

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning
Application reference:	242739
Applicant:	Sherrygreen Ltd
Location:	James Yard, Land to the Rear of 480-510 Larkshall Road, Chingford, London, E4
Proposed development:	Demolition of the existing buildings and erection of two, six-storey blocks comprising a mixed use development of 46no. residential units (Use Class C3) and commercial (Use Class E) floorspace, together with associated amenity spaces, playspace provision, cycle and vehicle parking, refuse and recycling facilities, service bay, landscaping and other associated works.
Ward	Hatch Lane and Highams Park North
Appendices:	

1. RECOMMENDATION

1.1 That Planning Permission be GRANTED subject to

- i) Confirmation from the highways department that the drainage plan is sufficient
- ii) any additional Noise conditions imposed on the recommendation of the Environmental Health Officer
- iii) conditions and informatives as set out in this report, and
- iv) completion of a Section 106 Legal Agreement (S106) with the following Heads of Terms:

Affordable Housing:

- A financial contribution of £100,000 towards the provision of off site affordable housing.
- To secure an early and late stage review of the affordable housing in accordance with GLA guidance.

Employment and Skills:

- An Employment & Skills Plan.

- Provide a minimum of 30% local labour and 5 apprentice posts in the construction trade during the construction phase of the development and 2 work placements in the construction phase of the development with such posts being first offered to local residents.
- Standard Clauses in relation to local suppliers in accordance with the Planning Obligations SPD.

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

Highways:

- A S106 contribution of £4,500 towards Construction Logistics Plan monitoring.
- A S106 contribution of £46,000 towards walking and cycling improvements in the vicinity of the site.
- £15,000 towards CPZ consultation
- £68,856 towards Parking Enforcement

Car Free Housing

- Standard clauses securing car-free development, in the event of a CPZ being introduced in the future residents will not be entitled to parking permits for any CPZ unless disabled/blue badge holder.
 - Each new Residential Occupier of the development must be informed prior to occupying any residential unit that they shall not be entitled to a residents parking permit unless blue badge holder.
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- S278 works funded by the developer
 - An application for Highway Works will be required. The extent of works will include but are not limited to:
 - Renewal of the footways in Wilton Place. Extents will be given when the CLP is approved.
 - Replacement of the blended crossing at the junction of Wilton Place and Larkshall Road to current standards to improve access for future residents.
 - Review of waiting and loading restrictions in Wilton Place.
 - Review of lighting design and potential relocation of lamp columns on Wilton Place.
 - Redesign of the landscaping on the public highway frontage of the site to facilitate the new pedestrian access.

- Provision of new dropped kerb for bin collection in Wilton Place.
- Renewal of kerbs in Wilton Place.
- Resurfacing of the carriageway in Wilton Place.
- Any enabling works in accordance with a plan to be submitted and approved in writing.
- Highway condition surveys carried out prior to commencement and post completion with developer committing to funding any damage caused as a result of construction works associated with the development.

Transportation

- A travel plan monitoring fee of £4500.
- Car Club membership in accordance with Transport Statement.
- £25,000 towards a new station entrance in Highams Park

Wheelchair Housing:

- Prepare a Wheelchair Accessible Dwelling Marketing Strategy for the development that sets out how the wheelchair units will be promoted and advertised during the exclusivity period of one year, to be agreed prior to commencement of that relevant part of the development.
- The requirement for all wheelchair user dwellings to be exclusively marketed as such for a minimum period of 12 months

Energy and Sustainability:

- A financial contribution of £24,854 towards a Carbon Offset Fund. Payable upon implementation.
- Second Carbon Offset Payment
- Connection Ready.
- Updated Energy Statements on commencement and completion based on As Built energy calculations.
- Prior to occupation evidence must be provided that any communal energy supply billed to occupants are guaranteed fair and clear billing in line with GLA guidance.
- Measures to secure post-construction monitoring ("Be Seen").
 - A. Within 8 weeks of the grant of planning permission, to submit to the GLA accurate and verified estimates of the 'Be Seen' energy performance indicators.
 - B. Prior to occupation, the Owner shall provide updated accurate and verified 'as-built' design estimates of the 'Be Seen' energy performance indicators for each Reportable Unit of the development.
 - C. Upon completion of the first year of Occupation or following the end of the Defects Liability Period (whichever is the later) and at least for the following four years after that date, the Owner is required to provide accurate and

verified annual in-use energy performance data for all relevant indicators under each Reportable Unit of the development.

- In the event that the 'In-use stage' evidence submitted under Clause c) shows that the 'As-built stage' performance estimates derived from Clause b) have not been or are not being met, the Owner should investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the 'Be Seen' in-use stage reporting webform. An action plan comprising measures identified in Clause c) shall be submitted to and approved in writing by the GLA, identifying measures which would be reasonably practicable to implement and a proposed timescale for implementation. The action plan and measures approved by the GLA should be implemented by the Owner as soon as reasonably practicable.)

Street Trees

- Mitigation for loss of street trees to be agreed with the Council's street tree team.
- Management/Pruning plan for T9/T10.

Epping Forest Special Area of Conservation:

- A financial contribution of £29,900 (£650 x 46 Residential units) contribution to Strategic Access maintenance and Management Strategy.

Biodiversity Net Gain (BNG)

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

Air Quality:

- A contribution of £4800 towards the implementation of the Council's Air Quality Action Plan.

Architect retention clause.

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

Legal Fees:

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

REASONS REFERRED TO COMMITTEE

- 1.2 The case meets the threshold for referral to Planning Committee due to the level of public interest. It has also been called in to planning committee by a Councillor from an adjoining ward.

2. SITE AND SURROUNDINGS

- 2.1 The site comprises a two storey brick and metal faced office building and associated car park on a narrow rectangular plot of land which immediately abuts the eastern boundary of Highams Park overground station. Vehicular and pedestrian access is provided from the site to the immediate south, 480-510 Larkshall Road, with which it shares a largely contiguous car parking area; accessed via an undercroft which runs through an existing two storey office building which fronts on to Larkshall Road.
- 2.2 Wilton Place runs to the immediate west. It comprises blocks of largely 3 story flats of various modern design; leading to an entrance to Highams Park station and a further gated residential development which encircles the northern boundary of the site. The existing two storey building is set close to the western boundary of the site but at present is fenced off with no access to the site from Wilton Place.



Fig 1 – the site in relation to the surrounding area



Fig 2 – the existing building on the site

- 2.3 The site is located in the Highams Park Town Centre, which is a Strategic Location and District Centre. To the east and south, the Larkshall Road comprises commercial and retail development, anchored by the recently constructed Tesco Supermarket and associated public realm and various surrounding 4-5 storey flatted development. The older centre of Highams Park is set to further to the south and west, comprising buildings characteristic of Victorian to early twentieth century suburban town centre development.
- 2.4 The Highams Park Neighbourhood Plan describes the site and surrounding buildings as being *‘typical of late 1960’s and 1970’s building, in a mixture of brick, concrete and render, drawing little from the local character of the area’*. The broader triangular plot of land between the railway and Larkshall Road has been

allocated for redevelopment in the emerging Local Plan part 2 (LP2) (site R19078). This sets out an aspiration to “*reprovide workspace and provide new homes, retail and other town centre uses, a new safe, accessible and step-free entrance to Highams Park Overground Station, new and enhanced public realm and accessible, biodiverse green open space*” with an indicative capacity of 115 homes and 1630 sqm of town centre uses.

- 2.5 In terms of other designations the site is located in the South Chingford Critical Drainage Area.

3. APPLICATION PROPOSAL

- 3.1 The proposal involves the demolition of the existing building and its replacement with a residential development comprising two, six storey blocks comprising 46 residential units, together with a single ground floor commercial unit measuring 232 sqm.
- 3.2 The two blocks would stand around 19 metres apart across a central courtyard amenity space at ground level, shared between the residential and commercial use. This area would be subject to controlled access and would comprise a pedestrian commercial entrance; cycle parking, seating, a woodland play garden and various planting.
- 3.3 Pedestrian Access would take place from Wilton Place. Vehicular access would be provided via James Yard as is the case at present. There would be three blue badge parking space provided in this area, along with a servicing bay.

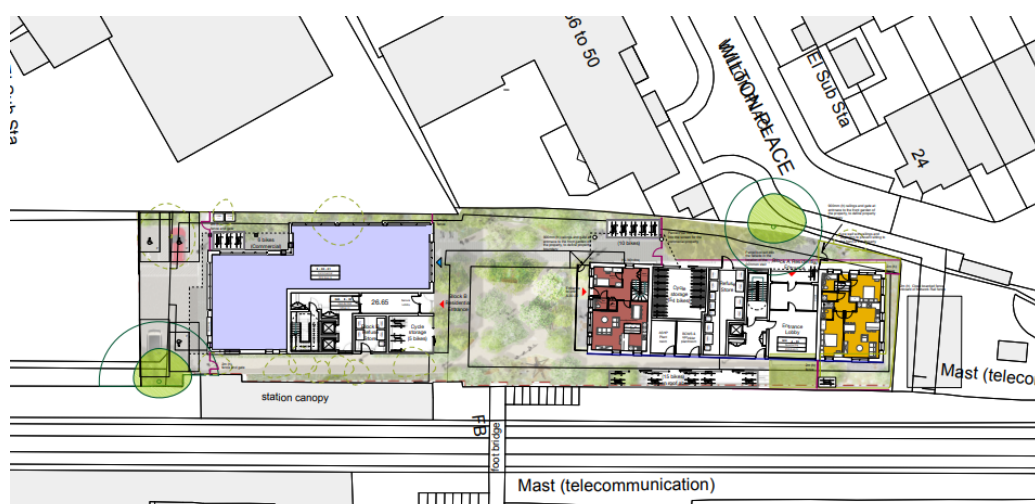


Fig 3 – proposed site layout.

