where 6b is the highest score and 1 is the lowest. The Transport for London PTAL calculator indicates the site with a PTAL of part 4 / part 5, showing a good / very good level of accessibility to public transport.
- 2.4. The site also forms the part of Site Allocation 27 in the draft Waltham Forest Local Plan LP2, which is identified for redevelopment to deliver a phased comprehensive redevelopment to provide new homes, commercial, cultural and social infrastructure.

3 APPLICATION PROPOSAL

- 3.1 This proposal initially submitted was for: Full planning application for the demolition of existing structures and construction of a building comprising student accommodation (Sui Generis), commercial floorspace (Use Class E), together with associated landscaping, public realm, access works, cycle parking, refuse/recycling stores and associated works. [For Consultation Purpose Only: The development would be part 10 and part 17 storeys and would comprise 437 student accommodation units and 1,223sqm of commercial space].
- 3.2 Following revisions to the scheme, the proposed development is now for 423 student bedrooms. A total of 42 of the student bedrooms would be designed to M4(3) wheelchair accessible standards. The proposals also include 35% affordable student housing provision in line with policy requirements.

4 RELEVANT SITE HISTORY

4.1 80 Brunner Rd (Former Vacant Pub):

REFERENCE	DESCRIPTION OF DEVELOPMENT	DECISION DATE
211657	Alteration and extension to the existing building to provide a part 1 to 4 storey mixed use development with commercial floorspace at ground floor and basement, and 6 x residential dwellings at first to third floors, with associated refuse and cycle stores.	Refused 29.10.2021 & Appeal Dismissed
203100	Demolition of existing building and construction of an 8 storey building comprising commercial space (use class E) at ground floor level, with 9 residential dwellings (use class C3) at floors 1-7 (4x1 bedrooms, 2x2 bedrooms & 3x3 bedrooms), together with cycle parking, amenity space,	Refused 26.02.2021 & Appeal Dismissed

	green roof with solar panels, refuse provision and associated works.	
--	--	--

4.2 Pre-Application:

REF	DESCRIPTION OF DEVELOPMENT	Issue Date
PRE_22_0094	Redevelopment of site circa 460 units over 20 storeys.	18.08.2022

4.3 The developer also presented a scheme to the Design Review Panel on 23rd March 2023.

4.4 Planning Enforcement:

No relevant planning enforcement investigations.

5.0 Consultations

5.1 Public Consultation

5.2 Consultation to residents on this planning application was carried out on 14th February 2024. 938 addresses were notified on:

- Brunner Road;
- Courtenay Mews;
- Frederick Street;
- High Street;
- Old Brewery Way;
- St James Mews;
- St James Street;
- South Grove; and
- Track Street.

5.3 Site notices were displayed on 12th February 2024. The application was advertised in East London & West Essex Guardian on 15th February 2024. Representations from the public consultation to the proposed development were received involving 252 in support of the proposal, 79 objecting and 29 providing comment. The objections are summarised:

OBJECTIONS	OFFICER RESPONSE
Noise, security and anti-social behaviour.	Noise and the control of anti-social behaviour would be subject to Environmental Health regulations and the Metropolitan Police respectively, although mitigation of this could be achieved through the provision of amenity

	space and landscaping for future occupiers of the proposed development. The proposal is residential in nature within a residential area. Furthermore, a Management Plan has been submitted with the application which sets out how the building would be operated in a way to avoid any nuisances being created. Consultation with the Metropolitan Police Secure by Design officer has been undertaken. Elements of the scheme have been amended in response to comments received and who raise no objection to the proposal.
Height, density and massing / overdevelopment	The development would add to the quality of the area over the lifetime of the development. It would be visually attractive as a result of good architecture and would be sympathetic to the local character and history and contribute to the streetscape and sense of place. It would also optimise the development potential of the site and create a safe and inclusive space for all users and help raise the general design standard in this part of Walthamstow, along with recently built and approved developments within the locality. The scale and massing have been designed to achieve the highest appropriate density for the development, given its highly sustainable location, whilst responding to and respecting the nature of the surroundings.
Loss of light and sunlight	Given the development site's layout in respect to neighbouring properties, its location to the north or west of them, and separation distances, it is considered that the proposal would not unreasonably result in loss of daylight or sunlight to existing occupiers. Furthermore, the application included a Sunlight and Daylight Assessment, which assessed and concluded that the impact on neighbouring properties would not amount to an unreasonable harm, particularly for an urban location. Officers concur with the findings. The Council also commissioned independent experts to review the submitted Sunlight and Daylight Assessment, which did not raise any major concerns. This is further explained in Section 8 of this report.
Proposal inconsistent with the local area	The context of the area has changed significantly over the last ten years, as guided by various planning policy documents. The site

	is within a mixed-use area, with adjoining commercial and residential uses, so the proposed development would be compatible with the existing surrounding land uses. The draft Site Allocation LP2 sets out that development proposals should seek to optimise site capacity, deliver new residential accommodation, and deliver non-residential floorspace including commercial uses, which this proposal would comply with.
Impact on Walthamstow St James Street and Leucha Road Conservation Areas	The views from the conservation areas were considered in detail as the scheme progressed, with amendments made to the height, shape, and materials of the taller element of the proposal. A detailed Heritage Townscape and Visual Assessment was carried out, which found the scheme would appear in limited views from the western part of the Leucha Road Conservation Area and is largely hidden in views from the High Street part of the Walthamstow St James Street Conservation Area. When visible, the effect would be one of enhancement and there would be no harm to the significance of the conservation areas.
Insufficient green space	Whilst there is no specific planning policy requirement for a set amount of green space for the proposed land use, the draft Site Allocations LP2 seeks new and enhanced public realm along with accessible, biodiverse green open space, which this proposal would provide, in the form of a new area of public realm along the eastern side of the site.
Loss of privacy	The proposal has been designed to avoid overlooking. The proposed bedrooms would be 21m away from the Jazz Yard development to the west, which is commonly accepted as a reasonable distance within an urban setting. The distance to the Essex Brewery building to the south is closer, at around 13m however, the main orientation of the flats within Essex Brewery are east and west (as can be seen from their balcony arrangement), so away from this site. This relationship is also the same as that between the Jazz Yard and Essex Brewery. As such, it is considered there would be no loss of privacy as a result of the proposal.
Excessive land use in the area and change in local character	At present, none of the site is publicly accessible. The proposal includes a new area of public realm of 422sqm (which comprises 20% of the site) and would provide a significant

	improvement to north south route running under the railway.
Creation of wind tunnels	Potential wind impact has been carefully considered, with specialist advice commissioned by the developer. Only minor changes to the wind environment are predicted, both adverse and beneficial. The Council also commissioned independent experts to review the submitted Assessment, which agreed with the findings set out. The wind environment is considered suitable for the intended uses.
Poor design and reduction in neighbouring property values	The design is considered to be of a high quality, in keeping with the emerging context of the area. The proposal was also presented at Design Review Panel and therefore has been assessed by third party specialists. Changes to property values are not a material planning consideration.
Piecemeal and not comprehensive form of development for the St James area in line with masterplan objectives	A key consideration has been to look at how this scheme would fit in with the future redevelopment of the sites to the west (the only ones left to come forward). To show how these might come forward, a mini masterplan has been prepared, which addresses some of the interrelated issues such as massing and servicing and shows how the rest of the area can be developed in a comfortable and effective manner that would not preclude development of neighbouring sites.
Increased waste provision required with smells implications	Full refuse provision has been made, with separate refuse and recycling stores for the residential and commercial elements located within the building. These stores would be within the built envelope.
Whether the proposal meet LP2 requirements	This site forms one part of a wider draft Site Allocation LP2, which seeks to provide new homes, workspace, community, cultural, and town centre uses, step-free access to St James Street Overground Station, new and enhanced public realm and accessible, biodiverse green open spaces. It is envisaged that different sites within the allocation will provide different elements. This proposal would deliver student accommodation, workspace, town centre uses, new and enhanced public realm and accessible, biodiverse green open space. It is considered it

	would make a significant contribution to the objectives of the Site Allocation.
Insufficient amenity space provision	The proposal includes a communal amenity space at both first and tenth floor for residents, as well as a roof terrace space at tenth floor as well.
Pressure on public transport	Many of the future occupiers are expected to study at the new Walthamstow campus of the University of Portsmouth. This is within walking distance of the site, which would limit any impact on public transport.
Lack of housing and affordable housing provision as a consequence	Student housing is a recognised form of housing, of which there is a demand for PBSA in London. Student housing contributes to meeting London's overall housing need. The proposal includes affordable accommodation.
Overcrowding of area	The level of development proposed is in line with that envisaged with the site allocation. It is in an accessible, central location, where higher density development is considered most suitable. It is not considered it would result in overcrowding of the area within a town centre locality. Increasing the residential population of the area is a positive outcome, which would increase footfall and economic spend in the locality.
More congestion on roads	The scheme would be car-free except for one wheelchair / blue badge parking space and a clause within any S106 Agreement would exempt future occupiers from any parking permits that would otherwise enable parking on-street within Controlled Parking Zones in the borough.
Inconsistent with New South Grove / St James SPD	The SPD has been revoked following the adoption of the Waltham Forest Local Plan. For information, the SPD outlines that the South Grove / St James area of Walthamstow presents a major opportunity to deliver new housing, employment space and improved community services within the town centre. The proposal would be consistent with these objectives, notwithstanding this document is no longer in use.
Bat Survey / Ecological Impacts	A detailed Ecological Survey was submitted with the application, which concluded the existing ecological value of the site was very limited, with negligible roosting bat potential.

	The proposal would deliver a significant increase in biodiversity.
Impact on local infrastructure	The proposal is on an allocated site for development. The site allocations monitored existing and future infrastructures to ensure suitable provision of services for existing and future residents. The proposal is PBSA-led, which would not have a direct impact on local schools and considered a relatively minor need for other local services.

5.4 Other Consultation

5.5 **Internal and External Representations Received**

5.6 Responses received from Waltham Forest Council consultees:

LBWF Consultees	Comments
Place & Design	The general height and strategy of the proposal is supported. The design of the proposal is considered to be of exemplar design quality, which meets the policy requirements of Policy 54.
Planning Policy	In accordance with the draft Local Plan 2 Site Allocations document, this site, which forms part of site allocation R19064 may be suitable for the provision of high quality, sustainable, accessible Purpose-Built Student Accommodation, including affordable student accommodation, subject to compliance with all relevant planning policy tests and an overall indicative cap for the Walthamstow Strategic Location of 890 purpose built student rooms. The proposed development would provide additional capacity for student homes, within this cap. PBSA in the borough is expected to have a nomination agreement for occupation by students of one or more higher education provider(s), with the priority being provision for the University of Portsmouth.
Highways	Recommend Heads of Terms regarding Highways and financial contributions towards Active Travel, flood mitigation and CLP monitoring.

Transport Policy	No response received at the time of writing however, condition is recommended regarding cycle parking provision.
Energy & Sustainability	S106 obligations including Carbon Offset financial contribution, conditions and informatives recommended as part of any planning permission.
Environmental Health (Air Quality, Noise, Contamination)	S106 obligations including air quality financial contribution, conditions and informatives recommended as part of any planning permission.
Building Control	The Gateway One Fire Statement for this project is generally very good and officers therefore consider acceptable.
Regeneration	Financial contributions requested towards step-free access to St James Street Station and public realm improvements.
Parks & Open Spaces	No response received at the time of writing report.
Waste & Recycling (Highways)	No response received at the time of writing report however, it is expected a private company would be utilised to service the site as opposed to the Council's waste service. Where private collection is utilised, they urge private developers not to design in such a way that increases vehicle trips and servicing throughout the week. Details to be secured as a condition to any planning permission.
Tree Preservation and Urban Greening	No objection. Conditions recommended for soft landscaping and habitat enhancement.
Employment Business and Skills	Recommend S106 Heads of Terms as set out at Section 1 of this report: • 30% local labour; • 28 apprenticeships; and • 21 work placements. In the event that obligations towards work placements and apprenticeships remain unfulfilled, then the developer must pay a default payment of £3,300.00 per work placement lost, towards employment training and business and £16,750.00 per apprenticeship post lost, towards employment, training, and business, to be used for residents, payable to the Council upon practical completion of the development.

CCTV	No response received at the time of writing report.
Trees – Council Owned	No response received at the time of writing report.

5.7 Responses received from external and statutory consultees:

External Consultation	Comments
Greater London Authority	The applicant has provided information to satisfy the Mayor's Stage 1 report where it was initially advised that the application at the time of submission did not comply with the London Plan. On this basis, officers are satisfied the proposal can progress for Members' consideration.
Historic England Archaeology – Greater London Archaeological Advisory Service (GLAAS)	Recommend no archaeological requirement. No further assessment or conditions are therefore necessary.
Environment Agency	No objection subject to conditions relating to risk to controlled waters.
NHS North East London Integrated Care Board	No response received at the time of writing report.
Natural England	Appropriate planning conditions or obligations are attached to any planning permission to secure mitigation measures to Epping Forest SAC.
London Fire Brigade	No comment received at the time of writing report however, covered by Building Control regarding fire safety measures.
Active Travel England	Given the role of Transport for London (TfL) in promoting and supporting active travel through the planning process, Active Travel England (ATE) will not be providing detailed comments on development proposals in Greater London at the current time.
Health & Safety Executive – Tall Buildings	HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations. However, HSE has identified some matters that the applicant should try to address, in advance of later regulatory stages. Officers consider this would be covered at Building Control stage.
Thames Water	No objection subject to conditions and informatives relating to water infrastructure capacity.
Metropolitan Police Service (Designing Out Crime Officer)	Officers recommend condition seeking Secured by Design certification.