- 3.4 The proposal has been designed to read as a continuation of the approved development at 480-510 Larkshall Road. This would provide a relocated station entrance around a new square accessed from the Larkshall Road. The bulk and mass of the two buildings associated with this proposal is six storeys, so broadly

visually consistent with this consented development, which was allowed at appeal in January 2023. However, the scheme could be implemented independently of the approved development at the neighbouring site.

3.5 Figure 4 shows an image of the approved development at 480-510 Larkshall Road together with the site, when viewed from the Junction of Hale End Road and the Avenue, to the south east of the site on the other side of the railway line. Figure 5 shows the ground floor layout, showing the parking spaces associated with the neighbouring scheme, which sit within an undercroft and which would be contiguous with the parking associated with the proposed development.



Fig 4- Image of development alongside consented development, from the south.

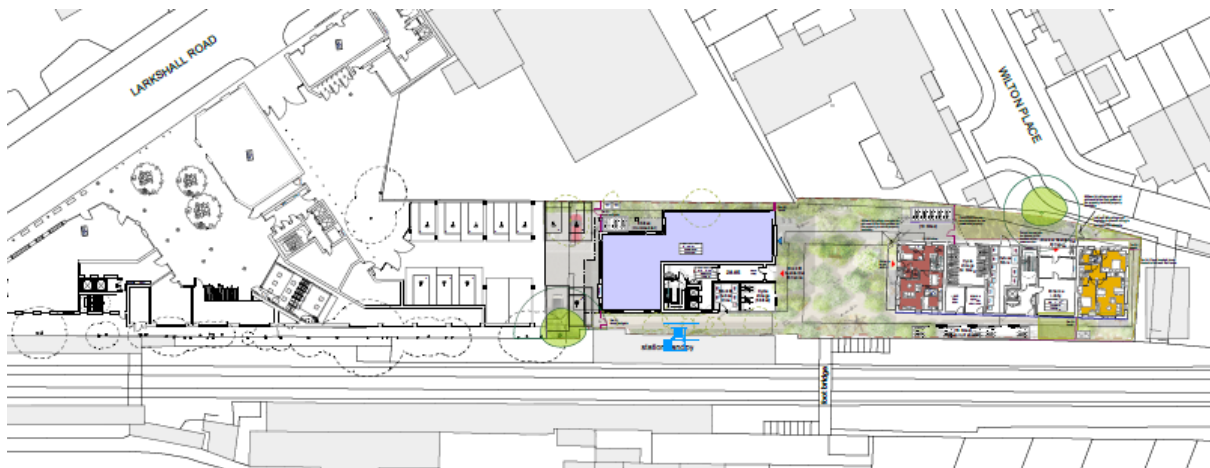


Fig 5- Layout of proposed development alongside consented development.

4. RELEVANT SITE HISTORY

4.1 The application site was subject to a planning application for the 'demolition of existing building and construction of two five-storey building blocks comprising 46 residential units together with associated amenity space, refuse facilities, cycle parking, landscaping and related works' (ref. 191304). Planning permission for this application was refused on 23 June 2021 for the following reasons (in summary):

- Loss of employment floorspace
- Unacceptable unit mix
- Unacceptable design
- Lack of child play space provision
- Insufficient disabled parking
- Insufficient cycle parking
- Insufficient information in relation to servicing and deliveries
- Insufficient information relating to Landscaping, biodiversity and Arboricultural Impact
- Insufficient information relating to an Outline Construction Management Plan
- No Section 106 agreement.

Pre-Application (LBWF and Design Review Panel)

4.2 The proposal is the subject of a Development Performance Agreement ('DPA') which covers the pre application and application stage. A series of changes were made through the pre application process including changes to its design, revised layout and positioning of buildings, alterations to the commercial floorspace and detailed consideration of access and servicing arrangements to avoid highway safety issues on Wilton Place and Larkshall Road.

4.3 The DPA included several meetings with the Council's Highways and Waste Teams and was presented to the Design Review Panel on 6 November 2023. A summary of the key points raised in the follow up letter are set out below.

- In terms of building typology and height, it was suggested the overall height could be reviewed, to improve the resident experience at ground floor level.
- Noise analysis was recommended in relation to the railway.
- Suggested that consideration should be given to the provision of affordable housing.
- Recommendation that boundary treatments are reviewed to improve views of the railway, and to improve the streetscape on the boundary with Wilton Place.
- Consideration of landscaping and shared amenity space should deal with planting type and be informed by a daylight and sunlight analysis.
- Concern relating to the undercroft and associated ground floor experience.
- Comments on the commercial entrance and the cycle parking location.

- Further consideration necessary in relation to location of air source heat pumps in the development and in relation to overheating

4.4 The points raised at the pre application stage were not fully resolved at the time of the application's submission. The applicant has cited viability and delivery challenges necessitating the layout and form of development which is currently before the Council. They have requested a decision on the proposal in its current form.

Neighbouring Sites / Adjacent Properties

480 – 510 Larkshall Road

4.5 This site lies immediately to the south of the application site and also forms part of the Local Plan Part 2 site designation to which the application site lies.

4.6 203040 – Full Planning

Demolition of the existing buildings and erection of a five to seven storeys residential-led, mixed use development comprising 68 residential dwellings (Use Class C3), flexible commercial spaces (Use Class E), flexible space for community facilities/non-residential institution (Use Class F1) and a new public train station entrance together with public realm improvements, landscaping, private and communal amenity spaces, children's play space, waste and refuse facilities, secure cycle storage facilities, public cycle hub (24 cycle parking spaces), accessible car parking and associated works

Refused (with reasons) on 18 March 2022 but was allowed at appeal on 31 January 2023 (ref. APP/U5930/W /22/3304178).

4.7 The main issues considered by the Planning Inspectorate was as follows:

- The effect of the proposal on the character and appearance of Highams Park District Centre;
- The effect of the proposal upon the existing transport network, traffic and parking in the area;
- Whether the proposal would make the most effective use of land and enhance connectivity at Highams Park railway station;
- Whether the proposal would provide an acceptable housing mix; and
- Whether the proposal would provide acceptable living conditions for future residents, with specific reference to amenity space.
- In terms of the first two main issues, the Inspectorate found that the proposed development was acceptable subject to conditions. Further discussion of the reasons why are set out in sections C and H of this report.

4.10 With regards the enhancement of connectivity to Highams Park railway station, the Inspectorate concluded that a development contribution of £125,000 was

appropriate and a reasonable planning obligation associated with the development.

- 4.11 With regards the proposed housing mix, the development proposed a mix of 39 one bed units, 19 two bed units and 10 three bed units. This mix was found by the Inspectorate to be acceptable as a mix of unit sizes was still proposed and that the accommodation would be located at the nucleus of the town centre adjacent the railway station, within a district centre location of the site, and a suburban area with family-sized units outside the centre meaning the high proportion of smaller sized units would effectively balance the housing mix in Highams Park.
- 4.12 Finally, with regards the shortfall in external amenity space for future occupiers against policy requirements, the Inspectorate found that a high quality landscaping scheme with acceptable external amenity space could be delivered for future residents.
- 4.13 This permission was the subject of a non-material amendment (ref. 251252) granted 30 June 2025 which varied conditions 7, 8, 9 and 10 to allow for amendment of the trigger points of these conditions in order to facilitate the delivery of the permission prior to its expiry on 31 January 2026.
- 4.14 The development has not commenced but the developer has expressed an intention to prior to its expiry. This permission is now the subject of a live Section 73 application (ref. 251722) to vary some of the conditions to introduce two phases to the development and amend the wording of selected pre-commencement conditions accordingly. This application is currently under consideration by the Local Planning Authority.

472-474 Larkshall Road

4.15 183379 – Full Planning

Creation of 3 additional floors to provide 20 self-contained flats (6 x 1 bed, 10 x 2 bed, 4 x 3 bed). New cycle storage + refuse facilities at Ground Floor level.

Ground floor front extension to existing shop.

Approve (with conditions and informatives)

- 4.16 Officers note that this application to the west of the application site forms part of the Local Plan 2 designation with the application site. There is no clear evidence of works having been carried out to implement this neighbouring permission and 5 years have passed since planning permission was granted. It is not clear whether this scheme has been implemented or not. However officers have taken this consented scheme into account in our assessment of the proposed development.

5. CONSULTATION

Pre-Application

5.1 The applicant undertook pre application public consultation in early 2024. This is detailed in the Statement of Community Involvement. In addition to direct engagement with the MP, Ward Councillors and the Highams Park Planning Group there was a public exhibition which was promoted through a local leaflet drop.

- Meeting with Highams Park Planning Group - 30th January 2024
- Meeting with the ward councillors – 2nd February 2024
- Meeting with Sir Iain Duncan Smith MP – 17th February 2024
- Public exhibition – Tuesday 20th February
- Public exhibition – Saturday 24th February

5.2 A range of views were expressed in response to the consultation. A key theme in the responses were concerns about the height of the proposal and its visual impact, together with concerns about traffic and parking and the impact of development on local infrastructure.