<i>Transport for London</i>	No objection. Referable to the Mayor of London where comments can be incorporated as part of the Mayor's Stage 1 report.
High Street Ward Councillors	No response received at the time of writing report.
Highways England	No response received at the time of writing report.
UK Power Networks	No response received at the time of writing report.

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 LP1 (2024). 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
- GG5 – Growing a good economy
- SD10 – Strategic and local regeneration
- 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
- D11 – Safety, security, and resilience to emergency
- D12 – Fire safety
- D13 – Agent of change
- D14 – Noise
- H4 – Delivering affordable housing
- H5 – Threshold approach to applications
- H15 – Purpose-built student accommodation
- HC1 – Heritage, conservation, and growth

- G5 – Urban greening
- G6 – Biodiversity and access to nature
- SI 1 – Improving air quality
- SI 2 – Minimising greenhouse gas emissions
- SI 3 – Energy infrastructure
- SI 4 – Managing heat risk
- SI 5 – Water infrastructure
- SI 7 – Reducing waste and supporting the circular economy
- SI 8 – Waste capacity and net waste self-sufficiency
- SI 12 – Flood risk management
- SI 13 – Sustainable drainage
- T1 – Strategic approach to transport
- T2 – Healthy streets
- T4 – Assessing and mitigating transport impact
- T5 – Cycling
- T6 – Car parking
- T7 – Deliveries, servicing, and construction
- DF1 – Delivery of the plan and planning obligations
- M1 – Monitoring

Waltham Forest Local Plan LP1 (2024)

- 6.5 The draft version of the Local Plan underwent Regulation 18 public consultation between July 2019 and September 2019 and consultation on the proposed submission version between 26th October 2020 and 14th December 2020. It underwent examination and consultation on proposed modifications concluded on 21st September 2023. The Waltham Forest Local Plan (LP1) was subsequently adopted on 29th 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:
- 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 9 South Waltham Forest
 - Policy 13 Delivering Genuinely Affordable Housing
 - Policy 18 Other Forms of Housing
 - Policy 24 Supporting Economic Growth
 - Policy 33 Local Jobs, Skills, Training and Procurement
 - Policy 35 Promoting Culture and Creativity
 - Policy 39 New Retail, Office and Leisure Developments
 - Policy 44 Evening and Night-Time Economy Uses
 - Policy 50 Noise, Vibration and Light Pollution
 - Policy 53 Delivering High Quality Design
 - Policy 55 Building Heights

- 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 Logistic Plans
- Policy 66 Managing Vehicle Traffic
- Policy 67 Electric Vehicles
- Policy 68 Utilities Infrastructure
- Policy 70 Designated Heritage Assets
- Policy 71 Listed Buildings
- 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 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 89 Water Quality and Water Resources
- Policy 90 Contaminated Land
- Policy 91 Managing Flood Risk
- Policy 92 Overheating
- Policy 93 Waste Management
- Policy 94 Infrastructure and Developer Contributions

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework (2024)

- 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 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination"*.
- 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 this application:

- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land
- Achieve well-designed places
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic 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 Council is in the process of preparing Local Plan Part 2: Site Allocations (LP2). The document has been subject to 2 public consultations, and the Council held a further statutory consultation on the document between 6th August 2024 and 9th October 2024.

7.6 When adopted, the Site Allocations Document will represent Part 2 of the Council's Local Plan. This will complement the Waltham Forest Local Plan LP1 (2024).

Mayor's Purpose-built Student Accommodation LPG (October 2024)

7.7 The Purpose-built Student Accommodation (PBSA) London Plan Guidance (LPG) provides guidance primarily to support London Plan Policy H15. The guidance falls in two parts:

- The role of PBSA as part of mixed and inclusive neighbourhoods, and how to optimise its impact on policy objectives; and
- Expectations around nominations agreements, and how these relate to alignment with housing need.

Mayor's Housing Design Standards LPG (June 2023)

7.9 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)

7.10 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)

7.11 The Mayor published SPG on sustainable design and construction.

Mayor's Housing SPG (March 2016)

- 7.12 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 LPG (September 2021)

- 7.13 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 LPG (February 2022)

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

Mayor's Urban Greening Factor LPG (February 2023)

- 7.15 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 LPG (February 2023)

- 7.16 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 LPG (March 2022)

- 7.17 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 LPG (March 2022)

- 7.18 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)

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

Waltham Forest - Affordable Housing & Viability SPD (2018)

- 7.21 This supplementary planning document (SPD) has been prepared to provide further detailed guidance on affordable housing and viability. The document provides further guidance on how the Council will take viability into account when considering planning applications and what supporting information applicants will be required to produce.

The Council does not intend to apply this guidance retrospectively to any planning applications being processed or determined.

Waltham Forest - Planning Obligations SPD (2017)

- 7.22 This document seeks to provide transparent, clear, and consistent information for the negotiation of planning contributions and S106 Agreements and how these work alongside the Community Infrastructure Levy (CIL) to help deliver necessary infrastructure in the Borough.

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

- 7.23 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

- 7.24 Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of CIL. It is noted that:
- It is not thought that there are any grants which have been or will or could be received from central government in relation to this development.
 - The Council expects to receive income from LBWF CIL in relation to this development.
 - The Council expects 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)

- 7.25 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)

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

8 ASSESSMENT

8.1 The main issues relate to the following:

- A. Principle of Development and Land Use
- B. Affordable Student Accommodation
- C. Standard of Accommodation
- D. Heritage, Design and Townscape
- E. Transport, Highways and Servicing
- F. Trees, Landscaping and Ecology
- G. Energy Efficiency and Sustainable Design and Construction
- H. Flood Risk and Drainage
- I. Environmental Impact
- J. Safety and Security
- K. Planning Obligations

A) PRINCIPLE OF DEVELOPMENT AND LAND USE

- 8.1 National Planning Policy Framework (NPPF) (2024) places a presumption in favour of *“sustainable development”* and states that there should be a *“golden thread”* running through plan and decision making. These principles are reflected in Policy 1 of Policy GG1 of the London Plan (2021) and Policy 1 of the Waltham Forest Local Plan LP1 (2024).
- 8.2 Policy D2 of the London Plan (2021) 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. It also generally requires that suitable levels of infrastructure are or will be in place to support the density of developments being tall proposed.
- 8.3 Policy D3 of the London Plan (2021) states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. It does not set out a prescriptive approach but rather seeks to ensure that all 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.
- 8.4 Policy H1 of the London Plan (2021) aims to increase housing supply and sets the ten years targets for net housing completion that each planning authority should plan for. Paragraph 4.1.9 of this policy states that net non-self-contained accommodation for students should count towards meeting housing targets on the basis of a 2.5:1 ratio, with two and a half bedrooms/units being counted as a single home.
- 8.5 Policy H3 of the London Plan (2021) states that to ensure housing targets are achieved, boroughs should optimise the potential for housing delivery on brownfield sites, especially the sites with existing or planned PTALs 3-6, located within 800 metres distance of a station or a town centre boundary.
- 8.6 Policy 18 of the Waltham Forest Local Plan LP1 (2024) states that non-traditional housing can make a positive contribution to providing a wider range of housing choices for residents, meeting identified needs and contributing to increasing housing supply. Waltham Forest defines non-traditional housing as Build to Rent, Purpose-Built Student Accommodation and Purpose-Built Shared Living.

- 8.7 The masterplan-led approach is considered to be useful in helping to establish a hierarchy across the wider area. The site is identified as a site of transition, which is applicable to sites where considerable intensification would be justified, in keeping with Policy 8 of the Waltham Forest Local Plan LP1 Character-led Intensification.
- 8.8 Waltham Forest Local Plan LP1 identifies the site as appropriate for a tall building. The Local Plan Policy on Tall Buildings indicates that a height between 10-17 storeys is appropriate for a tall building, and anything taller is only acceptable in certain circumstances in transformation site allocations, of which this site is not in the draft Site Allocations LP2. Therefore, it is considered acceptable in principle, that the height of the proposal's tallest element is 17 storeys in keeping with the policy approach. This better reflects the current and emerging character of the area with the proposal being taller than the neighbouring Jazz Yard development, which is 12 storeys at its tallest.

Existing Employment Floorspace

- 8.9 The industrial reprovion exceeds the existing and 65% plot ratio with no net loss of industrial capacity. Accordingly, the proposal is acceptable in principle in terms of industrial reprovion.
- 8.10 The site is within the Walthamstow Town Centre Framework, which sets out how the Council plans to work in partnership with local businesses, community groups, residents and public sector organisations to unlock social, environmental and economic benefits within the town centre. This proposal includes Class E use and a financial contribution of £50,000.00 towards local community infrastructure to support delivery of the Walthamstow Town Centre Framework would be secured as part of any S106 Agreement.

Purpose-Built Student Accommodation (PBSA)

- 8.11 A PBSA Demand Study was submitted as part of this application to demonstrate the requirement for such a land use. The Study states there are approximately 118,000 full-time students currently attending higher education courses at universities with a main campus located within a 45-minute travel time of the application site.
- 8.12 It further states over 16,000 full-time students live within the borough and 28% of this are represented by international students. The total number of full-time undergraduates living within the borough represent 73% of the total student population, which has increased by 48% since 2016/17.
- 8.13 Approximately 74% of full-time students across London are required to find accommodation within the private rented sector (PRS) such as HMOs or by living with parents / other family members and would otherwise be unable to access university or private sector purpose-built accommodation.
- 8.14 Based on historic trends, the number of students studying at higher education providers within a 45-minute travel time of the Brunner Road site will rise by 18% (17,618) over the next five years. The development pipeline of student accommodation over the same period will not meet this increase in demand (assuming all 6,914 bed spaces are built).
- 8.15 The current ratio of full-time students to PBSA bed spaces is 3.8 within a 45-minute travel time of Brunner Road, demonstrating a significant shortfall of accommodation for the borough's student residents. If the potential development planning pipeline of bed spaces is included within supply alongside the projected increase in student numbers, the estimated future full-time student to bed space ratio will reduce to 2.6.

- 8.16 In summary, it is considered the application site is well-suited for PBSA uses, being in close proximity to several London campus. There is an identifiable shortfall of PBSA beds in the borough and the local area more specifically, and this is causing a surging demand across other accommodation sectors such as PRS, BTR and co-living products from students to find accommodation, which is having resultant impacts upon the supply of housing for non-student renters, causing shortfalls across the wider housing markets in the borough. The delivery of 437 high-quality student beds in this sustainable location is justified.
- 8.17 The draft Local Plan Part 2 site allocations identifies that this site may be suitable for provision of high quality, sustainable, accessible PBSA, including affordable student accommodation. PBSA in the borough is expected to have a nomination agreement for occupation by students of one or more higher education provider, with priority being given to University of Portsmouth. The site allocation suggests an indicative capacity of 890 PBSA rooms within the Walthamstow Strategic Location.

B) AFFORDABLE STUDENT ACCOMMODATION

- 8.18 Policy H4 of the London Plan (2021) sets out a strategic target for the provision of 50% of new homes as affordable, listing specific measures intended to achieve this aim, including threshold approach and the use of grant to increase provision beyond normally achievable levels.
- 8.19 Policy H5 of the London Plan (2021) states fast tracked applications are not required to provide a viability assessment at application stage.
- 8.20 Policy H15 of the London Plan (2021) states that the maximum level of accommodation is secured as affordable student accommodation as defined through the London Plan and associated guidance, and at least 35% of the accommodation must be secured as affordable student accommodation or 50% where the development is on public land to follow the Fast Track Route (FTR). Adding that the affordable student accommodation bedrooms should be allocated by the higher education provider(s) (HEP) that operates the accommodation, or has the nomination right to it, to students it considers most in need of the accommodation.
- 8.21 The application proposes to follow the FTR and provide 35% of the accommodation as affordable student accommodation. Any S106 Agreement would include nominations and obligations for the affordable student accommodation, to ensure that the HEP would be allocating these bedrooms. All student bedrooms would be marketed exclusively to University of Portsmouth (or any HEP should this change in future), through any S106 Agreement.
- 8.22 Paragraph 4.15.8 of the London Plan states that the definition of affordable student accommodation is a PBSA bedroom that is provided at a rental cost for the academic year equal to or below 55 per cent of the maximum income that a new full-time student studying in London and living away from home could receive from the Government's maintenance loan for living costs for that academic year. The actual amount the Mayor defines as affordable student accommodation for the coming academic year is published in the Mayor's Annual Monitoring Report.
- 8.23 Paragraph 4.15.10 adds that the rent charged must include all services and utilities, which are offered as part of the package for an equivalent non-affordable room in the development. There should be no additional charges specific to the affordable accommodation.
- 8.24 Paragraph 4.15.11 confirms that the initial annual rental cost for the element of affordable accommodation should not exceed the level set out in the Mayor's Annual Monitoring Report for the relevant year.