Application Stage Public Consultation

5.3 The application was subject to public consultation by way of site notice, letter and press advertisement in December 2024. The following properties were notified via neighbour notification letters:

- Larkshall Road, Chingford – 440a-b, 442a-b, 440-442, 444, 446, 446a-b, 448, 452, 450-452 (ground floor shop and first floor flat), 454 (Capital House, Flats 1-12), 456, 458 (Woodlands House), 460, 462, 464, 470, 472a (Olive Tree Centre), 472-474, 474, 476-478 (including first floor), 480 (ground and first floor), 480 (Rooms 1-3), rear of 480 (James Yard), 480 (parking spaces 39-43), 480 (car park spaces for first floor), rear of 480 (Suites 1, 2, 2-2a, 4-6, 5, 6 and 7), 480 (suite 3 units 1-2), 490 (offices 1-8 and ground floor), 500 (ground floor B, first floor), 500a (offices 10-15), 502 (ground and first floor), 504, 506 and Units 1-9 First Floor.
- Hale End Road, Chingford – 499 (flats 1-3), 501, 501a, 501b, 503, 503a, 505, 505a, 505a (offices 1-6), 507, 507a-c, 509 and 511.
- Beech Hall Road, Chingford – No's 2a and 2b.
- The Avenue, Chingford – 1 (Bakers Kitchen), 1a (Chequers Café), 1b-d, 3-3a (ground floor and first floor flat), 5, 5a, 7 (ground floor, first floor and second floor flat), 7a, 7b, 9, 9a, 9b, 11, 11 (ground floor workshop), 13 (ground floor flat 1 and first floor flat 2), 15, 17, 19-21 (Almadene) and 23-27 (odd).
- Wilton Place, Chingford – No's 1-50.
- Station Approach, The Avenue, Chingford – 1, 2 (Village Florist), 3 (Highams Park Railway Station, kiosk and bookstall).

- Signal Walk, Chingford – No's 3 (café), 5 (Borno Chemist), 5 (ground floor), 5a, 5a (offices 1-7), 7-9 and 9.
- The Broadway, Chingford – No's 1, 1a, 3, 3a, 7, 7 (ground floor), 7a, 7a (ground and first floor), 9, 9a-e, rear of 9-12, 10, 11-12, 12, 12a-c and 14.
- Broadway Parade, The Broadway, Chingford – Flats 1-5, 1, 2-3, 4, 5-6, 7 and 8.

5.4 One letter of support was received stating: *"This looks like a good use of the site and I support it. I can't see what objection people could have (although I am sure some people will object)".*

5.5 Objections were raised from the Highams Residents Association. The following issues were raised:

- Concern about the proposed height, density and massing; particularly in cumulation with other approved development.
- Concern about the effect on the setting of locally listed buildings in proximity of the site.
- Concern about the impact on residential amenity in relation to existing properties along Wilton Place;
- Over development of the site, in excess of that envisaged by way of the site allocation.
- Parking Stress.
- Concern about viability of proposed commercial space.

5.6 An objection letter was also received from the Highams Park Planning Group raising the following issues:

- Concern about the impact on the character of Highams Park District Centre
- Concern about the impact on the setting of locally listed assets, in particular the Highams Park Station building and 1-1c the Avenue.
- Concern about the impact on existing housing along Wilton Place
- Concern about the departure from the Masterplan envisaged for the site allocation.
- Concern about Parking Stress on the surrounding streets
- Concern about the viability of the commercial space.

5.7 These issues are considered in sections A, C, E and H of this report.

5.8 Objection letters were also received from 29 members of the public. The issues raised and officers response to them are set out in the table below.

Issue Raised	Officer Response
Principle of Development: - Concern about displacement of existing businesses, with associated loss of economic activity.	This is addressed in Section A of the report.

- Preference for alternative forms of development, ie hot desking space or retirement homes. - Excessive number of houses being delivered across site in contrast to 115 envisaged by local plan. - Viability of ground floor offices is uncertain. - Proposal should be an office building instead of residential.	The development will optimise the delivery of housing in a sustainable location identified for housing growth and delivers acceptable replacement employment floorspace. The commercial space is versatile and could be used by a variety of end users.
Design and Townscape - Scale of development inappropriate - Harm to village feel of Highams Park - Inappropriate height - Harm to prevailing low rise suburban character of Highams Park	This is addressed in Section C of the report. The height and scale is considered to be acceptable and the height is consistent with the neighbouring scheme, which was allowed at appeal.
Heritage - Harm to the setting of locally listed buildings at the station, on the Avenue and the Millenium clock.	This is addressed in Section C of the report. It is agreed that there is a low level of harm to the setting of these locally listed buildings, but on balance this is acceptable when giving consideration to National Planning Policy.
Residential Amenity - Loss of privacy specifically to properties along the avenue - Loss of rights to light, and daylight and sunlight - Overshadowing - Loss of light to station platforms - Overlooking an overshadowing to properties along Wilton Place	These issues are considered in depth in section E of this report. Officers consider that whilst there are some minor impacts on residential amenity, these are acceptable.
Transport, Highways and Servicing - Concern about impact of parking pressure associated with the development. - Additional congestion arising from the development including risks to the nearby level crossing. - cycle and parking provision insufficient. - Concern that if a CPZ is introduced future residents of the development are prohibited from applying for a parking permit.	These issues are considered in section H of this report The issues raised by residents are acknowledged and have been carefully considered. It is considered that the issues raised can be mitigated such that development can proceed.

- Similar condition should be imposed in relation to Parking as was done at 480-510 Larkshall Road appeal scheme.	
Other issues raised - excessive amount of unfinished projects in the Borough - impact on infrastructure - Proximity to telecommunications infrastructure - Increased population density - Concern about impact of construction process. - Insufficient consultation undertaken - Impact on mental health arising from loss of light to railway station platforms - concern about impact on rail use and population pressure.	- Unfinished projects elsewhere is not a material consideration for this application; the Council support completion of development in the Borough. The existing delivery challenges should not inhibit support for development coming forward, which is necessary to achieve housing targets as set out in the local plan. - The developer has considered the proximity to telecommunications infrastructure in bringing forward the proposal and officers are satisfied this should not be a constraint to the development. - The level of density is considered appropriate given the local plan. - Matters relating to concerns about infrastructure are addressed through the Community Infrastructure Levy; as an allocated site it forms part of the planned growth of the borough, supported by the Infrastructure Delivery Plan. - The development is not of a scale such that would lead to over-capacity issues on the railway network. - The impact on the light conditions of the adjacent railway station is assessed in the daylight and sunlight report, the overall impact is very minor.

5.9 A second period of public consultation took place from 31 July 2024 to 14 August 2024, dealing with minor amendments to the plans, in particular updates to the site layout, ground floor plans, site location plan (updated red line boundary) and landscaping.

5.10 The Highams Park Planning Group responded to confirm that their stance had not changed from that set out in their original objection to the proposals. No other specific responses were received.

Other Consultation

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

Consultee	Response
Place & Design (Design & Conservation Officer)	The view of the Place and Design Team is integrated into Section H of this report.
Place & Design (Tree & Urban Greening Officer)	Concern about the juxtaposition of trees T9 and T10 to the western elevation with ongoing management required with suboptimal results to the trees. Accepts the removal of tree T11. As a Council owned tree, any requirement to prune T10 should not place additional cost on the Council. Officers agree that the proposed removal of the smaller trees and one tree group to facilitate the development could be sufficiently mitigated through suitable tree planting incorporated as part of a high-quality soft landscape scheme. A finalised Arboricultural Management Statement should be conditioned.
Highways	- Concerns about the impact on congestion in Wilton Place. - Mitigation needed in relation to this and overspill parking arising from the development. - Further detail necessary in relation to 7.5 ton servicing vehicles accessing Wilton Place. - Further details necessary in relation to access strategy via James Yard. - Detailed comments on the Servicing and Delivery Plan - Amendments requested to parking area. - Comments on parking surveys - noted that the large majority of parking spaces were in excess of 200 metres of the site. In relation to parking stress, Highways conclude that <i>“although the site is not within a CPZ, there are sufficient restrictions within the typical residential parking walk distance to deter new residents from being able to park close to the proposed development. Coolgardie Avenue has limited spare parking capacity and may experience an impact, but most of this road is not conveniently located for residents of James Yard.</i> <i>Highways therefore concludes that, in the case of this particular development, the likelihood of it generating a severe on-street parking impact in the immediate vicinity of the proposed development is low, however, to mitigate the wider potential impact, the following measures will need to be secured to make the development acceptable:</i>

	- <i>Residents of the site will be excluded from eligibility for permits in the event of a future CPZ being implemented.</i> - <i>A S106 contribution of £15,000 is requested towards a CPZ consultation in the surrounding area.</i> - <i>A S106 contribution is requested towards parking enforcement. “</i> The extent of Section 278 works will include but are not limited to: - Renewal of the footways in Wilton Place. Extents will be given when the CLP is approved. - Replacement of the blended crossing at the junction of Wilton Place and Larkshall Road to current standards to improve access for future residents. - Review of waiting and loading restrictions in Wilton Place. - Review of lighting design and potential relocation of lamp columns on Wilton Place. - Redesign of the landscaping on the public highway frontage of the site to facilitate the new pedestrian access. - Provision of new dropped kerb for bin collection in Wilton Place. - Renewal of kerbs in Wilton Place. - Resurfacing of the carriageway in Wilton Place. Other matters including required condition surveys and more details of gradients. Detailed comments received in relation to drainage.
Sustainability & Energy	An offset payment of £24,850 should be made to achieve net-zero carbon in line with Policy 85 of the Local Plan. Standard BREEAM condition to be applied. Overheating assessment of commercial unit required. Provide justification why the non-residential on-site reduction is 20% total against the 35% target. The standard S106 Be Seen wording should be included. Verification of water reduction to be required by planning condition.
Waste & Recycling	No objection confirmed on 13 August 2025
Transport Policy	Any comments to be reported verbally

Building Control	Any comments to be reported verbally
Environmental Health – Air Quality	No objection subject to section 106 financial contribution of £4,800 towards the Council's Air Quality Action Plan and standard conditions.
Environmental Health – Noise	Any comments to be reported verbally
Environmental Health – Contamination	No objection subject to standard conditions related to asbestos and ground contamination
Employment, Business and Skills	Any comments to be reported verbally
Parks and Open Spaces (Council Tree Section)	Management pruning of retained Lime tree to be secured. The removal of T11 (Acer) requires a financial contribution towards new highway planting related to this trees CAVAT value.