FLOOR LEVEL	CLUSTER BEDS (12.6sqm)	STUDIO (18sqm)	STUDIO (WHEELCHAIR) (23sqm)	STUDENT ROOMS / UNITS
G/F	0	0	0	0
1/F	0	17	0	17
2/F	25	4	6	35
3/F	25	4	6	35
4/F	25	4	5	34
5/F	25	4	5	34
6/F	25	4	5	34
7/F	25	4	5	34
8/F	25	4	5	34
9/F	25	4	5	34
10/F	12	0	0	12
11/F	20	0	0	20
12/F	20	0	0	20
13/F	20	0	0	20
14/F	20	0	0	20
15/F	20	0	0	20
16/F	20	0	0	20
TOTAL	332	49	42	423

Table 1: Purpose-Built Student Accommodation Schedule

- 8.25 148 bedrooms would be affordable student accommodation that would equate to 35% provision and comply with policy requirements that ensures the FTR is adopted. These would be located within the cluster flats (en-suite bedrooms) from the 2nd to 7th floors.
- 8.26 Officers support the proposals and planning obligations would secure the delivery of this, following the FTR. Officers recommend planning obligations to secure an early-stage viability review mechanism in the event the development is not built within two years of planning permission or otherwise agreed under the terms of any S106 Agreement. Accordingly, the overall quantum of affordable student accommodation would be acceptable, subject to planning obligations. As such, the proposed development would comply with Policies H4, H5 and H15 of the London Plan (2021) and Policy 18 of the Waltham Forest Local Plan LP1 (2024).

C) STANDARD OF ACCOMMODATION

Rooms and Amenity

- 8.27 Policy H15 of the London Plan (2021) states that PBSA must provide functional living spaces and layout.

- 8.28 The Mayor's Purpose-built Student Accommodation LPG (October 2024) also states that internal and external communal amenity space (only accessible to students, additional to living rooms), commensurate with the number of students, should be provided. The LPG further states that the distribution of such space should consider the balance between the need to avoid it being dominated by students from any one part of the building, ease of access, and the potential for larger / more concentrated spaces to feel intimidating and overwhelming.
- 8.29 Policy 18 of the Waltham Forest Local Plan LP1 (2024) states that PBSA should provide some common / communal facilities and / or services, however, does not provide bespoke amenity space standards for PBSA.
- 8.30 Policy 56 of the Waltham Forest Local Plan LP1 (2024) states that amenity space should be appropriately located and usable.
- 8.31 The proposed development comprises 423 student bedrooms (use class Sui Generis) with a mix of studios and en-suite bedrooms within clusters. The proposed mix is set out as follows:
- 332 clusters;
 - 49 studio bedrooms; and
 - 42 wheelchair accessible studios.
- 8.32 The 332 clusters would be 12.6sqm with the 49 studio bedrooms sized at 18sqm each and the 42 wheelchair accessible studios at 23sqm. Each bedroom within a cluster will be provided with en-suite facilities and dedicated study areas for tenants to utilise providing high-quality internal accommodation (as is the case for studio bedrooms, ensuring high-quality accommodation is provided for all bedroom typologies).
- 8.33 The proposal would provide PBSA amenity and / or communal space on all floors from ground to the 16th. PBSA amenity provision would be located on the ground and first floors. On the 10th floor it is proposed that PBSA amenity space would include internal as well as a roof terrace. Living, Kitchen and Dining (LKD) communal areas would be situated from the 2nd floor up to the 16th floor.

FLOOR LEVEL	PBSA AMENITYSPACE (SQM)	LKD A (SQM)	LKD B (SQM)	LKD C (SQM)
G/F	71 & 79	0	0	0
1/F	206	0	0	0
2/F	0	54	32	28
3/F	0	54	32	28
4/F	0	34	32	28
5/F	0	34	32	28
6/F	0	34	32	28
7/F	0	34	32	28
8/F	0	34	32	28
9/F	0	34	32	28
10/F	155 Internal & 385 Roof Terrace	52	0	0
11/F	0	43	43	0
12/F	0	43	43	0
13/F	0	43	43	0
14/F	0	43	43	0
15/F	0	43	43	0
16/F	0	43	43	0
TOTAL	896	622	514	224

Table 2: PBSA Amenity and LKD Communal Space Provision

Accessibility and Inclusivity

- 8.34 Policy D5 of the London Plan (2021) states that developments should achieve the highest standards of accessible and inclusive design.
- 8.35 Policy D7 of the London Plan (2021) seeks to provide suitable housing and genuine choice for London's diverse population, including disabled people.
- 8.36 The Mayor of London's Purpose-built Student Accommodation LPG (October 2024) states wheelchair accessible room provision is expected at a level of 5%, with a further 5% adaptable, in line with the guidance in BS8300:2:2018 Design of an Accessible and inclusive built environment – Buildings – Code of Practice
- 8.37 Policy 16 of the Waltham Forest Local Plan LP1 (2024) seeks developments to provide M4(2) wheelchair adaptable and M4(3) wheelchair accessible accommodation.
- 8.38 There would be 42 wheelchair accessible M4(3) units (10%) that would be all studios and these shall be made available on a demand basis. Any S106 Agreement would ensure a Wheelchair Accessible Marketing Strategy is produced that would set out how the wheelchair student accommodation would be promoted and advertised during the exclusivity period to be agreed prior to commencement of development.

- 8.39 There would be a requirement for all wheelchair student rooms to be exclusively marketed for 12 months prior to practical completion of the development and if the unit is to be re-let, then this would need to be marketed for three months in accordance with the strategy before it can be rented on the open market.
- 8.40 It is also noted that wheelchair accessible bedrooms could be affordable subject to the interested parties meeting relevant criteria set by the HEP.
- 8.41 To support wheelchair accessibility off-site, a financial contribution of £200,000.00 towards step-free access at St James St Station would be secured as part of any S106 Agreement.
- 8.42 As the proposal would be providing 42 wheelchair rooms overall and meets the 10% figure with no M4(2) units proposed, the proposal is considered acceptable and accords with Policies D5 and D7 of the London Plan (2021) and Policy 16 of the Waltham Forest Local Plan LP1 (2024).

D) HERITAGE, DESIGN AND TOWNSCAPE

- 8.43 Policies D3 and D4 of the London Plan (2021) seek a design-led approach that optimises site capacity in a way that the local context of a site is enhanced by buildings that respond to local distinctiveness by appropriate layout, orientation, scale, and appearance, taking into consideration street hierarchy, building types and proportions. The design guidelines should be street-based with defined public and private environments with efficient servicing and maintenance strategies that protect the public realm. The design should also incorporate high quality materials that respond to the character and pattern of development of the site and its surroundings.
- 8.44 Policy 53 of the Waltham Forest Local Plan LP1 (2024) states that development proposals should reinforce or enhance local character, taking into account existing patterns of development, townscape, skyline, urban forms, building typologies, architecture, materials, and other features of local and historical significance. It adds that developments should respond appropriately to their context in terms of scale, height and massing.

Heritage

Walthamstow St James Street Conservation Area

- 8.45 The Walthamstow St James Street Conservation Area was designated in 2002 with a Conservation Area Appraisal issued in April 2014.
- 8.46 The physical character of St James Street is generated by the strong curving form of the street itself and the sense of movement which it generates with the railway bridge and the adjacent three storey blocks which provides a strong sense of enclosure. The conservation area centres around this western section of Walthamstow High Street. On Walthamstow High Street, the High Street has a unified spatial experience, created by broad and straight frontages. There is a strong vertical rhythm caused by the consistent spacing of comparable units. Buildings which are listed as being positive contributors to the conservation area are largely on the northern edge of the high street.
- 8.47 In views looking south from the top of Coppermill Lane and Hazelwood Road (view 15/16 in the Heritage Townscape and Visual Assessment), it is demonstrated that this area of the conservation area has a consistent building height, which has an ornate and significant roofscape, which features a number of positive contributors to the significance of the conservation area. There is no backdropping to this roofline at

present, which helps to emphasise these elements and contribute to the significance of the conservation area.

- 8.48 In addition, in views looking north from St James Street from the junction of Grange Road (view 10 of the Heritage Townscape and Visual Assessment), again emphasises the consistent building height, the roofline of buildings within the conservation area, and the predominant scale of the surrounding buildings outside the conservation area boundary, which add significance to the setting of the conservation area.
- 8.49 In relation to the application site itself, the current proposal is in keeping with the vertical plot dimensions of properties such as L. Manze on the high street, however these are visible in the backdropping of the high street, as demonstrated in views 17, 18 and 22 of the Heritage Townscape and Visual Assessment.
- 8.50 There is backdropping to the St James section of the conservation area in view 16 of the Heritage Townscape and Visual Assessment, however this is limited and is considered to form part of appropriate cumulative impacts in this urban setting. This can also be said of the locally listed buildings in this conservation area.
- 8.51 There is also some impact to the setting of the conservation area in view 12 of the Heritage Townscape and Visual Assessment, where the proposal backdrops St James Street Station, however this is considered to form part of appropriate cumulative impacts in this urban setting, helping to announce this key transport interchange.
- 8.52 In summary, It is considered that the proposal is deemed to cause less than substantial harm to the setting of the conservation area, at the lowest end of the scale for these reasons.

Leucha Road Conservation Area

- 8.53 The conservation area was designated in 2010 and is highly intact in terms of its built form, roofscape and its integrity as a low-rise residential character.
- 8.54 The special interest of the conservation area derives from the intrinsic qualities of the buildings concerned, their formal townscape, and the record of social history that they represent. As the bulk of the former Warner estate properties have been altered over the years and their original uniformity lost, Leucha Road is intended as a representative sample of the earliest phase of development retaining as much as possible its original appearance. This visual coherence extends to the roofscape of the street, which is intact.
- 8.55 Although the South Grove site area has undergone change in recent years, careful consideration has been paid to the setting of the Leucha Road Conservation Area, which helps to ensure the setting is preserved and its significance is retained. There is some impact to the setting of the conservation area by recent development in the South Grove area and beyond, from Jazz Yard and The Mall Developments, but these buildings are of high quality design and the materiality of these developments helps to reflect the character of the Leucha Road Conservation Area.
- 8.56 The current proposal is visible in views looking eastwards along Leucha Road, due to the visibility of the proposal, which is exacerbated by the height of the proposal. The height of the taller 17 storey element in these views cause it to be visible in these longer views as it backdrops the roofscape of Leucha Road. The Mall development mentioned in the Heritage Townscape and Visual Assessment on page 23, is visible from these views also. However, the architecture has been refined in order to offer a clear split in the building form, helping to give an impression of verticality and so the building appears slimmer and elegant which is considered to be successful. The architectural

palette of the host building also references the colour and detailing of the Leucha Road housing stock which helps preserve its setting.

- 8.57 In summary, it is considered there is some less than substantial harm caused to the setting of the conservation area due to the scale of development and the proposal would bring public benefits and is therefore acceptable on these grounds.

Listed Buildings

- 8.58 The proposal is considered to cause no harm to nearby listed buildings or their setting. This includes; the Grade II Listed L. Manze, Pie and Mash Shop, the Grade II Listed Clock House on Mission Grove due to the lack of impact on setting and significance as a result of the proposals.

Summary

- 8.59 National Planning Policy Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. NPPF Paragraph 213 states that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”* The proposed development is assessed to cause less than substantial harm to a designated heritage asset.
- 8.60 PBSA developments significantly promote cultural integration, particularly international students. Students from diverse cultural backgrounds would bring a wealth of experience, traditions, and perspectives, contributing to the multiculturalism of the local community. In addition, there would also be an economic benefit in the area as a result of the development, supporting local businesses.
- 8.61 Such public benefits above have been identified to outweigh this harm, and these are considered to outweigh such harm. The proposal is considered to preserve the Leucha Road Conservation Area and Walthamstow St James Street Conservation Area and their respective settings. As such, the application is considered to comply with the NPPF and is acceptable in heritage terms.

Scale and Layout

- 8.62 The proposed development involves the creation of 423 rooms as PBSA, along with 1,223sqm of commercial floorspace (use class E) at part ten, part 17 storeys with basement.
- 8.63 The proposed building line to the east of the site would be set back to ensure future legibility between the underpass at Courtney Mews and the new public realm, however this is impeded at present by the adjacent St James Mews wall. It is likely that this wall could be removed in future to help aid this legibility, but it does represent an improvement to the public realm in this area in the short term.
- 8.64 In terms of the ground floor plan, the proposed student amenity space and residential entrance space would be on the south-east corner of the building, and would be well articulated, helping to activate the corner with large open doors which positively addresses Brunner Road. This would also help to address the new public space and adequately reflect the amount of students that will be calling this building their home. The cycle space would also be visible from the public realm, which would create natural surveillance.

- 8.65 The industrial / maker space lobby currently facing Brunner Road would be located to the south-west corner of the building, which anchors the building, forming a terminus to the end of Brunner Road looking north. This would help to attract interest and activation when walking eastwards from St James Path.
- 8.66 Having regard to the scale and layout of the proposed development, the proposal is therefore considered acceptable.

Appearance

- 8.67 The proposed architecture is considered to be appropriate for the locality, with a strong rationale between the tall building element responding to the emerging character to the east and the podium supporting block relating more closely to the surrounding context to the west. It is considered the brick would relate well to the adjacent buildings and both conservation areas. Details and samples of materials would be secured as a condition to any planning permission to ensure the proposal would be built to the highest standards expected.

Landscaping

- 8.68 Policy G5 of the London Plan (2021) states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.
- 8.69 Policy 53 of the Waltham Forest Local Plan LP1 (2024) also states that proposals will be supported where they incorporate high quality landscaping, tree planting and urban greening measures to maximise biodiversity and ecological value.
- 8.70 A landscaped public square providing 477sqm of external amenity would be provided at ground level with a variety of hard and soft landscaping, street furniture and lighting.
- 8.71 Roof top amenity would be provided at level 10 for future occupiers whilst the remaining roofs are proposed as biodiverse with PV panels. Biodiversity is prioritised at ground floor and upper levels through landscaping and green roofs
- 8.72 As a result of the proposed landscaping, the proposed development would achieve an Urban Greening Factor score of 0.40, which complies with the minimum requirement set in the London Plan (2021). Additionally, the imposition of a landscaping condition to any planning permission would ensure the development would secure the details as set in this application.
- 8.73 In summary, the proposed design of the buildings is considered acceptable, by reason that it would respond to the forms of development that are considered appropriate in the surrounding area. The proposal is therefore consistent with the objectives of Policies D3 and D4 of the London Plan (2021) and Policy 53 of the Waltham Forest Local Plan LP1 (2024) in achieving high quality design.

Daylight

- 8.74 Policy D6 of the London Plan (2021) 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.

- 8.75 In addition to this, Policy 57 of the Waltham Forest Local Plan LP1 (2024) highlights that development should respect the amenity of neighbours by avoiding loss of daylight and sunlight.
- 8.76 *The Mayor's 'Housing SPG' (2016) encourages a flexible approach in applying daylight / sunlight policies or guidance where they would otherwise inhibit making efficient use of land for housing, provided the resulting scheme would provide acceptable living standards. Account should be taken of local circumstances, the need to optimise housing capacity, and the scope for the character and form of an area to change over time.*
- 8.77 The Mayor's Housing Design Standards LPG (2023) states "*it does not provide guidance on other specialist forms of housing such as shared living, temporary accommodation and student accommodation*".
- 8.78 The leading guidelines on daylight and sunlight are published by the Building Research Establishment in BR209 '*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*' (third edition, 2022). The BRE guide only makes one reference to student accommodation at paragraph C17 when discussing appropriate daylight targets. It may therefore be appropriate to exercise a greater degree of flexibility when applying the BRE numerical guidelines to daylight and sunlight provision within the proposed student accommodation.
- 8.79 The BRE guide recommends the following minimum daylight targets in dwellings (median illuminance and median daylight factor over 50% of the reference plane respectively):
- Bedrooms – 100 lux / 1.0% DF
 - Living rooms – 150 lux / 1.5% DF
 - Kitchens – 150 lux / 1.5% DF.
- 8.80 For rooms with shared uses, the BRE guide advises at Paragraph C17, "*Where a room has a shared use, the highest target should apply. For example in a bed sitting room in student accommodation, the value for a living room should be used if students would often spend time in their rooms during the day. Local authorities could use discretion here. For example, the target for a living room could be used for a combined living/dining/kitchen area if the kitchens are not treated as habitable spaces, as it may avoid small separate kitchens in a design. The kitchen space would still need to be included in the assessment area.*"
- 8.81 Consultants agree with the use in the assessment of a target of 150 lux / 1.5% DF for the shared LKDs. Furthermore, the use of a target of 100 lux / 1% DF for study bedrooms, whose use is predominantly as a bedroom, and whose study desk is generally close to the window in the better lit part of the room is also agreed.
- 8.82 The submitted Daylight and Sunlight Report and information from Right of Light Consulting was independently assessed by Delva Patman Redler Chartered Surveyors. The submitted Report includes an appropriate summary of the BRE guidelines for daylight and sunlight to existing neighbouring buildings, and also summarises the BRE guidelines for daylight and sunlight provision to new dwellings.
- 8.83 The submitted Report notes that the number of rooms that would satisfy the applied illuminance targets is 85%. Those falling short of the illuminance targets are the communal living room at first floor level and 72 bedrooms. The communal living room at first floor level would have a median illuminance of 95 lux compared with a target of 150 lux.

- 8.84 The bedrooms that fall short are located as follows:
- 1/F: 10 facing 74-79 Brunner Road
 - 2/F: 10 facing 74-79 Brunner Road, 4 facing Essex Brewery Building, and 2 in the internal corner
 - 3/F: 9 facing 74-79 Brunner Road, 3 facing Essex Brewery Building, and 2 in the internal corner
 - 4/F: 9 facing 74-79 Brunner Road, 2 facing Essex Brewery Building, and 2 in the internal corner
 - 5/F: 6 facing 74-79 Brunner Road, and 2 in the internal corner
 - 6/F: 4 facing 74-79 Brunner Road, and 2 in the internal corner
 - 7/F: 2 in the internal corner
 - 8/F: 2 in the internal corner
 - 9/F: 2 in the internal corner.
- 8.85 The main causes of the poorer daylight results are proximity to tall modern developments to the east and south and the design of the pair of studios at the internal corner of the development.
- 8.86 Overall, the results of the daylight assessments show that 85% will meet the daylight illuminance targets for their respective room's use. This is considered to be an excellent level of compliance for a large student accommodation scheme in an urban location and is indicative of the high-quality design.
- 8.87 Where daylight levels fall below the BRE recommendations, the proposed student accommodation benefits amenity and communal spaces including a roof terrace on the 10th floor and high-quality landscaped external amenity areas, such that flexibility would be appropriate particularly given the urban location.
- 8.88 Overall, the proposal demonstrates an excellent level of compliance (in relation to daylight levels) for a large student accommodation scheme in an urban location setting and is considered acceptable in line with the function of the consented site layout and the design considerations set out in the BRE guidelines.

Sunlight

- 8.89 Regarding direct sunlight, the relevant target is for proposed rooms to achieve at least 1.5 hours of direct sunlight on 21st March annually regardless of orientation. Guidance suggests that north-facing rooms should be minimised and as such, the scheme has been designed to optimise exposure to sunlight for the proposed rooms providing southerly aspect where possible. However, BRE guidelines do acknowledge that, particularly for large developments, it may not be possible to have every room enjoying a southerly aspect. This is particularly the case in respect of the current proposals which has been informed by the urban location. As such, the guidelines should be interpreted flexibly and viewed on balance with other site constraints.
- 8.90 Sunlight has been assessed to the two communal living rooms and 39 shared LKDs. Of the 41 rooms, 23 shared LKDs and the communal living room at tenth floor level comfortably exceed the sunlight guideline. The remaining 17 rooms do not meet the sunlight guideline. They comprise the communal living room at first floor level and the NE corner shared LKD on each floor, which do not have a window facing within 90 degrees of due south.

- 8.91 Overall, the internal sunlight exposure compliance levels are considered to be appropriate for a modern accommodation scheme within an urban context with the scheme responding appropriately to the existing site layout.
- 8.92 Sunlight has been assessed to the two outdoor amenity spaces. Area 1 comprises the ground floor area on the east side of the proposed building, between it and 74-79 Brunner Road. Area 2 comprises the area at tenth floor level.
- 8.93 It was concluded that Area 2 would be result in very well sunlight and comfortably exceed the guideline, with 93% of its area able to receive at least two hours of sunlight on 21st March (compared with a guideline of 50%). Area 1 would be below the guideline, with 38% of its area able to receive at least two hours of sunlight on 21st March. It is considered that this could be attributed to the dense townscape that has evolved in the area in recent years within this urban context.
- 8.94 Due to the above considerations, the proposed development would be acceptable in terms of internal daylight and internal sunlight. As such, the development would accord with Policy D6 of the London Plan (2021) and Policy 57 of the Waltham Forest Local Plan LP1 (2024) and would be also on balance consistent with the advice given by the Mayor's Housing SPG (2016).

Neighbouring Daylight and Sunlight

- 8.95 Appendix H of the BRE guide provides guidance for use in an Environmental Impact Assessment (EIA) to determine the significance of effect ('negligible', 'minor', 'moderate', and 'major' adverse). Whilst the Application is not EIA development, the guidelines are nonetheless helpful in understanding the significance of the effects of the development.
- 8.96 Significance takes into account the number of impacts that are outside the BRE guidelines, the magnitude of the impacts and the margin by which they are outside, the sensitivity of the receptors (in terms of the strength of their requirement for daylight and sunlight), whether the receptors have other sources of light and whether there are particular reasons why an alternative, less stringent, guideline should be applied.
- 8.97 The independent assessment assessed neighbouring properties that would result in some effect from the proposed development.
- 8.98 All daylight effects (both VSC and NSL) on the following properties would be within the BRE guidelines:
- 51-55 St James Street;
 - 57-61 St James Street;
 - 63 St James Street; and
 - 65-69 St James Street.
- 8.99 All daylight effects (both VSC and NSL) on 43-45 St James Street would be within the BRE guidelines except for the effect on NSL to one room, which would be very slightly outside the guidelines at 0.78 times former value (low magnitude impact). The effect significance would be **negligible to minor** adverse.
- 8.100 At 86a & 87 Brunner Road, the NSL effects would be within the BRE guidelines to all three rooms, whereas the VSC effects would be inside the guidelines to one of five windows serving those rooms. Of the other four windows, two (first floor, #87) would be low magnitude impacts (0.73-0.76 times former value) and two (first floor, #86a) would medium magnitude impacts (0.64-0.68 times former value, but all would retain

between 19% and 22.5% VSC, which is reasonable for an urban area. The effect significance would be **minor** adverse.

- 8.101 At 2 Markhouse Road, the NSL effects would be within the BRE guidelines to all eight rooms, and the VSC effects would be inside the guidelines to 29 out of 30 windows serving those rooms. The sole remaining window would experience a medium magnitude impact (0.69 times former value), but the absolute loss of just 0.7% VSC which would probably not even be noticeable. When retested without the projecting balcony above, in accordance with the BRE guidelines, the impact would be comfortably inside the guidelines. The effect significance would be **negligible to minor** adverse.

76-79 Brunner Road (Jazz Yard)

- 8.102 This is a part-8, part-12 storey recently completed residential block located directly to the east of the development site. It has some commercial / non-residential space at ground and first floor with residential apartments on the floors above. It has windows in its flank, south-west-facing elevation which have a direct view of the proposal.
- 8.103 The majority of rooms in the facing elevation have external balconies which protrude from the building and overshadow the windows below them. The BRE guidance gives the following: *Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large impact on the VSC, and the area receiving direct skylight. One way to demonstrate this would be to carry out an additional calculation of the VSC and area receiving direct skylight, for both the existing and proposed situations, without the balcony (or overhang) in place. For example, if the proposed VSC with the balcony was under 0.8 times the existing value with the balcony, but the same ratio for the values without the balcony was well over 0.8, this would show that the presence of the balcony, rather than the size of the new obstruction, was the main factor in the relative loss of light.*
- 8.104 Many of the facing living rooms in this building have multiple windows, but only some directly overlook the proposed development. The BRE guidance suggests that the VSC results for rooms with multiple windows can be presented as an average, as has been undertaken by the consultants.

Daylight – Balconies Included

- 8.105 The results of the VSC assessment with balconies included have shown that 13 (16%) of 84 rooms meet BRE targets (i.e. above 27% VSC or 0.8 times the former value). 17 of the 71 rooms falling below standard BRE targets will retain VSC levels in excess of 20%, which the Mayor of London suggests should be considered fairly good for residential windows neighbouring development sites in London. 14 further rooms would retain VSCs in excess of 15%, which the Mayor of London suggests should be considered acceptable. The remaining windows would retain a VSC of less than 15%.
- 8.106 The further NSL assessment has shown that 30 (36%) of 84 rooms assessed will meet BRE targets for daylight distribution. 16 of the 54 rooms falling below standard targets will retain between 0.71 and 0.78 times the former values. 7.2.2 13 of the remaining 38 rooms will retain good levels of daylight distribution across more than 50% of the room area.

Daylight – Balconies Omitted

- 8.107 With the balconies omitted from the VSC assessment, the results show that 19 (23%) of 84 rooms assessed meet standard BRE targets (VSC results for some rooms have been averaged and are presented by room). 64 of the 65 rooms that fall below standard BRE targets will retain VSCs in excess of 14.8%, which aligns with the Mayor of London's suggested 'mid-teens' target for residential properties in London. With the balconies omitted from the NSL assessment, the results show that 31 (37%) of 84 rooms will meet BRE targets for daylight distribution. 28 of the 53 rooms falling below standard targets will retain good levels of daylight distribution across more than 50% of their areas.

Sunlight

- 8.108 The APSH assessment has shown that 13 (32%) of 41 main living rooms assessed will meet BRE targets for annual and winter sunlight (25% APSH / 5% WPSH or 0.8 times the former value). Again, many of these rooms are obstructed by the presence of balconies. When the balconies are removed from the assessment, 7 (41%) of 41 main living rooms meet BRE targets for annual and winter sunlight.

Mirrored Neighbour Assessment

- 8.109 The current buildings at 80, 85 & 86 Brunner Road are lower than the predominant height and scale of buildings in the local area, many of which have recently undergone redevelopment, most being more than 6 storeys in height. As a result, the levels of daylight and sunlight currently received by their neighbours are artificially high and out of context. In such situations the BRE guide suggests considering what effect the neighbouring building would have upon itself. The rationale being that in a shifting urban context new development may be expected to come forward at a similar height and scale to its neighbours.
- 8.110 The methodology for this assessment is set out within Appendix F of the BRE document as mentioned in section 3 of this report. Alternative target values for daylight have been set by using a 'mirror image' of 76-79 Brunner Road as the baseline value, which is then compared with the impact of the proposed development. Results of this assessment are contained in Appendix 4 along with some drawings depicting the 'mirror image' of 76-79 Brunner Road.
- 8.111 The results of the additional 'mirrored' VSC assessments have shown that the proposed development has less impact upon 76-79 Brunner Road than a mirror image of that building would have. 76 (61%) of 124 windows would see no change or an improvement in daylight as a result of the proposed development.