External Consultees

Consultee	Response
Network Rail	No objection
London Overground (Transport for London)	No objection subject to conditions
Environment Agency	No comments received
Transport for London (Crime Reduction)	No comments received
Natural England	No objection subject to securing appropriate mitigation.
UK Power Networks	Any comments to be reported verbally
London Fire Brigade	Any comments to be reported verbally
Metropolitan Police (Secure By Design Officer)	No objection subject to standard conditions
Metropolitan Police (Counter Terrorism)	No objection
Thames Water	No objection subject to informatives

6. Development Plan

- 6.1 The NPPF Section 70(2) of the Town and Country Planning Act (1990) (as amended) sets out that in considering and determining applications for planning permission, the Local Planning Authority (LPA) must have regard to considerations including the provisions of the development plan and any local finance considerations, so far as material to the application, and any other material considerations.
- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that “if regard is to be had to the development plan for the purpose of any

determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

- 6.3 The Development Plan for the site, at the time of this report, comprises the London Plan (2021), and the Waltham Forest Local Plan 2024 (LP1). The NPPF does not change the legal status of the development plan.

The London Plan (2021)

- 6.4 The London Plan is the overall strategic plan for London and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital from 2019 to 2041. The relevant policies within the London Plan 2021 relevant to this application are considered to include but not limited to:

GG1 – Building strong and inclusive communities
GG2 – Making the best use of land
GG4 – Delivering the homes Londoners need
D1 – London’s form, character, and capacity for growth
D2 – Infrastructure requirements for sustainable densities
D3 – Optimising site capacity through design-led approach
D4 – Delivering good design
D5 – Inclusive design
D6 – Housing quality and standards
D7 – Accessible housing
D8 – Public realm
D9 – Tall buildings
D11 – Safety, security, and resilience to emergency
D12 – Fire safety
D14 – Noise
H1 – Increasing housing supply
H4 – Delivering affordable housing
H5 – Threshold approach to applications
H6 – Affordable housing tenure
H7 – Monitoring of affordable housing
H10 – Housing size mix
S1 – Delivering London’s social infrastructure
S2 – Health and social care facilities
S4 – Play and informal recreation
HC1 – Heritage, conservation, and growth
G1 - Green Infrastructure
G5 – Urban greening
G6 – Biodiversity and access to nature
G7 – Trees and woodlands
SI1 – Improving air quality
SI2 – Minimising greenhouse gas emissions

SI3 – Energy infrastructure
SI4 – Managing heat risk
SI5 – Water infrastructure
SI7 – Reducing waste and supporting the circular economy
SI8 – Waste capacity and net waste self-sufficiency
SI12 – Flood risk management
SI13 – Sustainable drainage
T1 – Strategic approach to transport
T2 – Healthy streets
T3 – Transport capacity, connectivity and safeguarding
T4 – Assessing and mitigating transport impact
T5 – Cycling
T6 – Car parking
T6.1 – Residential parking
T6.5 Non-residential disabled persons parking
T7 – Deliveries, servicing, and construction
T9 – Funding transport infrastructure through planning
DF1 – Delivery of the plan and planning obligations

Waltham Forest Local Plan LP1 (2024)

6.5 The Waltham Forest Local Plan (LP1) was adopted 29 February 2024 and therefore now forms a key part of the development plan in determining all planning applications. The previous Core Strategy (2012) and Development Management Policies (2013) are superseded by LP1.

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

Policy 1 Sustainable Development and Mixed-Use Development
Policy 2 Scale of Growth
Policy 3 Infrastructure for Growth
Policy 4 Location of Growth
Policy 5 Management of Growth
Policy 6 Ensuring Good Growth
Policy 7 Encouraging Mixed Use Development
Policy 8 Character-Led Intensification
Policy 11 North Waltham Forest
Policy 12 Increasing Housing Supply
Policy 13 Delivering Genuinely Affordable Housing
Policy 14 Affordable Housing Tenure
Policy 15 Housing Size and Mix
Policy 16 Accessible and Adaptable Housing
Policy 18 Other Forms of Housing
Policy 24 Supporting Economic Growth
Policy 33 Local Jobs, Skills, Training and Procurement
Policy 39 New Retail, Office and Leisure Developments
Policy 46 Social and Community Infrastructure

Policy 48 Promoting Healthy Communities
Policy 49 Health Impact Assessments
Policy 50 Noise, Vibration and Light Pollution
Policy 53 Delivering High Quality Design
Policy 54 Tall Buildings
Policy 55 Building Heights
Policy 56 Residential Space Standards
Policy 57 Amenity
Policy 58 Making Places Safer and Designing Out Crime
Policy 60 Promoting Sustainable Transport
Policy 61 Active Travel
Policy 62 Public Transport
Policy 63 Development and Transport Impacts
Policy 64 Deliveries, Freight and Servicing
Policy 65 Construction Logistics Plans
Policy 66 Managing Vehicle Traffic
Policy 67 Electric Vehicles
Policy 68 Utilities Infrastructure
Policy 70 Designated Heritage Assets
Policy 71 Listed Buildings
Policy 72 Conservation Area
Policy 73 Archaeological Assests and Archaeological Priority Areas
Policy 74 Non-Designated Heritage Assests
Policy 75 Locally Listed Heritage Assets
Policy 77 Green Infrastructure and the Natural Environment
Policy 78 Parks, Open Spaces and Recreation
Policy 79 Biodiversity and Geodiversity
Policy 80 Trees
Policy 81 Epping Forest and the Epping Forest Special Area of Conservation
Policy 85 A Zero Carbon Borough
Policy 86 Decentralised Energy
Policy 87 Sustainable Design and Construction
Policy 88 Air Pollution
Policy 90 Contamination Land
Policy 91 Managing Flood Risk
Policy 92 Overheating
Policy 93 Waste Management
Policy 94 Infrastructure and Developer Contributions

Highams Park Neighbourhood Plan (Adopted 21 May 2020).

- Policy SET 3: Business, Employment and Economic Development
- Policy SET 4: Transport and Parking
- Policy SET 5: Housing Development and Affordability
- Policy SET 6: Character, Design and Public Realm
- Policy SET 7: Biodiversity and Nature Conservation
- Policy SET 8: Developer Contributions

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework (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 paragraph 11 of the NPPF states that the presumption means "approving development proposals that accord with an up-to-date development plan without delay" and where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless "...any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".
- 7.3 The NPPF gives a centrality to design policies; homes should be locally led, well-designed, and of a consistent and high-quality standard. Local planning authorities (LPAs) are to make sure that the quality of approved developments does not materially diminish 'between permission and completion, as a result of changes being made to the permitted schemes.
- 7.4 The specific policy areas of the NPPF considered to be most relevant to the of this application are as follows:
- Promoting healthy and safe communities.
 - Promoting sustainable transport.
 - Making sufficient use of land
 - Delivering a wide choice of high-quality homes.
 - Achieve well-designed places
 - Promoting Healthy Communities.
 - Meeting the challenge of climate change, flooding, and coastal change; and,
 - Conserving and enhancing the natural environment.

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

- 7.5 The Site Allocations Document (Draft Waltham Forest Local Plan Part 2: Site Allocations Document (2021 – Reg 19) (LP2) seeks to ensure that the London Borough of Waltham Forest promotes the right development in the right places at the right scale, creating attractive sustainable neighbourhoods as well as economic opportunities. The Plan has been submitted for public examination which took place in June 2025.

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

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

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

London Plan Affordable Housing and Viability SPG – 2017

- 7.8 This supplementary planning guidance (SPG) focuses on affordable housing and viability. It includes four distinct parts: background and approach; the threshold approach to viability assessments and detailed guidance on viability assessments.

London Plan the Sustainable Design and Construction SPG – April 2014

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

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

- 7.10 This document provides guidance on a range of strategic policies including housing supply, residential density, housing standards, build to rent developments, student accommodation and viability appraisals.

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

- 7.11 This guidance explains the process that needs to be followed to comply with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan.

Mayor's Fire Safety London Plan Guidance – February 2022

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor's Digital Connectivity Infrastructure – LPG – October 2023

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

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

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

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

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

Waltham Forest – Urban Design SPD – 2010

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

Waltham Forest – Affordable Housing & Viability SPD – 2018

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

Waltham Forest – Planning Obligations SPD – 2017

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

Waltham Forest – Waste & Recycling Guidance for Developers

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

Local Finance Considerations

- 7.26 Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of CIL. It is noted that:
- It is not thought that there are any grants which have been or will or could be received from central government in relation to this development, although the position in relation to affordable housing grant in section B of the report should be noted.
 - The Council expects to receive income from LBWF CIL in relation to this development.
 - The Council expect to receive income from Mayoral CIL in relation to this development.

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

- 7.27 This document deals with internal space within new dwellings and is suitable for an application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor

areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

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

7.28 This guide gives advice on site layout planning to achieve good 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 - loss of existing use
- B. Housing – Tenure and Mix
- C. Design and Townscape
- E. Impact on Residential Amenity
- F. Standard of Accommodation
- G. Secure by Design
- H. Transport, Highways and Servicing
- I. Trees, Landscaping and Ecology
- J. Energy Efficiency and Sustainable Design and Construction
- K. Flood Risk and Drainage Considerations
- L. Environmental Impact Considerations
- M. Fire Safety
- N. Planning Obligations/Contributions

A PRINCIPLE OF DEVELOPMENT

8.2 The National Planning Policy Framework (NPPF) (2024) sets out the principles and objectives that are required to underpin approaches to development management. Central to this is the “presumption in favour of sustainable development”, intended to ensure that sustainable development is pursued in a positive way. These principles are reflected adopted Waltham Forest Local Plan LP1 (2024), ensuring significant increase in the supply, choice and mix of high-quality new homes.