Conclusion

- 8.112 Whilst the majority of windows in the facing elevation of this property will receive reductions in daylight and sunlight that go beyond the standard BRE targets, the majority will retain levels of VSC and APSH that is considered acceptable for an inner London location. When the balconies and other constraining factors of the building are removed, 99% of the facing windows will retain a VSC consistent with the Mayor's 'mid-teens' target.
- 8.113 Additionally, the 'mirror image' assessment has shown that the proposed development would have a less severe impact than 76-79 Brunner Road would have upon itself. This demonstrates that the impacts would be in keeping with the local context.

- 8.114 The BRE guidance states that its numerical targets are not mandatory and should be applied flexibly. On this basis, the impacts are consistent with the intentions of the BRE guidance.

Essex Brewery (Hops House and Malt Court)

- 8.115 These are a pair of 6-7 storey residential buildings completed in the last five years, located to the south of the development site. They have some ancillary / non-residential space at ground floor with residential apartments on the floors above. Many of the rooms in these blocks have external balconies which protrude from the building and potentially overshadow the windows below them.
- 8.116 Many of the facing rooms in this building are served by multiple windows, overlooking the proposal. The BRE guidance suggests that the VSC results for rooms with multiple windows can be presented as an average in order to show the cumulative impact to light across a room.

Daylight – Balconies Included

- 8.117 The results of the VSC assessment with balconies included have shown that 64 (60%) of 107 rooms assessed meet standard BRE targets (i.e. above 27% VSC or 0.8 times the former value). 9 of the 43 rooms falling below standard BRE targets will retain between 0.70 and 0.77 times the former value, clearly close to the 0.8 target and should be considered acceptable when applying a degree of flexibility as advised. 8 further rooms will retain VSCs in excess of 15% which the Mayor of London suggests should be considered acceptable for residential windows neighbouring development sites in London. The remaining windows would retain a VSC of less than 15%.
- 8.118 The further NSL assessment has shown that 89 (83%) of 107 rooms assessed will meet BRE targets. 8 of the 18 rooms falling below targets will retain between 0.71 and 0.79 times the former values and should be considered acceptable when interpreting the BRE guidance flexibly as is intended. 3 of the remaining 10 rooms will retain good levels daylight distribution across more than 50% of the room area.

Daylight – Balconies Omitted

- 8.119 With the balconies omitted from the assessment, the VSC results show that 65 (61%) of 107 rooms assessed meet standard BRE targets. 9 of the 42 rooms falling below standard BRE targets will retain between 0.70 and 0.78 times the former value, clearly close to the 0.8 target and should be considered acceptable when applying a degree of flexibility as advised. A further 15 rooms will retain VSCs in excess of 14.5% which aligns with the Mayor of London's suggested 'mid-teens' target for residential properties in London.
- 8.120 With the balconies omitted from the assessment, the NSL results show that 89 (83%) of 107 rooms assessed will meet BRE targets. 11 of the 18 rooms falling below standard targets would retain good levels of daylight distribution across more than 50% of the room area.

Sunlight

- 8.121 The APSH assessment has shown that 29 (78%) of 37 relevant main living rooms assessed will meet BRE targets for annual and winter sunlight (i.e. 25% APSH / 5% WPSH or 0.8 times the former value). Again, many of these rooms are obstructed by the presence of balconies.

- 8.122 When the balconies are removed from the assessment 30 (81%) of 37 main living rooms will meet BRE targets for annual and winter sunlight. All would meet BRE targets for winter sunlight.
- 8.123 As such, it can be concluded that the presence of balconies is a contributing factor to why these properties fall below BRE targets for sunlight.

Neighbouring Daylight and Sunlight Summary

- 8.124 The results of the VSC assessment have shown that all windows in 51-69 St James Street meet BRE targets for daylight. One window in 43-45 St James Street retains 0.76 times the former value and should be deemed acceptable. Windows in 86a-87 Brunner Road retain VSCs between 18.8% and 22.2% which are commensurate with the Mayor of London's guidance on daylight. 2 Markhouse Road has one window that falls below targets but once an obstructing balcony is removed, this window meets BRE targets.
- 8.125 Results for 76-79 Brunner Road and Essex Brewery Buildings (Hops House/Malt Court) have shown there to be some daylight and sunlight reductions that go beyond the standard BRE targets. When the balconies are omitted from these assessments, the results show that the majority are commensurate with the Mayor of London's suggested targets for daylight (i.e. mid-teens).
- 8.126 A mirrored baseline assessment of 76-79 Brunner Road has also shown that the proposal will have less impact on this building than it would have upon itself.
- 8.127 On this basis the impacts to daylight within neighbouring properties are considered to be consistent with BRE guidance given the dense urban London location and therefore consistent with relevant planning policy in terms of daylight and sunlight.
- 8.128 Due to the above considerations, the proposed development would be acceptable in terms of neighbouring daylight and sunlight. Overall, the development would have a minor effect on the neighbouring daylight and sunlight amenity in accordance with the BRE whilst the quality of the daylight and sunlight within the development is generally acceptable. Whilst there are minor deviations, these are due to other site relate factors and a balance between all considerations need to be taken account. As such, the development would accord with Policy D6 of the London Plan (2021) and Policy 57 of the Waltham Forest Local Plan LP1 (2024) and would be also on balance consistent with the advice given by the Mayor's Housing SPG (2016).

8.129 Outlook and Privacy

- 8.130 This PBSA-led scheme has been designed in terms of optimise the site capacity whilst respecting neighbouring development.
- 8.131 All students would have access to internal amenity space equating to 1.43sq.m per bedspace. LKD spaces for cluster flats would be located on building concerns maximising outlook whilst providing internal space for students to cook and socialise. Generous communal external amenity is provided for residents on the level 10 roof garden providing a variety of spaces for social interaction
- 8.132 All student rooms and studios would have a good outlook and daylighting within the scheme would be very good. The building envelope would be sufficiently positioned to mitigate the impact of future development on overlooking or privacy and has been designed to mitigate overheating with the provision of perforated window panels.
- 8.133 Light industrial / maker spaces have floor-to-ceiling windows to maximise daylighting.

- 8.134 The proposal has also been designed to avoid overlooking any of the adjoining neighbouring buildings. The proposed bedrooms within the building would be 21m away from the Jazz Yard development to the west, which is considered to be an appropriate separation distance within an urban setting. The distance to the Essex Brewery building to the south is closer, at around 13m however, the main orientation of the flats within Essex Brewery are east and west (as can be seen from their balcony arrangement), so away from this application site. This relationship is also the same as that between the Jazz Yard and Essex Brewery developments. As such, it is considered there would be no loss of privacy as a result of the proposal. It should also be noted that the proposal does not include balconies to the student bedrooms, which also assists avoiding loss of privacy issues to the neighbouring developments.
- 8.135 Overall, this scheme has generally improved on separation distances that would not cause unacceptable harm to the amenity of neighbouring properties and their occupiers and is therefore considered acceptable with regards to outlook and privacy.

E) TRANSPORT, HIGHWAYS AND SERVICING

- 8.136 Policy T1 of the London Plan (2021) states that proposals should support the delivery of the Mayor's strategic target of 80% of all trips in London to be made by foot, cycle, and public transport by 2041. Policy T1 requires developments to make the most effective use of land, in a way that reflects its connectivity and accessibility by existing and future transport links, walking and cycling routes to ensure that any impact on the London's transport networks and supporting infrastructure is mitigated.
- 8.137 Policy T5 of the London Plan (2021) sets out the minimum cycle parking standards for new developments and that development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle, securing the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located. Table 10.2 of the London Plan (2021) provides such minimum cycle parking standards for developments.
- 8.138 Policy T6 of the London Plan (2021) encourages car-free forms of development as a starting point for all development proposals in places that are well connected to public transport. Car-free developments should still provide disabled parking.
- 8.139 Policy T6.5 of the London Plan (2021) states that disabled persons parking for non-residential uses should be provided, ensuring that all non-residential elements should provide access to at least one on or off-street disabled persons parking bay.
- 8.140 Policy 60 of the Waltham Forest Local Plan LP1 (2024) sets out that new development will be expected to contribute to the Council's objective to deliver more attractive, accessible, healthy and safe streets, places and neighbourhoods for all residents in Waltham Forest.
- 8.141 The site has a PTAL score ranging from part 4 / part 5, showing a good / very good level of accessibility to public transport, namely to / from St James Street Station and bus services on St James Street and Markhouse Road. Walthamstow Central and Walthamstow Queen's Road stations are also considered to be within walking distance.

Car Parking

- 8.142 Policy 61 of the Waltham Forest Local Plan LP1 (2024) sets out that all new development will be expected to support a shift to active transport modes and encourage an increase in walking and cycling.

- 8.143 The proposal would be car-free with the exception of the provision of one disabled parking space.
- 8.144 With the exception of disabled parking provision, car-free developments are supported and allowing proposals to optimise the use of the site in a sustainable location with good transport facilities nearby.

Cycle Parking

- 8.145 Cycle parking would be provided in accordance with the standards contained within the Waltham Forest Local Plan. Secured, covered cycle stores are proposed at basement and ground floor level and would be served by two suitably sized lifts. Basement cycle parking is not supported by officers due to security and lack of natural surveillance however, cycle parking within the site has been designed in accordance with TfL's London Cycle Design Standards (LCDS). The design includes suitably sized doorways (2m+), corridors, lifts etc and adopts spaces for larger bicycles (provided in Sheffield type stands) and further standard Sheffield Stands for commercial or residential areas respectively.
- 8.146 1:1 long stay spaces are proposed for the student residential element, with 47 short stay spaces being provided within the landscaping.
- 8.147 In addition, a cycle store for the light industrial / maker spaces would be located on the ground floor connected to the lobby / reception at the south-west of the Site. A range of cycle racks would be provided to accommodate all users in line with LBWF guidance, providing 26 spaces, plus a further 3 short stay spaces.
- 8.148 Notwithstanding the submitted application documents, a planning condition is recommended as part of any planning permission requesting a detailed cycle parking, to ensure finalised details are agreed with officers that would comply with policy requirements.
- 8.149 In addition, a financial contribution of £120,000.00 would be secured as an obligation to any S106 Agreement towards walking and cycling and £8,000.00 to fund the monitoring of measures include within the Walthamstow Town Centre Framework Travel Plan and Full Travel Plan.

Refuse, Deliveries and Servicing

- 8.150 Policy SI 7 of the London Plan (2021) promotes a more circular economy that improves resource efficiency that encourages waste minimisation and waste prevention through the re-use of materials.
- 8.151 Policy SI 8 of the London Plan (2021) states how developments should plan for identified waste needs and measures for reducing waste, in line with the Circular Economy.
- 8.152 Policy 87 of the Waltham Forest Local Plan LP1 (2024) seeks to minimise waste during the construction and operation phases of development in line with the Circular Economy Statement and Whole Lifecycle Carbon Assessment, as required by the London Plan, to cover the whole lifecycle of the development on referable schemes.
- 8.153 Day-to-day servicing is proposed on-site with a dedicated servicing area suitable for couriers and day-to-day deliveries. Refuse collection is proposed on-street, from the southern frontage of the site.
- 8.154 Overall, the Council's Highways team raise no objection in principle, subject to identified S106 obligations including £120,000.00 towards walking and cycling and

£5,000.00 towards CLP monitoring, and S278 and S38 works at Section 1 of this report with a number of recommended planning conditions as part of any planning permission including a detailed CLP, Delivery & Servicing Plan and Waste Management Strategy. The development would therefore be consistent with Policies SI 7, SI 8, T1, T5 and T6 of the London Plan (2021) and Policies 60 and 87 of the Waltham Forest Local Plan LP1 (2024).

F) TREES, LANDSCAPING AND ECOLOGY

Ecology

- 8.155 Policy G5 of the London Plan (2021) notes that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.
- 8.156 Policy G6 of the London Plan (2021) states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best ecological information and addressed from the start of the development process.
- 8.157 Policy 53 of the Waltham Forest Local Plan LP1 (2024) seeks to deliver high quality design through incorporating high quality landscaping, tree planting and urban greening measures to maximise biodiversity and ecological value in accordance with Policy 77 'Green Infrastructure and the Natural Environment', Policy 78 'Parks, Open Spaces and Recreation', Policy 79 'Biodiversity and Geodiversity' and Policy 80 'Trees'.
- 8.158 A Preliminary Ecological Appraisal was submitted as part of the planning application. The Appraisal states that whilst multiple buildings were identified on-site, none of them were considered to support higher than 'negligible' roosting bat potential. Therefore, these can be removed without further consideration for roosting bats.
- 8.159 The Appraisal further stated that whilst no badgers were identified that other mammals including foxes and hedgehogs could use the site for commuting and foraging purposes and therefore, caution must be had. The site is also not considered to be constrained by other protected or notable species such as otters, great crested newts, reptiles, dormice and water voles.
- 8.160 The Epping Forest SAC and Epping Forest SSSI are located within a relative distance from the site. Natural England raises no objection subject to mitigation measures to minimise the impact on these designations from future users and occupiers of the development. Accordingly, a S106 financial contribution of £109,850.00 towards Strategic Access Management and Monitoring Strategy (SAMMS) would form part of any S106 Agreement. The methodology behind this amount is provided below and without this SAMMS contribution, Natural England would object to the proposed the development.
- 8.161 Policy H1 of the London Plan (2021) for the purposes of calculating SAMMS states at Para 4.1.9 that net non-self-contained accommodation for students should count towards meeting housing targets on the basis of a 2.5:1 ratio, with two and a half bedrooms / units being counted as a single home. Therefore, 423 student rooms or bedspaces when divided by 2.5 equals 169 units. The SAMMS tariff at LB Waltham Forest is £650.00 per unit, thereby resulting in a SAMMS contribution for this PBSA-led development of £109,850.00.
- 8.162 With the soft landscaping measures proposed as part of a new public square comprising 477sqm and secured as a condition to any planning permission, this would

enhance the ecological value of the site. With limited exceptions, all permissions granted after 12th February 2024 are required to deliver 10% biodiversity net gain and are deemed to have been granted subject to the biodiversity net gain requirement. Biodiversity Net Gain on-site could be achieved through the implementation of soft landscaping measures that would contribute towards the required 10% net gain in habitats and hedgerows, wildlife-friendly soft landscape planting scheme (including green roofs and tree planting) and provisions of wildlife features such as bird, bat and invertebrate boxes.

- 8.163 The submitted Biodiversity Net Gain Assessment concludes the proposed development would result in a +2,225.67% net gain in habitat units. This is substantially in excess of the statutory and policy requirement of Policies G5 and G6 of the London Plan (2021) and Policies 53, 77, 78, 79 and 80 of the Waltham Forest Local Plan LP1 (2024) and is welcomed. Notwithstanding, landscaping and biodiversity conditions are recommended as part of any planning permission and on this basis, the proposal is considered acceptable.
- 8.164 The application documents also comprise a Habitat Regulation Assessment (HRA) Screening and Appropriate Assessment template, which outlines mitigation measures on recreational impact and S106 financial contributions towards Strategic Access Management Measures (SAMMs) of £109,850.00. Community Infrastructure Levy (CIL) would secure financial contributions towards the Suitable Alternative Natural Greenspace (SANGs), allocated to projects within the relevant catchment area, as identified in the strategy.

Trees

- 8.165 Policy G1 of the London Plan (2021) outlines the critical nature of green infrastructure in London, stating that London's green spaces and features should be protected and enhanced. Green infrastructure should be planned, designed and managed in an integrated manner.
- 8.166 Policy G7 of the London Plan (2021) states that within London, existing trees of value should be protected and maintained where achievable, along with the planting of new trees.
- 8.167 Policy 80 of the Waltham Forest Local Plan LP1 (2024) seeks to retain and protect significant trees.
- 8.168 An Arboricultural Impact Assessment was submitted with the application and stated that two groups of trees are required for removal to facilitate the proposed development.
- 8.169 Of the two groups to be removed, one G7, has been assessed as category C, and one G1, has been assessed as category U. The category U group, G1 requires removal due to conflict with demolition of the existing buildings and garden wall. Its removal would also allow for a more suitable landscape scheme to be implemented. G1 is a dense self-seeded overgrown group located within a derelict garden. Removal shall be mitigated with replacement planting of such tree species as *Sorbus aucuparia*, *Pinus pinea* and *Betula pendula* in a similar location. The category C group, G7 requires removal due to conflict with the proposed new footway and to provide adequate space for demolition and construction activities. The removal of G7 would be mitigated by planting replacement trees such as *Betula pendula* and *Tilia cordata* 'greenspire' within planting pits in the new footway.
- 8.170 The proposal would ensure no higher value category A or B trees would be removed and therefore is considered acceptable in accordance with Policies G1 and G7 of the London Plan (2021) and Policy 80 of the Waltham Forest Local Plan (2024).

G) ENERGY EFFICIENCY AND SUSTAINABLE DESIGN AND CONSTRUCTION

- 8.171 Policy D11 of the London Plan (2021) requires that the resilience of proposals are maximised and potential physical risks, including those related to extreme weather such as flooding, draught, and overheating, should be minimised.
- 8.172 Policy SI 2 of the London Plan (2012) states that major developments should be net zero-carbon, reducing carbon dioxide emissions from construction and operation, and minimising energy demand in line with the energy hierarchy as follows:
- Be Lean: use less energy and manage demand during construction and operation.
 - Be Clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly. Development in Heat Network Priority Areas should follow the heating hierarchy in Policy SI 3 Energy infrastructure.
 - Be Green: generate, store and use renewable energy on-site.
- 8.173 Policy SI 2 also notes that in meeting the zero-carbon target, a minimum on-site reduction of at least 35% beyond Building Regulations is expected. Residential development should aim to achieve 10%, and non-residential development should aim to achieve 15% through energy efficiency measures.
- 8.174 Policy SI 4 of the London Plan (2021) states that development proposals should minimise internal heat gain and the impacts of the urban heat island through design, layout, orientation and materials, whilst demonstrating through a supporting energy strategy how they will reduce the potential for overheating and reliance on air conditioning systems.
- 8.175 Policy 85 of the Waltham Forest Local Plan LP1 (2024) seeks to reduce carbon footprint. One of the criteria of the policy specifies that all development of more than one home or greater than 100sqm to be supported by an Energy Assessment (for major development schemes this must be undertaken in accordance with GLA's latest Energy Assessment Guidance) setting out energy information for the development to demonstrate compliance with the following:
- All new major development must meet or exceed the net zero-carbon emissions target in line with the London Plan energy hierarchy and in line with best practice guidance including the GLA's latest energy planning guidance.
 - All new build development of more than one home or greater than 100sqm must achieve a minimum of 35% reduction below Part L of the Building Regulations on-site, targeting net zero carbon where possible, in line with the London Plan energy hierarchy and with best practice guidance, including the GLA's Energy Planning Guidance. Development should meet the following London Plan 'Be Lean' stage (energy efficiency) carbon reduction targets before other measures are incorporated to meet the overall 35% reduction target, achieving a minimum of:
 - 10% reduction below Part L of the Building Regulations for residential development.
 - 5% reduction below Part L of the Building Regulations for non-residential development.
 - Carbon Offset Fund (COF) contributions will then be required for any shortfall in emission reductions.

- 8.176 As required by the London Plan, the development follows the energy hierarchy, incorporating passive design measures, energy efficient equipment and renewable energy.
- 8.177 The proposals have been designed in response to the London Plan Energy Hierarchy: Be Lean, Be Clean, Be Green, Be Seen and an Energy Strategy Report was submitted with the application.
- 8.178 Overall, the residential part has achieved a 25.8% CO2 savings and the commercial part has achieved a 25.9% improvement over the Part L 2021 baseline scenario at the Be Green stage. According to the Part L targets , which represent industry best practises, additional carbon savings will be difficult to achieve, which means that even a highly effective system and efficient lighting fixtures can only generate limited savings. A total savings of 25.8% have been achieved by the building after the Be Green stage. The development makes all reasonable endeavours to meet the carbon reduction requirements, employing a very good building fabric, a communal ASHP system, and the maximum sized PV system that can fit on available roof space that is not allocated to amenity. This represents the best possible outcome for the scheme.
- 8.179 The development has a target of net zero carbon. It has achieved, in total, a 25.8% improvement over the national baseline. In line with the London Plan carbon reduction requirements, there is a target of zero carbon, which will be achieved through an offset payment of £134,390.00 to be secured as an obligation to any S106 Agreement.
- 8.180 Officers at The GLA are satisfied with this approach. Accordingly, the proposal is considered acceptable and would accord with Policies SI 2 and SI 4 of the London Plan (2021).

H) FLOOD RISK AND DRAINAGE

Water Efficiency

- 8.181 Policy SI 5 of the London Plan (2021) states that development proposals should minimise the use of mains water in line with the operational requirements of the Building Regulations to achieve mains water consumption of 105 litres or less per head per day. These requirements can be met through the capture and re-use of surface, greywater, and rainwater.
- 8.182 Policy 89 of the Waltham Forest Local Plan LP1 (2024) seeks to prevent any adverse impacts on water quality and water supply through a number of measures including 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).
- 8.183 The developer is encouraged to reduce water use within the development to achieve the 105 litres per person per day as advised by the Council's Sustainability Consultant, to ensure that the requirements of Policy SI 5 of the London Plan (2021) and Policy 89 of the Waltham Forest Local Plan LP1 (2024) are met.

Flood Risk and Drainage

- 8.184 Policy SI 12 of the London Plan (2021) states development proposals should ensure flood risk is minimised and mitigated through sufficient measures integrated within the development.
- 8.185 Policy 91 of the Waltham Forest Local Plan (2024) seeks to manage flood risk.
- 8.186 The application site is situated within Flood Zone 1 (low risk of fluvial / tidal flooding), as indicated on the Environment Agency Flood Map. It is not located within a Critical

Drainage Area and is less than 1ha. Consequently, a formal Flood Risk Assessment was not required and there is no requirement for the Sequential and Exception Tests to be undertaken. Notwithstanding, a Flood Risk Statement and Drainage Strategy was submitted with the application and concluded that the site is at low risk of flooding from all other sources including pluvial, and artificial sources. Groundwater flood risk is shown to be low to moderate with further advice stating that this risk should be managed through the incorporation of flood resistant and resilient measures to the basement.

- 8.187 The Environment Agency raise no objection subject to conditions relating to risk to controlled waters.
- 8.188 A surface water drainage strategy would reduce flood risk by restricting surface water flows in accordance with the London Plan. A sustainable urban drainage system has been designed to incorporate permeable paving, green roofs and water butts. Storm water attenuation would be provided for all storms up to and including the 1 in 100-year critical event (including a 40% allowance for climate change). The proposed development would result in significant betterment over the pre-development scenario in terms of a reduction of surface water runoff equating to a minimum of 92%. Surface water including foul water would drain via gravity into the existing Thames Water Surface Water Sewer on Brunner Road.
- 8.189 The Flood Risk Statement and Drainage Strategy concluded that the site would not be at significant risk of flooding nor would it increase the risk of flooding to neighbouring properties.
- 8.190 It is envisaged in the absence of receipt of comments from Thames Water that subject to drainage conditions and informatives, the development would be consistent with the requirements of Policy SI 12 of the London Plan (2021) and Policy 91 of the Waltham Forest Local Plan LP1 (2024), in that it would not pose a risk of flooding, by virtue of its position within a Flood Zone 1 and the position from the Environment Agency to affirm this.

I) ENVIRONMENTAL IMPACT

Contaminated Land

- 8.191 Policy SD1 of the London Plan (2021) only supports developments that take appropriate measures that deal with contamination that may exist within a site.
- 8.192 Policy 90 of the Waltham Forest Local Plan LP1 (2024) seeks to manage contaminated land and prevent the spread of contamination.
- 8.193 Environmental Health officers raise no objection to the proposal subject to conditions to address the risk associated with site contamination. The proposal would therefore accord with Policy SD1 of the London Plan (2021) and Policy 90 of the Waltham Forest Local Plan LP1 (2024).

Noise

- 8.194 Policy D14 of the London Plan (2021) notes that residential proposals should seek to reduce, manage and mitigate noise to improve health and quality of life. Such proposals should seek to mitigate and minimise the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses. Where development cannot be located a significant distance from existing noise sources, due to site-specific constraints, Policy D14 encourages the mitigation of any potential

adverse effects resulting from noise-generating sources through applying good acoustic design principles within the development.

- 8.195 Policy 50 of the Waltham Forest Local Plan LP1 (2024) seeks to minimise the impact of noise, vibration and light pollution.
- 8.196 An Acoustic Assessment was submitted as part of the planning application. A noise and vibration survey has also been undertaken on and around the site. The measured noise levels have been used to calculate and assess suitable glazing and ventilation specifications, demonstrating the guidance values of the standards can be met. The measured vibration levels are significantly below a low probability of adverse comment in accordance with BS6472 for the day and night, therefore vibration does not require any further consideration.
- 8.197 The mitigation measures for the site as identified in the submitted Acoustic Assessment that include materials and glazing, would be suitable to control noise from road traffic on Brunner Road and noise from the railway line. These measures would also control noise from the Crate site and the commercial units at St James Mews so that there would be no adverse impact at the site. All residential units would be provided with a Mechanical Ventilation Heat Recovery system (MVHR). It is recommended that MVHR units should be selected and sized to operate at low fan speeds and if necessary, proprietary in line duct attenuators could be fitted on the supply and extract to achieve the criteria, if required.
- 8.198 To achieve suitable internal amenity sound levels, windows should remain closed, but not sealed, and an alternative means of ventilation provided during normal conditions. Residents will have the option to open windows, whilst noting sound levels will be slightly elevated.
- 8.199 The above mitigation measures would ensure that noise from surrounding sources and commercial uses would be controlled through building design, so that their existing business operations would not be impacted by the proposed development.
- 8.200 Noise levels place areas of the site adjacent to the railway at lower levels in the medium category of noise impact during overheating conditions during the day and night according to Acoustics Ventilation and Overheating (AVO) guidance. The rest of the site is considered low risk and above 9th floor, the risk category reduces to low / negligible for the entire site.
- 8.201 External noise levels in the communal roof terrace at Level 10 would be below 55dB LAeq,16hr. Therefore, all residents would have access to an external space within guidance criteria to protect external amenity. The findings of the Acoustic Assessment demonstrate that noise should not be a constraint to development.
- 8.202 The Council's Environmental Health team reviewed the submitted Acoustic Assessment and is satisfied subject to conditions as part of any planning permission to ensure such noise is managed to respect the amenity of existing and future occupiers of the development and to the surrounding neighbouring developments to accord with Policy D14 of the London Plan (2021) and Policy 50 of the Waltham Forest Local Plan LP1 (2024).