8.3 Policy 1 of the Waltham Forest Local Plan LP1 (2024) seeks to deliver sustainable growth whilst ensuring that development and growth are positive, work to the benefit of residents and businesses, and enhance the existing physical environment. Policy 2 of the Waltham Forest Local Plan LP1 (2024) highlights that over the Plan period (2020-2035), the Council will maximise opportunities for economic growth by promoting significant levels of housing, envisioning net increases of: 27,000 additional homes.

Replacement of existing building

- 8.4 The existing site comprises a two-storey building in office use (Use Class E) comprising a total of 809sqm. It is therefore considered to be undesignated employment land. Policy 28 of the adopted Waltham Forest Local Plan LP1 (2024) sets out the LPA's approach to non-designated employment land stating that developments that seek to introduce residential or mixed-use elements to non-designated employment locations will be supported where 'the scope for mixed-use intensification with employment uses has been explored fully and any loss of floorspace is justified with reference to marketing evidence of at least 12 months demonstrating no reasonable prospect of the site being retained in business or industrial uses'.
- 8.5 Policy 7 of the adopted Waltham Forest Local Plan LP1 (2024) also seeks to encourage mixed use development that allows for the most efficient use of land in contributing towards the supply of homes and jobs. The site allocation in the emerging LP2 (R19078) seeks to deliver an indicative 1630 sqm of workspace as part of a mixed use allocation. Policy BED1 of the Highams Park Neighbourhood Plan also states that development of existing sites designated for employment use should aim to promote and support a successful local economy.
- 8.6 The existing building comprises office space. At present 228 sqm is occupied (out of 809 sqm). A marketing assessment was submitted with the application which demonstrates that the current building and site is not commercially attractive due to, amongst other things, its poor quality and accessibility constraints.
- 8.7 Against this backdrop the proposal would provide a single new purpose built office, 232 square metres in size, broadly comparable to the existing occupied space. A commercial strategy provided by the applicant demonstrates that it is likely that a suitable tenant/occupier will be found for the proposed commercial unit given the improved quality of commercial accommodation, if the existing tenant is not relocated within the premises.

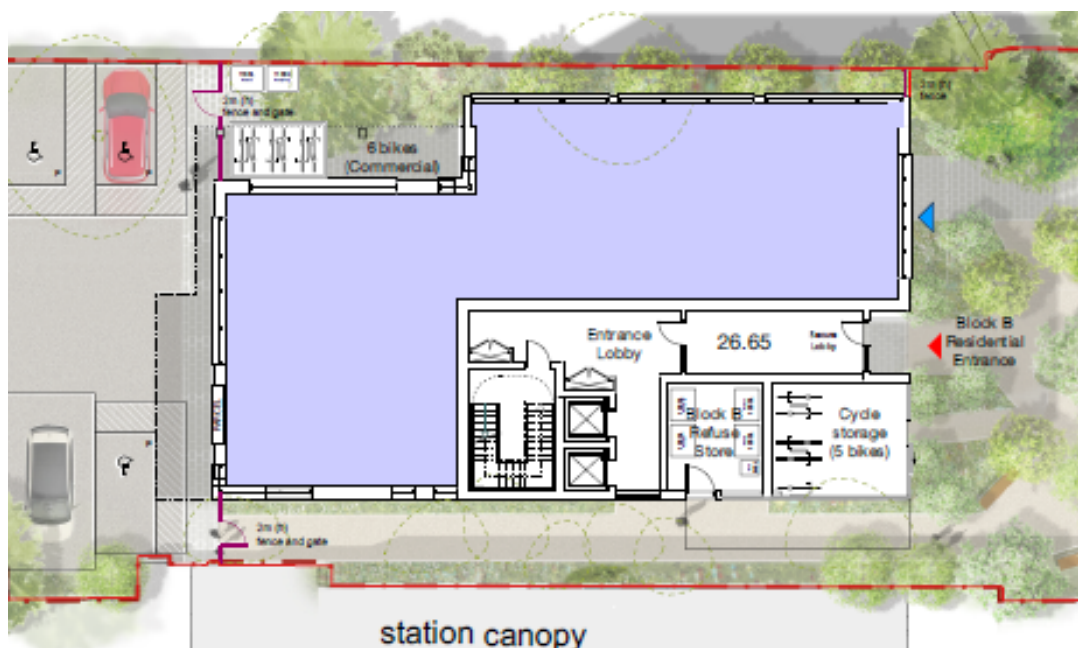


Fig 6 – Layout of proposed office.

- 8.8 The proposed office space would comprise a single floorplate, well lit with windows on all sides. It would be accessed from a shared garden area by foot as well as a vehicular access point and servicing bay. It would sit in the town centre, close to all amenities including the railway station. This would be a versatile space that is suitable for a range of uses that do not require a formal street frontage and are consistent with the residential uses which it shares space with. This is in accordance with agent of change principles.
- 8.9 Overall it is considered that the replacement commercial floorspace would be of a good quality and has been appropriately justified given the particular characteristics of this site. Whilst the proposal does not fully reprove the existing floorspace, the commercial space being delivered as part of the development is considered to broadly accord with the aims of planning policy in relation to non-designated employment land, and the development is acceptable in this respect.

Location and Density

- 8.10 London Plan Policy D2 sets out that development densities should be proportionate to a site's connectivity and accessibility by walking, cycling, and public transport to jobs and services. Policy D3 states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, ensuring schemes achieve an appropriate density that responds to a site's context and capacity for growth, setting out considerations relating to form and layout, user experience, and quality and character.
- 8.11 Policy 12 of the Waltham Forest Local Plan LP1 (2024) highlights the opportunities for housing growth within the borough to deliver 27,000 homes by 2035. It sets out a trajectory of achieving a stepped housing target, with 1,264 homes delivered per annum until 2027, 1594 per annum from 2027-2029, and

2494 from 2029/30 – 2034/35. Part D of the policy emphasises that opportunities to increase the supply of homes should be maximised on brownfield land, and that effective and efficient use of land should be made through optimising housing densities. Policies 12 and 19 of the Waltham Forest Local Plan identifies the need to prioritise development on previously developed or underused land and optimise housing densities.

- 8.12 The application site is also located within the Highams Park Strategic Location. Policies 4 and 11 of the Waltham Forest Local Plan LP1 (2024) seeks to direct growth within North Waltham Forest to its five strategic locations, including Highams Park. In this context, the site is clearly designated in planning policy as forming part of an area designated as an area for focus for development and regeneration; the Highams Park Strategic Location should provide a minimum of 540 new homes across the Plan period.
- 8.13 It is noted that the draft site allocation (R19078) within LP2 provides an indicative capacity for the site allocation for 115 new homes. When taking into account the proposed development (46 units) and neighbouring consents within the designation (480-510 Larkshall Road – 68 units and 472-478 Larkshall Road – 20 units), the site allocation would deliver 134 new homes. This is broadly within the range envisaged by the LP2.
- 8.14 The site has a Public Transport Accessibility Level (PTAL) of 2. Notwithstanding this, it is located in a Town Centre with an overground station immediately adjacent the site. There are multiple bus routes as well as a good range of services and facilities available in Highams Park. It is well suited for accessibility by means other than the private car, so well placed in principle to absorb car free population growth. Officers consider that the scale of development proposed optimises the potential of the site, and this approach accords with local planning policy and that set out in the London Plan. The density of development in this location is therefore considered acceptable.

Conclusion: Principle of Development

- 8.15 In conclusion, the replacement of the existing office building and its proposed replacement with 46 no. new homes and associated commercial space on the site would contribute towards achieving the aims of the London Plan (2021) and Policies 2, 4 and 11 of the adopted Waltham Forest Local Plan LP1 (2024). It will optimise the delivery of housing in a sustainable location identified for housing growth and delivers acceptable replacement employment floorspace. The principle of development is therefore supported.

B HOUSING – TENURE AND MIX

Policy Background

- 8.16 Policy H4 of the London Plan (2021) states that the strategic target is for 50% of all new homes delivered across London to be genuinely affordable. In line with Policy H5 of the London Plan (2021), the development is a major application and as such triggers affordable housing requirement. Part B of Policy H4 states that

affordable housing should be provided on-site. Affordable housing must only be provided off-site or as a cash in lieu contribution in exceptional circumstances. Any cash in lieu or off-site contribution should deliver units in addition to the threshold level.

- 8.17 Policies H4 and H5 of the London Plan (2021) and Policy 12 of the Waltham Forest Local Plan LP1 (2024) seek to maximise the delivery of affordable housing provision on development proposal. The target is 50% affordable housing per site, and if this is not achieved then a viability assessment is required unless the proposal is able to demonstrate 35% provision.
- 8.18 Policy 13 of the Waltham Forest Local Plan LP1 (2024) seeks to deliver 50% of all new homes to be genuinely affordable housing in line with Policy H4. Proposals that are not public sector land or industrial land are required to achieve a minimum of 35% affordable housing without public subsidy. Where this criteria cannot be achieved they are required to undertake viability testing as necessary.