Air Quality

- 8.203 Policy SI 1 of the London Plan (2021) sets out the requirements for new development to address poor air quality. All forms of development must be at least air quality neutral and all major applications should demonstrate appropriate mitigation measures through an Air Quality Assessment.

- 8.204 Policy 82 of the Waltham Forest Local Plan LP1 (2024) states that the Council will protect and enhance the natural environment of the Epping Forest and its Special Area of Conservation (SAC) and seek to ensure that development proposals contribute to the mitigation of adverse recreational and air quality effects on the SAC.
- 8.205 Policy 88 of the Waltham Forest Local Plan LP1 (2024) states that new development should ensure the avoidance of any adverse air pollution impacts and aim to improve air quality in the borough.
- 8.206 Within the Council's Air Quality Action Plan (AQAP), the entire Borough of Waltham Forest has been declared an Air Quality Management Area (AQMA), which highlights pollution levels that exceed the Government's Air Quality Objectives. The Council will continue to seek planning obligations on a site-by-site basis when it is identified during the planning process that the construction of a development or the operation of a certain use of a development will potentially harm or cause impact to the surrounding environment.
- 8.207 The Council's Environmental Health section raise no objection to the proposal regarding air quality and recommended a financial contribution of £12,230.00 towards implementation of the Air Quality Action Plan and air quality related conditions to any planning permission including requiring compliance with the non-road mobile machinery (NRMM) Low Emission Zone.
- 8.208 Due to the above, the development would be acceptable with regards to air quality and pollution and in accordance with policy SI 1 of the London Plan (2021) and Policy 88 of the Waltham Forest Local Plan LP1 (2024), subject to conditions.
- 8.209 Archaeology
- 8.210 Policy HC1 of the London Plan (2021) states that development proposals affecting heritage assets and their setting should be sympathetic to the assets' significance and appreciation within their surroundings. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations in the design process.
- 8.211 Policy 73 of the Waltham Forest Local Plan LP1 (2024) seeks to protect archaeological assets and Archaeological Priority Areas.
- 8.212 The site is located within an area of archaeological interest (Archaeological Priority Area), as identified in the Local Plan.
- 8.213 Historic England Archaeology – Greater London Archaeological Advisory Service (GLAAS) were consulted on this application who confirm the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. Therefore, there is no archaeological requirement. As such, the development would accord with the provisions of Policy HC1 of the London Plan (2021) and Policy 73 of the Waltham Forest Local Plan LP1 (2024).

J) SAFETY AND SECURITY

Fire Safety

- 8.214 Policy D12 of the London Plan (2021) requires the submission of a Fire Safety Statement for all major forms of development proposals. This strategy should be produced by a third-party, independent, and suitably qualified assessor and should aim for design proposals that incorporate appropriate features to reduce the risk of a fire. The strategy should include appropriate fire alarm systems, measures for minimising the risk of fire spread, details of means of evacuation and passive/active fire safety measures.

- 8.215 A Fire Statement has been submitted as part of the application (as well as a Planning Gateway One Fire Statement), which sets out the key fire strategy principles for the building and is intended to identify the main fire safety features, fire fighter access facilities and fire strategy principles. The design, specification and construction of each fire safety measure would be in accordance with the relevant British Standards and other applicable design codes of practice. The Fire Statement achieves the highest standard of fire safety.
- 8.216 The Fire Statement confirms that the buildings, commercial spaces and non-residential accommodation have been designed using British Standard 9999 (BS9999), and the residential accommodation located on each storey level above ground has been designed using British Standard 9991 (BS9991).
- 8.217 The Fire Strategy for the building would be developed in accordance with BS 9991:2024 Fire safety in the design, management and use of residential buildings. The Statement confirms compliance with Policy D12 of the London Plan (2021).
- 8.218 The Health & Safety Executive (HSE) were consulted on this application and are content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations. HSE has however, identified some matters that the applicant should try to address, in advance of later regulatory stages, beyond planning. Accordingly a compliance condition is recommended that ensures that the development is carried out in accordance with the submitted Fire Statement that would accord with Policy D12 of the London Plan (2021).

Crime Prevention

- 8.219 Policy D11 of the London Plan (2021) sets out policy requirements that ensure all new forms of development to incorporate acceptable levels of safety and security measures and ensure that buildings remain resilient to emergencies.
- 8.220 Policy 58 of the Waltham Forest Local Plan LP1 (2024) seeks to make places safer and design out crime.
- 8.221 The Metropolitan Police were consulted on the application, raising no objection to the proposal and recommends a condition seeking Secured by Design certification. The development would therefore meet the requirements of Policy D11 of the London Plan (2021) and Policy 58 of the Waltham Forest Local Plan LP1 (2024) with regards to security and designing out crime.

K) PLANNING OBLIGATIONS

- 8.222 S106 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.
- 8.223 The following S106 Heads of Terms are recommended (and in more detail at Section 1 of this report), having regard to planning policy:
- 35% affordable student accommodation.
 - Nomination Agreement.

- Student accommodation Marketed to University of Portsmouth for three months.
- Wheelchair Accessible Marketing Strategy.
- Employment and Skills Plan.
- 30% local labour, 14 apprentice posts and 13 work placements with default payments if any remain unfulfilled.
- Highways enabling works.
- A S278 Agreement with Highways.
- £120,000.00 towards walking and cycling infrastructure.
- £5,000.00 towards Construction Logistics Plan monitoring.
- Car-free development with the exception of disabled parking space.
- Development and occupiers ineligible for parking permits for any CPZ in the borough.
- £134,390.00 towards COF with second COF payment calculation after the Energy Strategy has been updated.
- Connection ready.
- Updated Energy Statements on commencement and completion.
- £12,230.00 towards implementation of the Air Quality Action Plan.
- £50,000.00 towards local community infrastructure to support delivery of the Walthamstow Town Centre Framework.
- £200,000.00 towards step-free access at St. James St Station.
- £8,000.00 towards Travel Plan monitoring to fund the monitoring of measures included within the Framework Travel Plan and Full Travel Plan.
- 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.
- £109,850.00 towards Strategic Access Management and Monitoring Strategy (SAMMS) for Epping Forest SAC.
- Retention of Architect during build phase of the development.
- 5% of the total amount of contributions towards monitoring, implementation, and compliance with the S106 Agreement.
- Legal Fees.

9 CONCLUSION

- 9.1 The proposed buildings would be acceptable in terms of scale, height, and massing and the design of the buildings would provide a modern approach that would complement the surrounding context. The limited less than substantial harm to the conservation area is outweighed by the public benefits. The proposals are therefore considered to be of high quality.
- 9.2 The proposed development would be acceptable in terms of neighbouring daylight and sunlight. Overall, the development would have some effect on the neighbouring daylight and sunlight amenity in accordance with the BRE whilst the quality of the daylight and sunlight within the development would be generally acceptable. Any impact is considered to be outweighed by the benefits of the proposed development, particularly in terms of providing much-needed student accommodation within the locality.
- 9.3 The proposed student accommodation with 35% affordable as required by policy would provide an acceptable living environment and would be consistent with the criteria outlined by Policy H15 of the London Plan (2021) in terms of spatial requirements and provision of internal and external amenity spaces.
- 9.4 The proposed development would have an acceptable impact on highway safety and would involve highways works that would aim to enhance the public realm and pedestrian safety. The development would provide acceptable waste and cycle stores and the provision of one disabled parking space is accepted given its sustainable location.
- 9.5 The development would incorporate the highest environmental standards and would be sustainable, in that it would deliver acceptable energy reduction measures and meet the required carbon dioxide reduction targets. There would be a clause in any S106 Agreement for the development to provide an option to connect to a DHN. Furthermore, the development would seek to achieve a 'very good' BREEAM rating through planning condition and the development would also consider proper measures to minimise impact on air quality, flood risk and contamination.
- 9.7 The development would achieve appropriate safety and security measures and a condition requiring Secured by Design certification is recommended, as advised by the Metropolitan Police.
- 9.8 The conditions and planning obligations set out in the S106 Heads of Terms would ensure that any adverse impact of the scheme would be mitigated against the positive aspects of the proposed development. All material planning considerations have been considered, including responses to consultation. On balance, it is not considered that there are any material planning considerations in this scheme that would warrant a refusal of the planning application.
- 9.9 Due to the above considerations and considering the planning merits of the scheme and the consistency of the development when assessed against the Development Plan, the proposed development is acceptable when reviewed against the relevant planning policies mentioned above.

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 S149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

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

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

Human Rights:

10.2 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.

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

11 RECOMMENDATION

11.1 The Planning Committee is recommended to **GRANT** planning permission subject to conditions and informatives, Stage 2 Referral to the GLA and completion of a S106 Agreement with the Heads of Terms as set out in Section 1 of this report.

CONDITIONS

Time Limit:

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

REASON: To comply with the Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Drawings and Documents:

2. The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawings:

(20)_099 P04 Proposed Basement Floor Plan
(20)_100 P04 Proposed Ground Floor Plan
(20)_101 P04 Proposed 1st Floor Plan
(20)_102 P04 Proposed 2nd-3rd Floor Plan
(20)_104 P03 Proposed 4th-9th Floor Plan
(20)_110 P04 Proposed 10th Floor Plan
(20)_111 P04 Proposed 11th-16th Floor Plan
(20)_117 P04 Proposed Roof Plan

(20)_200 P04 Proposed North Elevation
(20)_201 P04 Proposed East Elevation
(20)_202 P04 Proposed South Elevation
(20)_203 P04 Proposed West Elevation

(20)_300 P04 Proposed South Facing Section
(20)_301 P04 Proposed East Facing Section

Documents:

Acoustic Assessment by Ardent (Oct 2023)
Air Quality Assessment by Ardent (Oct 2023)
Arboricultural Impact Assessment, Method Statement & Tree Protection Plan by PJC (Aug 2023)
Archaeological Desk Based Assessment by RPS (May 2024)
Basement Impact Assessment (and Desk Study) by Jomas (Aug 2022)
Biodiversity Net Gain Assessment by Ecology Partnership (Aug 2024)
BREEAM Pre-Assessment by JAW Sustainability (Jan 2024)
Car Parking Management Plan by Ardent (Oct 2023)
Circular Economy Statement by JAW Sustainability (Jul 2023)
Construction and Demolition Method Statement by Ardent (Jul 2023)
Daylight & Sunlight Report by EB7 (Sep 2024)
Design and Access Statement by Carey Jones Chapman Tolcher Rev B (Jan 2024)
Design and Access Statement Addendum by Carey Jones Chapman Tolcher Rev B (Aug 2024)
Demand Study: Purpose Built Accommodation by Knight Frank (2021)
Ecological (Preliminary) Appraisal by The Ecology Partnership (Sep 2022)
Economic Benefits Assessment by Icení (Oct 2023)
Energy Strategy and Operational Energy Report by JAW Sustainability (Mar 2025)
Fire Statement (Planning Gateway One) by BB7 (Aug 2024)
Fire Statement (London Plan) by BB7 (Aug 2024)

Flood Risk Statement and Drainage Strategy by Ardent (Jul 2024)
Health Impact Assessment by Icení (Oct 2023)
Heritage Townscape and Visual Assessment by Citydesigner (Sep 2024)
Land Contamination Assessment with Basement Impact Assessment by Jomas
Landscape Strategy by Studio Bosk (Dec 2023)
Life Cycle Analysis – BREEAM Options Appraisal Summary by JAW Sustainability (April 2023)
Life Cycle Carbon Assessment by JAW Sustainability (Jul 2023)
Operation Energy Assessment Report by JAW Sustainability (Oct 2023)
Outline Construction Logistics Plan by Ardent (Jan 2025)
Overheating Assessment Report by JAW Sustainability (Mar 2025)
Planning Statement by CMA Planning (Jan 2024)
Pre Demo Audit by JAW Sustainability V1.0 (Undated)
Site Waste Management Plan by JAW Sustainability (Undated)
Statement of Community Involvement by Cavendish (Jan 2024)
Student Housing Management Plan by Tribe (Undated)
Student Management Plan (Transport) by Ardent (Oct 2023)
Transport Assessment (Healthy Streets) by Ardent (Jan 2025)
Travel Plan (Framework) by Ardent (Oct 2023)
Utilities and Services by Ardent (Jul 2023)
Viability Report by James R Brown and Co (Aug 2023)
Wind Microclimate by Urban Microclimate (Nov 2023)

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

Materials:

3. Prior to commencement of the development (excluding ground works and substructure), and notwithstanding any indications shown on the submitted plans, samples, and a schedule of materials to be used in the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the development.

REASON: To ensure a satisfactory appearance in accordance with Policy D4 of the London Plan (2021) and Policy 53 of the Waltham Forest Local Plan LP1 (2024).

Highways and Parking:

4. A detailed finalised Construction Logistics Plan is required to be submitted for approval by the Local Planning Authority considering the construction phase of the development using the TfL template and guidance, which include inter alia:

- Journey planning, highlighting access routes.
- Method of access and parking of construction vehicles.
- Measures to prevent deposition of mud on the highway.
- Dust mitigation and suppression measures to control the spread of dust from demolition, disposal, and construction.
- Site operation times.
- Loading and unloading locations, taking into consideration existing parking restrictions.

The development shall be implemented in accordance with the approved details.

REASON: In the interests of highway and pedestrian safety in accordance with Policy 65 of the Waltham Forest Local Plan LP1 (2024).

5. Prior to commencement of development, a Highways Condition Survey of the carriageway and footways fronting the site shall be submitted to and approved in writing by the Local Planning Authority. The condition survey report would include a site location plan highlighting the location of the photographs. Any damage to the highways as a result of the construction works will be reinstated by the Council and funded by the developer.

REASON: In the interest of pedestrian and highway safety, to comply with Policy 63 of the Waltham Forest Local Plan LP1 (2024).

6. Prior to first occupation of any part of the development hereby approved, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall be laid out and allocated in accordance with the approved Management Plan and shall be made available for the purposes of parking private motor 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 and pedestrian safety in accordance with Policy 66 of the Waltham Forest Local Plan LP1 (2024).

7. Prior to commencement of development and notwithstanding any indication shown on the submitted drawings, a schedule showing the number and location of all cycle parking spaces and details of secure and sheltered cycle storage facilities, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed facilities shall be fully implemented prior to first occupation of any part of the development hereby permitted and shall thereafter be permanently retained for the lifetime of the development.

REASON: In the interest of security and sustainable development, in compliance with Policies 60 and 61 of the Waltham Forest Local Plan LP1 (2024).

8. Prior to first occupation of any part of the development hereby permitted, a detailed Delivery and Servicing Plan (DSP) 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.

REASON: In the interest of highway safety, in compliance with Policy 64 of the Waltham Forest Local Plan LP1 (2024).

9. 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: In the interest of health and to protect the living conditions of existing and future residents in the locality in accordance with Policy 50 of the Waltham Forest Local Plan LP1 (2024).

Basement Approval in Principle:

10. No demolition or development shall commence, until full details of Basement Approval in Principle (AiP) has been submitted to and approved in writing by the Local Planning Authority. The approved Basement AiP shall be fully implemented, and the implemented measures shall thereafter be retained and maintained as such for the lifetime of the development.

REASON: In the interests of highway and pedestrian safety in accordance with Policy 66 of the Waltham Forest Local Plan LP1 (2024).

Air Quality and Noise:

11. No non-road mobile machinery (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 Policy SI 1 of the London Plan (2024) and the Mayor's SPG: The Control of Dust and Emissions during Construction and Demolition.

12. No demolition or development shall commence until full details of the proposed mitigation measures for impact on air quality and dust emissions, in the form of an Air Quality and Dust Management Plan (AQDMP), have been submitted to and approved in writing by the Local Planning Authority. In preparing the AQMDP, the applicant should follow the recommendations outlined in the AQ assessment submitted with the application. If the development is located in or near an air quality focus area the applicant should follow the guidance on mitigation measures for **Medium Risk** and include automatic dust monitoring as a minimum.

REASON: To manage and mitigate the impact of the development on the air quality and dust emissions in the area and London as a whole, and to avoid irreversible and unacceptable damage to the environment in accordance with Policy SI 1 of the London Plan (2024).

13. The noise of all new plant shall be 10dB(A) below the underlying background noise level (LA90) during the time of plant operation at a position one metre external to the nearest noise sensitive premises. The underlying background LA90 shall be determined in the absence of the new plant noise. This assessment must be completed in accordance with BS4142: 2014 Method for rating industrial noise affecting mixed residential and industrial areas.

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

Hours of Operation:

14. Prior to first use of any part of the commercial floorspace, details of hours of operation shall be submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be for the first use until a change in any of the commercial floorspace within Use Class E would require the submission of further details for approval by the Local Planning Authority.

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

15. No deliveries shall be taken to or dispatched from, the site, other than between the hours of 08:00 and 23:00 Mondays to Saturdays, and at no time on Sundays, Bank Holidays or Public Holidays.

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

Landscaping & Biodiversity:

16. Prior to occupation of any part of the development hereby permitted, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. Soft landscaping works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities within a planting, management and maintenance schedule and any proposed green roofs and living walls. Also the method of planting including soil composition, tying, and staking, a maintenance care regime (with reference to the relevant British Standards and horticultural and arboriculture best practice guidance) including mulching and watering and the replacement of any species that die within 5 years of planting. The development shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.

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

17. Subject to the recommendations of a tree survey carried out by a suitably qualified arborist in line with British Standard 5837:2012, prior to occupation of any part of the development hereby permitted, a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Such details should include protection measures, foundation design, root barriers and any other steps required to ensure the protection of the trees on and adjacent to the site. The details shall be implemented as approved and thereafter maintained for the lifetime of the development.

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

18. Prior to the commencement of the development on site, notwithstanding site investigation work, no other work including any site clearance or demolition shall take place until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full and retained thereafter in accordance with approved Biodiversity Gain Plan, failure to achieve 10% Biodiversity Net Gain or any shortfall, will require for the developer to either enter "A Biodiversity Offsetting Scheme" or "Statutory Biodiversity Credits" as set out in 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)

19. Prior to first occupation of any part of the development hereby permitted, details of habitat enhancement shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the number and type of habitat bricks and boxes proposed for birds, bats and invertebrates and details of the permeability of site boundaries for ground-based wildlife.

REASON: In the interest of biodiversity in accordance with Policies 53, 77, 79 and 80 of the Waltham Forest Local Plan LP1 (2024).

Waste Management:

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

REASON: In the interests of highway and pedestrian safety in accordance with Policy 93 of the Waltham Forest Local Plan LP1 (2024).

Energy and Sustainability:

21. The units hereby permitted shall be constructed to achieve not less than BREEAM 'very good' in accordance with the submitted Energy Report (or the equivalent standard in such measure of sustainability for non-residential building design which may replace that scheme). The units shall not be occupied until formal certification has been issued confirming that not less than 'very good' has been achieved for each, and this certification has been submitted to, and approved in writing by, the Local Planning Authority."

REASON: In the interest of sustainability, energy efficiency and to provide a high-quality development in accordance with Policy 87 of the Waltham Forest Local Plan LP1 (2024).

22. 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 35% 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 sustainability and energy efficiency of the development and to meet the requirements of Policy SI 2 of the London Plan (2021) and Policy 85 of the Waltham Forest Local Plan LP1 (2024).

Water and Drainage:

23. No above ground works for the development shall take place until details of a drainage scheme including reference to SuDs and to restrict runoff from the site to greenfield runoff rate of 2.0l/s have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include flow control design, discharge hydrograph, construction details and rainwater harvesting potential, details of its design, implementation, adoption, maintenance, and management.

No development shall take place except in accordance with the approved details, which shall be installed prior to first occupation of any part of the development hereby permitted and thereafter retained and maintained as such for the lifetime of the development.

REASON: To mitigate the risk of flooding, ensure that the development is adequately drained, and minimise the use of water in the interests of future health of occupiers of the development and to protect pollution of groundwater in accordance with Policies 68, 89, 90 and 91 of the Waltham Forest Local Plan LP1 (2024).

24. No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure and in the interests of future health of occupiers of the development and to protect pollution of groundwater in accordance with Policies 68, 89, 90 and 91 of the Waltham Forest Local Plan LP1 (2024).

25. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

REASON: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development in accordance with Policies 68 and 89 of the Waltham Forest Local Plan LP1 (2024).

26. Development hereby approved shall not commence until a Source Protection Strategy detailing, how the developer intends to ensure the water abstraction source is not detrimentally affected by the proposed development both during and after its construction has been submitted to and approved in writing by the Local Planning Authority in consultation with the water undertaker. The development shall be constructed in line with the recommendations of the strategy.

REASON: To ensure that the water resource is not detrimentally affected by the development in accordance with Policy 90 of the Waltham Forest Local Plan LP1 (2024).

Contamination:

27. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 187 of the NPPF and Policy 89 and 90 of the Waltham Forest Local Plan LP1 (2024).

28. If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site to accord with paragraph 187 of the NPPF and Policies 89 and 90 of the Waltham Forest Local Plan LP1 (2024).

29. Piling and deep excavations below the water table shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the proposed basement excavation and piling do not harm groundwater resources in line with paragraph 187 of the NPPF and Policy 89 and 90 of the Waltham Forest Local Plan LP1 (2024).

Safety and Security:

30. The development hereby approved, shall achieve Secured 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 interest of security and to protect the living conditions of existing and future occupiers in the locality in accordance with Policy D11 of the London Plan (2021) and Policy 58 of the Waltham Forest Local Plan LP1 (2024).

31. The development shall be carried out in accordance with the submitted Fire Statement dated 24th July 2024. The development shall be implemented with the details contained within the Fire Statement hereby approved and retained as such for the lifetime of the development.

REASON: In order to protect the living conditions and safety and security of the occupants in line with Policies D5 and D12 of the London Plan (2021).

Boundary Treatment:

32. Prior to the construction of roof slab level, details relating to the siting, design and height and finish of all new walls, gates, fencing, railings, and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out solely in accordance with the approved details, prior to the first occupation of any part of the development hereby approved and thereafter shall be fully retained and maintained accordingly for the lifetime of the development.

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

Wheelchair User Rooms:

33. At least a total of 42 of the student rooms shall be designed to M4(3) wheelchair accessible standards hereby permitted. All wheelchair user rooms must provide sufficient footprint and drawings must demonstrate that they can achieve a fully accessible layout.

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

Student Management Plan:

34. Prior to first occupation of any part of the development hereby permitted, a Student Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the management of move-in and move-out times shall be provided for approval and thereafter maintained.

REASON: To ensure that adequate arrangements are made for pedestrian and vehicular movements to and from the site and to ensure that the operational management of the development has no harm on the amenity of local residents in accordance with Policy H16 of the London Plan (2021) and Policy 64 of the Waltham Forest Local Plan LP1 (2024).

Use Class E Restriction:

35. The commercial use (Class E) hereby permitted shall operate only within Use Class E of the Use Classes Order 1987 (as amended), excluding E(f) creche, day nursery or day centre. No change of use of this premises that would otherwise be permitted by the Use Classes Order 1987 (as amended) or the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order) shall be carried out without planning permission having first been obtained in writing from the Local Planning Authority.

REASON: To safeguard the amenities of neighbouring occupiers in accordance with Policy 57 of the Waltham Forest Local Plan LP1 (2024).

INFORMATIVES

1. To assist applicants, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website, and which offers a pre-planning application advice service. The scheme was submitted in accordance with guidance following pre-application discussions and the decision was delivered in a timely manner.
2. Highway works under a S278 Agreement will be required upon completion of the development, prior to occupation.
3. 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.
4. It is the developer's responsibility to ensure all signage associated with the proposed development (i.e., street nameplates, building names, and door numbers) are erected prior to occupation, as agreed with the Council's Street Naming / Numbering Officer.
5. It is an offence to place scaffolding, skip or hoarding on the highway without permission. Early contact with the Council's Network Operations is advisable, as it may affect the construction programme.

6. For information on the NRMM Low Emission Zone requirements and to register NRMM, please visit <http://nrmm.london/>
7. Construction and demolition works audible beyond the boundary of the site should only be carried out between the hours of 0800- and 1800-hours Mondays to Fridays and 0800 and 1300 hours on Saturdays, and not at all on Sundays or Public / Bank Holidays.
8. The applicant must seek the advice of the MPS Designing Out Crime Officers (DOCOs). The services of MPS DOCOs are available free of charge and can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813.
9. Where development involves the use of any non-road going mobile machinery with a net rated power of 37kW and up to 560kW, that is used during site preparation, construction, demolition, and / or operation, at that site, it is strongly recommended that the machinery used shall meet or exceed the latest emissions standards set out in Regulation (EU) 2016/1628 (as amended). This shall apply to the point that the machinery arrives on site, regardless of it being hired or purchased, unless agreed in writing with the Local Planning Authority. The item(s) of machinery must also be registered (where a register is available) for inspection by the appropriate Competent Authority (CA), which is usually the local authority.
10. The developer should
 - Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination
 - Refer to the Environment Agency “Guiding principles for land contamination” for the type of information that is required in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health.
 - Consider using the National Quality Mark Scheme for Land Contamination Management, which involves the use of competent persons to ensure that land contamination risks are appropriately managed.

<https://www.gov.uk/government/collections/land-contamination-technical-guidance>
11. The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:
 - Excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution.
 - Treated materials can be transferred between sites as part of a hub and cluster project.
 - Some naturally occurring clean material can be transferred directly between sites.

12. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
13. Please read the Thames Water guide 'working near our pipes' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near Thames Water pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.
14. As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water expects the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water Risk Management Team on 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
15. Regarding a Source Protection Strategy, further details can be obtained from Thames Water Groundwater Resources Team email GroundwaterResources@Thameswater.co.uk Tel: 0203 577 3603.
16. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres / minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
17. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near the mains (within 3m) Thames Water will need to check that your development does not reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services Thames Water provides in any other way. The applicant is advised to read the guide 'working near or diverting our pipes'. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

18. If the developer is planning on using mains water for construction purposes, it is important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.
19. The proposed development is located within 15m of Thames Water underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read the Thames Water guide 'working near our pipes' to ensure your workings are in line with the necessary processes you need to follow if you are considering working above or near our pipes or other structures.
20. Thames Water requests that further information on foundation design be submitted for detailed consideration. This will include a) the methods to be used b) the depths of the various structures involved c) the density of piling if used d) details of materials to be removed or imported to site. More detailed information can be obtained from the Thames Water Groundwater Resources Team to better assess the risk to water resources from the construction of the foundations.