Affordable Housing

- 8.19 The application proposes no affordable on-site housing provision. A Financial Viability Assessment (FVA) therefore in accordance with Policy 13 has been submitted in support of the planning application.
- 8.20 The scheme proposes housing for private sale. By way of summary, the applicant states that the construction costs are estimated at £15,339 million. Other costs excluding land, finance costs, developer return and planning obligations amount to £2,667 million. Where finance costs and developer return are also factored in, the total costs of the scheme are £22,498 million. The predicted sale revenue for both residential and commercial elements is estimated at £20,125 million. Consequently the scheme is not viable in its current form. It cannot proceed unless there is a substantial decrease in build costs and/or a significant increase in sale values.
- 8.21 The Council have commissioned an independent review of the FVA, by BPS surveyors. In terms of development value, BPS agrees with the applicant. With regards the construction costs, BPS finds the figure used by the applicant to be 5.54% higher than expected. Notwithstanding these differences, BPS is in agreement with the applicant that the scheme is financially unviable and cannot viably provide affordable housing.
- 8.22 There are differences between the surveyors opinions on the Benchmark Land Value. However these are of less significance at this point given the agreement in principle over the viability of the scheme – both surveys report a negative net residual land value. Consequently, officers consider that sufficient information has been provided at this stage to demonstrate that it is not viable to provide affordable housing, having regard to the established planning policy framework relating to this matter. Notwithstanding this it is noted that the economic situation can change quickly and so, in accordance with London Plan Policy, the scheme will be subject to early and late stage viability reviews to capture any uplift.

8.23 Notwithstanding the above viability challenges with the scheme, the applicant team have offered a contribution of £100,000 payment in lieu towards affordable housing. This is a without prejudice offer and will not be able to be secured should the application proceed to an appeal. This contribution weighs in favour of the development in the planning balance as a public benefit of the proposed development, as set out within Section 9 of this report below.

Proposal – Unit mix

8.24 The NPPF (2024) seeks to achieve sustainable development, including supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. The NPPF (2024) recognises that in order to create sustainable, inclusive and diverse communities, a mix of housing types, which is based on demographic and market trends, and the needs of different groups, should be provided.

8.25 The Secretary of State in his letter to the Mayor (dated 13th March 2020) directed an amendment to the wording of the London Plan (2021) Policy H10 (A9) to state: “The need for additional family housing and the role of one and two bed units in freeing up existing family housing.” With this in mind, policy H10 of the London Plan (2021) requires schemes to generally consist of a range of unit sizes, having regard to robust local evidence of need and the nature and location of the site.

8.26 Policy 15 of the Waltham Forest Local Plan Part 1 (2024) sets out that there is a need for a range of dwelling sizes and tenures to meet the housing needs of its diverse population. The table below illustrates the preferred dwelling mix for new residential development in the Borough which is supported by evidence background papers to the Local Plan.

	1 bed	2 bed	3 bed
Preferred Dwelling Mix - Market	20%	50%	30%

8.27 The proposal for the 46 residential units would provide the following combined housing mix:

	1 bed	2 bed	3 bed
Proposed Dwelling Mix - Market	24no. units (52%)	17no. units (37%)	5no. units (11%)

8.28 Although the percentage of units is not consistent with the requirements set out by Policy 15 of the Waltham Forest Local Plan LP1 (2024), by reason of an uplift of one bed units, Policy H10 of the London Plan (2021) accepts a level of flexibility in terms of housing mix on higher density developments within accessible locations by supporting a higher proportion of one and two bedroom

units which are close to a town centre or public transport. Policy 15 also allows for a variation in mix if justified by location, area characteristics, design constraints and viability of schemes.

8.29 The provision of an increased number of smaller units is consistent with the requirements of Policy H10 of the London Plan (2021), by virtue of the site's position in the Highams Park Strategic Location, Highams Park District Centre, its location within a local context of higher density development, a satisfactory level of access to public transport links, notably Highams Park Overground Station which is immediately adjacent the application site. Moreover, the development will provide higher density housing that will contribute towards local need for apartments suitable for downsizing of older households and for younger first-time buyers within Highams Park District Centre, and this is in accordance with Policy HDA1 of the Highams Park Neighbourhood Plan.

8.30 Overall, in the particular context of this scheme the proposed dwelling mix would help create a mixed and balanced community and contribute to identified local housing needs in accordance with the objectives of Policy H10 of the London Plan (2021) and Policy 15 of the Waltham Forest Local Plan LP1 (2024), and Policy HDA1 of the Highams Park Local Plan.

Conclusion: Tenure and Mix

8.31 In conclusion, the position on affordable housing has been justified with reference to planning policy. The tenure and housing mix is considered acceptable in principle.

C. DESIGN AND TOWNSCAPE (INCLUDING HERITAGE)

8.32 London Plan (2019) Policies D1, D2 and D3 seek to ensure that new developments are well-designed and fit into the local character of an area. New buildings and spaces should respond to the form, style and appearance to successfully integrate into the local character of an area, with a positive relationship with the natural environment and respect and enhancement of the historic environment.

8.33 Policy 8 of the adopted local plan sets out the Council's approach towards character-led intensification. The appropriate scale of development is established by reference to the existing character of an area. Reinforcement is applicable where sites have a robust and desirable character whereas intensification is more appropriate where this is not the case. Policy 53 of the Adopted Local Plan seeks to achieve cohesive, high-quality design that responds appropriately to its context through scale, height and massing. Policy 55 sets out appropriate building heights.

8.34 Typical shoulder heights for areas defined as 'transition' or 'reinforcement' are defined as 2-5 storeys, with the possibility of greater height (6-9 storeys) where this can be justified by reference to a height and massing strategy. The draft site allocation document identifies the site as falling with a 'transition' in relation to Character led Intensification. Policy CDP2 of the Highams Park Neighbourhood

Plan seeks to preserve the distinct character and appearance of the area, as well as the views across it.

Appeal Precedent

- 8.35 The issue of height within the emerging site allocation was considered in some depth in the 2023 Public Inquiry in relation to adjacent site at 480 – 510 Larkshall Road. This appeal was allowed with the Planning Inspectorate supporting the adjacent scheme which rises to a maximum of 7 storeys in height, following careful consideration of arguments raised in relation to building heights. The Inspector noted the 4-5 storey development around the Tesco Supermarket and surrounding tall buildings, including other consented development, concluding that the *'area around the site itself has evolved to form a suburban, mixed use character of varying architectural styles and heights'* (paragraph 12).
- 8.36 The appeal decision goes on to state that the site is *'central to the district centre and a "gateway" site in the borough being adjacent to the railway station and it would be considered appropriate for medium rise taller development'* (paragraph 15), further concluding that *"the principle of a taller development would be suitable in this location, providing an opportunity to create a distinctive and prominent focal building at the centre of Highams Park"* (paragraph 17).
- 8.37 The planning policy framework that applies now is broadly similar to that which applied at the time of the 2023 Appeal decision, which endorsed the suitability of the site for buildings of 5-7 storeys in height. Whilst the proposal should be assessed on its own merits, this is an important material consideration.

Height and Massing

- 8.38 A significant number of objections raise concerns regarding the height and massing of the proposal. There is a particular concern that the proposal would represent a departure from the prevailing character and appearance which is seen as comprising a low rise suburban townscape. The Highams Park Planning Group argue that the location is more residential than the adjacent site approved at appeal, arguing that the Inspector envisaged the adjacent approved to be a *'landmark'* and thus the development would nullify this effect.
- 8.39 In response it is noted that, as with the adjacent site, the site abuts the railway. This provides a visual barrier, and the adjacent station is located within the centre of the town. This context clearly provides an opportunity to accommodate height, which is reflected in the comments of the planning Inspector in the 2023 appeal. The emerging context to the south is of development of a similar height, reaching 7 storeys in places, and of larger town centre buildings. At six storeys in height the building would not detract from the setting of the neighbouring development, which would be taller in places and would, in any case, be primarily approached from the south where it meets the Larkshall Road and surrounding town centre development.



Fig 7: Image from The Avenue, opposite the railway station



Fig 8: Elevational detail showing the development in relation to approved development at adjacent site.

8.40 The context provided by Wilton Place however is more sensitive. The building would stand in close proximity to 36-50 Wilton Place, which is a modern 3 storey flatted development. Considered against this existing building, the rise in height would be sudden, something that would be made particularly noticeable by the inclusion of a bay feature on the northern block. This would be built close to the boundary, encircling a retained tree. The effect is depicted visually in figure 9, below.



Fig 9: proposal in relation to 35-50 Wilton Place

8.41 Officers raised concerns about this element of the development in the course of the application, but the developer has retained it in the scheme for viability reasons. In officers view, whilst this part of the scheme is not ideal, the harm is at a scale where a balanced view of the issue can be taken.

8.42 More broadly, it is noted that Wilton Place has a mixed character. The existing flats along it would provide an appropriate visual setting for the proposed 6 storey development, which would provide the main access point for the scheme from the Town Centre, as shown in fig 10 below.



Fig 10: View of development from junction of Wilton Place and Larkshall Road

8.43 Considering the adjacent housing to the north, which is a gated development of 2-3 storeys in height, it is considered the visual relationship would not be visually harmful given the prevailing townscape context. The building would sit immediately beside a railway station entrance which is less sensitive to an increase in height, and there would be adequate visual separation to the housing to the north on the other side of Wilton Place. In the context of a Town Centre this is considered appropriate.

8.44 In all other respects there is considered to be adequate separation between the development and surrounding buildings, including those coming forward as part of the adjacent approved development. In a scenario where this consented development does not come forward, there would be an appropriate visual relationship with the adjacent existing office buildings, which are set away from the proposed development site.

Layout and Public Realm

8.45 The main pedestrian access would take place from Wilton Place. This would lead to the main entrance of the northern residential block. For residents of the southern block and visitors to the commercial development a path would lead

to the main central courtyard garden area, shared between all users of the development.

- 8.46 In using this route future users would pass below a two storey undercroft, as highlighted in yellow in figure 11. Whilst this would be a controlled access area, it would be a key thoroughfare through the scheme and would read as an enclosed area, which impacts on the overall design quality of the development. Officers raised concerns about this element of the development both at pre app and application stage, however it has been retained within the development. Whilst this element is not ideal in design terms it is considered a balanced view can be taken of it, where concerns are weighed up against more positive features of the scheme.
- 8.47 The central landscaped courtyard (fig 12) is a large functional area with opportunities for seating and childrens play. It is appropriate for a development of this scale. Access to it would be limited to future residents of the development and the adjacent commercial unit. This would be a high quality area that is a positive feature of the scheme.



Fig 11 – route from pedestrian entrance, showing the undercroft section (in yellow)

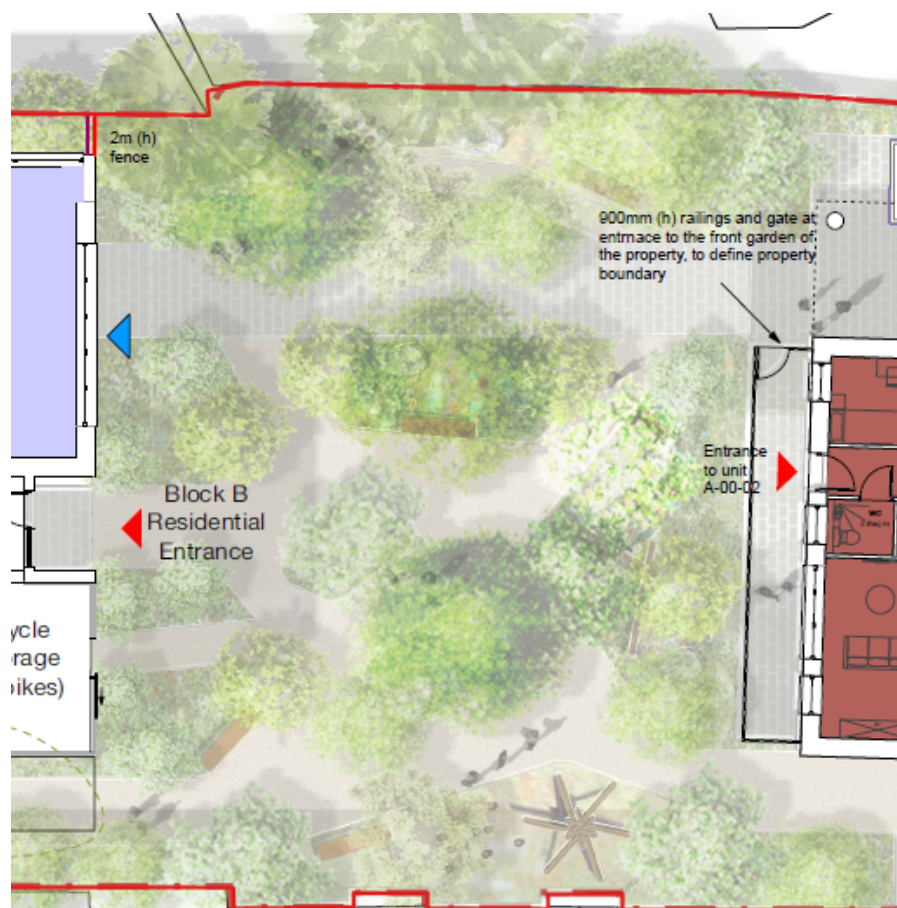


Fig 12 – central courtyard

- 8.48 Vehicular Access, including disabled parking is from the existing yard to associated with the site to the south. There would be a secure line with an access path to the western side of the southern block and commercial cycle and waste storage to the east. Residential cycle parking is to be accommodated within two stores within the block and two further external areas.

Architecture and Materiality

- 8.49 The proposed architecture and materiality seeks to complement that of the consented proposal at the adjacent site to the south at 480 Larkshall Road (203040). This is an acceptable approach and assists with ensuring a holistic visual relationship across the wider site.
- 8.50 The use of brick relates well to the existing and emerging context within the immediate context, with less conventional materials such as linear glazing for walkways and some stair-cores, and perforated aluminium panels helping to provide visual interest and relief. These materials will be conditioned and sample panels will need to be provided by the applicant, in order to ensure that this quality is retained during the delivery of the project.
- 8.51 The proposed architecture and fenestration treatment on the eastern elevation, reflects the linear nature of the site along the railway line and provides good quality internal spaces to residents, given the constraints associated with this

location. This is broken up with vertical elements that help to ensure this architecture is broken down to provide visual relief in views from the east and south-east.

- 8.52 The proposed west elevation treatment to Wilton Place is also considered to be high quality, with a prominent entrance space for residents, active frontages and well proportioned rhythm which helps to animate the streetscape. The proposed materiality compliments that of the surrounding context from this perspective also.
- 8.53 There are limited details provided around the materiality of the proposed rooftop plant. This detail will be secured by condition and will be assessed by officers in order to ensure a high quality design is delivered.

Heritage Impacts

- 8.54 Paragraph 216 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In carrying out this assessment consideration should be given to the impact of proposed development on the setting of such assets.
- 8.55 Concerns about the impact of the proposal on the setting of non designated heritage assets feature heavily in the responses received to the public consultation exercise. A heritage note was provided in support of the application. This identifies that the heritage assets potentially affected by the development are locally listed buildings around Highams Park. Many of these were designated within the updated Local Heritage List published by the Council in 2024.

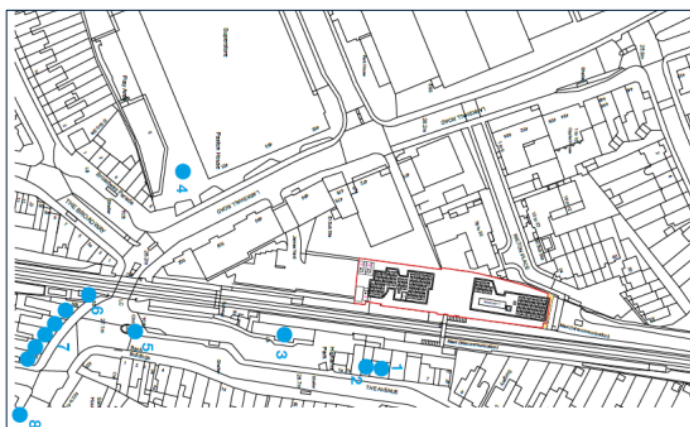


Fig 13 location of locally listed buildings around the site

- 8.56 Given the location of the development it is considered that the affected buildings are those identified as 1,2 and 3 in Fig 13, above; these are Nos 1 & 1c The

Avenue, and Highams Park Station. The separation distances to other locally listed buildings are otherwise considered sufficient to avoid a material impact on their setting.

- 8.57 As previously noted, it is suggested by respondents to the consultation that the area has a low rise, suburban character which the site in its current form adheres to, and which forms a positive characteristic of the setting of the non-designated heritage assets. However, and in particular having regard to the comments in the 2023 appeal decision for the adjacent site, officers do not agree with this assessment. The prevailing townscape around the site is considered more mixed in character, taking account in particular of approved development on the adjacent site and the recent development associated with the Tesco supermarket.
- 8.58 Notwithstanding this, in each case it is accepted that the limited existing building height afforded by the existing two storey building on the site helps to emphasise the visual prominence of the non-designated heritage assets in the local townscape. In this way the setting contributes positively to the significance of the assets in question. The development would noticeably exceed the height of both heritage assets, providing a more enclosed backdrop than that which exists at present where the backdrop largely reads as open sky
- 8.59 However, such a backdrop would not be unexpected in this environment and in each case, there would be significant separation distance to the respective non designated heritage asset. The overall harm arising from the additional height and reduced visual prominence of the non-designated heritage assets is therefore considered to be low. A balanced judgement of this should be taken, in accordance with paragraph 216 of the NPPF.

Overall Conclusion – Design and Townscape.

- 8.60 In conclusion, the proposal seeks to optimise the potential of the site, which is set in a highly sustainable, town centre location adjacent to a railway station. The design approach adopted has therefore resulted in some compromises which arise from the inclusion of a bay feature on the northern block which has a less than ideal relationship with 35-50 Wilton Place and has also resulted in an enclosed undercroft enclosing a significant pedestrian route within the development, that would read as a compromised space.
- 8.61 It is appreciated however that these elements of the scheme help to optimise the overall housing offer, and the scheme has acknowledged viability issues, and other elements of the scheme including the landscaped central section are of high quality. Overall, officers consider that these elements of the proposal would not justify an automatic refusal of planning permission. They should be taken into account in a balanced planning judgement, alongside the low level

of harm identified to the setting of non-designated heritage assets. This matter will be returned to in Section 9 of this report.

D. IMPACT ON RESIDENTIAL AMENITY

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

Daylight and Sunlight

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

- Vertical Sky Component (VSC): This is the proportion of the sky dome that can be seen from a point in the centre of a window. Daylighting may be regarded as adversely affected if a main window retains less than 27% VSC or less than 0.80 times the VSC over the existing conditions.
- No Sky Line ('NSL') – This is the area of the working plane in a room that can receive direct skylight. The BRE guide suggests that daylighting may be adversely affected if a habitable room retains less than 0.80 times the NSL in the existing conditions.
- Daylight Distribution (DD) This measures the level of daylight within a room. This is affected where it is reduced to less than 0.8 times its former value.
- Annual Probable Sunlight Hours ('APSH') – the total number of hours in the year that the sun is expected to shine on a window, allowing for average levels of cloudiness.

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

8.65 The existing site, in relationship to consented and existing development assessed in the daylight and sunlight report is set out in fig 14 below. Notably the assessment includes consented and as yet unbuilt development on adjacent sites.



Fig 14 - Neighbouring properties surveyed as part of the Daylight and Sunlight Analysis.

8.66 24-29 Wilton Place is omitted from the modelling associated with the report. The reason for this is that it is located north of the site and both surveyors concluded its windows would not be affected by the scheme.

8.67 Comments regarding the impact of the proposal on neighbouring residential properties that were assessed, in daylight and sunlight terms are set out below:

36-50 Wilton Place

8.68 As a consequence of the bulk of the proposal 39 windows will receive VSC at less than 0.8 times its former value. However the report notes that these are multi glazed rooms where other windows either meet the BRE guidelines or otherwise retain reasonable to high levels of sky visibility. Otherwise the windows are secondary or located beneath a balcony which obscures views of the sky. In terms of Daylight Distribution (DD), 97% of the rooms meet the default criteria with the non-compliant room representing a minor deviation. In terms of sunlight, 96% of rooms will meet the BRE guidelines for Annual Sunlight and 91% will meet suggested winter values. Any deviations are a consequence of balconies or they are secondary rooms such as kitchens, which are regarded as less sensitive rooms.

8.69 Overall, whilst it is acknowledged that the scheme would represent a change to the extent of natural light in this neighbouring residential property, there would be no material planning harm given the prevailing context of the site.

13-23 Wilton Place

8.70 The report notes that 3 windows would receive less than 0.8 times its former VSC. However, this is influenced by existing obstructions including balconies

and overhangs. DD compliance is 100%. In terms of sunlight there is full compliance with the exception of one room, which is at 0.62 of its former value. However the room in question exhibits an overhang which impacts on the outcomes. As such the relationship on this occasion has been justified, and there is no material harm in relation to Daylight and Sunlight in relation to this building.

30 - 33 Wilton Place

- 8.71 The report confirms these properties will be fully compliant in relation to Daylight and Sunlight.

13 The Avenue

- 8.72 The property exhibits full compliance with BRE criteria for Sunlight and Daylight, with the exception of one room which in daylight terms exhibits 0.78 times its former value. It is fully compliant in relation to sunlight. Officers consider there would be no material harm despite the very minor departure from BRE guidelines.

15 The Avenue

- 8.73 This property exhibits full compliance for Daylight. This property has not been assessed in terms of sunlight as all windows facing the site are within 90 degrees due north and therefore, scoped out in accordance with BRE Guidelines. There would be no material harm in relation to Daylight and Sunlight.

11 The Avenue

- 8.74 This property exhibits full compliance for Daylight with the exception of three rooms where the departures from the BRE targets are negligible. Two rooms represent moderate departures in relation to Daylight Distribution, at 0.7 and 0.68 times their former value.
- 8.75 The report notes however that these rooms are likely to be secondary spaces or otherwise have a constrained outlook. It also notes that the single room assessed will not achieve the BRE targets in relation to Sunlight but this is a multi glazed room where the vast majority of windows do not face within 90 degrees of due south. Overall, the impact on this property is considered to be acceptable.

9 The Avenue

- 8.76 In terms of daylight all rooms will meet BRE criteria or with very minor/fractional deviation or that which relates to multi glazed rooms. All rooms will meet the DD criteria. The BRE criteria for sunlight is met. The impact on this property is acceptable.

5- 7 The Avenue

- 8.77 This property exhibits full compliance for Daylight. This property has not been assessed in terms of sunlight as all windows facing the site are within 90 degrees due north and therefore, scoped out in accordance with BRE Guidelines. There would be no material harm in relation to Daylight and Sunlight.

3 The Avenue

- 8.78 The property meets the criteria for VSC and daylight with the exception of one room which is a minor deviation only in relation to DD (0.76 times its former value). This property has not been assessed in terms of sunlight as all windows facing the site are within 90 degrees due north and therefore, scoped out in accordance with BRE Guidelines. There would be no material harm in relation to Daylight and Sunlight.

1 The Avenue

- 8.79 The property meets the criteria for VSC daylight with the exception of one room which is a minor deviation only in relation to DD (0.78 times its former value). This property has not been assessed in terms of sunlight as all windows facing the site are within 90 degrees due north and therefore, scoped out in accordance with BRE Guidelines. There would be no material harm in relation to Daylight and Sunlight.

480-510 Larkshall Road

- 8.80 The existing building on the site is a commercial building which is considered out of scope of analysis. In terms of the consented scheme, the report notes that there would be losses to existing windows in the consented scheme with seven windows experience significant deviations in relation to BRE criteria in relation VSC. These have very low absolute values in terms of VSC as consented. The absolute reduction beyond this would be very small. The report states that majority of affected windows would relate to bedroom use, while the minority that serve living areas relate to rooms with at least one additional window that meets the VSC test.
- 8.81 In terms of DD 94% of rooms assessed meet the BRE guidelines. The one room where that does not is a bedroom and is regarded as unduly sensitive due to its heavily recessed position. Overall, the relationship with the consented scheme in terms of sunlight is considered to be acceptable and compliant with BRE guidelines.

472-478 Larkshall Road

- 8.82 This is a commercial property at present which is considered out of scope of analysis. In terms of the consented (but as yet unbuilt) scheme on the site, a significant number of rooms would not meet BRE guidelines in terms of VSC. The reasons given for this include that they relate to rooms served by additional windows that meet the VSC criteria; they retain reasonable levels of sky visibility in the proposed condition or relate to less important bedroom use, or relate to design limitations in the approved scheme. In relation to DD,

six of 12 rooms assessed (50%) will adhere to the BRE Guidelines. Of the six remaining rooms, one represents a minor deviation, while five experience greater alterations ranging between 0.62 and 0.29 factor of former value (avg. 0.49 for all rooms below BRE criteria). The report notes that the rooms in question are bedrooms or living rooms with recessed areas that affect daylight penetration.

- 8.83 In terms of sunlight, one window would receive losses in excess of BRE guidance. However this would be a minor deviation influenced by the constraining effect of a balcony.

Sunlight amenity to gardens and public open spaces

- 8.84 The report concludes that all (100%) of the amenity areas tested, including the natural light at Highams Park Station, will fully adhere to BRE Guidelines.

Other Properties

- 8.85 In addition to the properties identified above there are commercial premises in the surrounding area. These premises are less sensitive to daylight and sunlight impacts. The separation distance means that there would be no harm in this respect. Similarly the separation distance is such that no other residential properties beyond those identified above would experience any adverse daylight and sunlight impact as a result of the proposed development. As a consequence of the approach taken to massing and separation distance, the proposal would not cause harm through any overshadowing of any public or private space.

Analysis – Daylight and Sunlight.

- 8.86 The Daylight and Sunlight review has been independently reviewed. It concludes that there would be a minor effect on the Daylight and Sunlight amenity of neighbouring properties and provides subsequent analysis of some affected windows that was omitted from the statement provided by the developer.
- 8.87 Officers agree with this assessment. In coming to this view it is observed that most of the affected windows fall within consented but as yet unimplemented or built development. On this occasion it is considered that there would be no harm such that would justify a refusal of planning permission given the urban context of this development. As such the proposal is acceptable in this regard.

Privacy /Overlooking/ Sense of Enclosure

- 8.88 Policy 57 of the Waltham Forest Local Plan LP1 (2024) highlights that new developments should respect the amenity of existing and future occupiers and neighbours by avoiding any harmful impacts from overlooking or enclosure and loss of privacy.

- 8.89 With regards properties located to the west of the application site, ample separation distances are observed between the western elevation of Blocks A and B to the rear elevation of properties along Station Approach and The Avenue (23m-30m) meaning there would not be any undue impact to outlook or privacy from the development on these neighbouring properties.
- 8.90 With regards 24-49 Wilton Place, the development has been designed with regards to the positioning of windows and balconies to avoid creating a sense of enclosure or privacy concerns. The flank elevation of this terrace facing the application site has just one window at ground floor level to 24 Wilton Place. With a separation distance of approximately 11m from the closest proposed balcony and noting also that it already faces a public street, there will not be any undue loss of outlook or privacy to this property. The front (north-east) facing elevation windows of these neighbouring properties will not be impacted by the development with regards loss of outlook or overlooking as the northern elevation of Block A is orientated to face northwards therefore splaying away from these front elevations.
- 8.91 With regards 13-23 Wilton Place, the closest point of Block A to 23 Wilton Place (the eastern most property of this terrace) is around 26m away therefore sufficiently mitigating any loss of outlook or privacy concerns.
- 8.92 To the west of the development is the three-storey flatted block of 36-50 Wilton Place. This building has a V-shaped configuration, with protruding windows along the southern wing that have obscure glass panelling towards the proposal site. Block A will be positioned against the blank flank wall of the eastern wing of 36-50 Wilton Place; therefore, there would be no views towards this part of the building. Block B is well separated from the southern wing of 36-50 Wilton Place and its facing windows, with a distance of over 19 metres between them.
- 8.93 Regarding the western wing of 36-50 Wilton Place, the orientation of the windows within the development and the relative distances between openings (c.11m) with intervening communal amenity space are considered sufficient to safeguard this neighbour from any undue loss of privacy. In terms of outlook for 36-50 Wilton Place, the development would improve outlook, as the main views eastward are across the proposed open courtyard that separates Block A from Block B.



Fig 15 – rear of Wilton Place



Fig 16 – rear of Wilton Place

- 8.94 With regards to 480-510 Larkshall Road, the existing site has no buildings nor sensitive land uses that would warrant consideration of amenity impact in respect of outlook and privacy. However, due consideration is given to the consented scheme (appeal reference: APP/U5930/W/22/3304178) at this site as it is likely this development will come forward in the future. The northern part of this neighbouring site would comprise a six storey residential building. However, it would not have any windows on its northern elevation facing the southern elevation of the proposed Block A. As such, the development will not have any undue residential amenity impacts to this neighbouring consented scheme.
- 8.95 With regards 472-474 Larkshall Road, the existing site contains a two-storey commercial building. The relative position and height of this building from the proposed development along with its respected use will ensure no material

impact to this neighbour. It is noted that this site was in 2020 granted planning permission for redevelopment. However, the relative separation and orientation of the current proposals relative to this neighbour will ensure privacy and outlook levels between developments is at acceptable levels.

- 8.96 Overall, the sensitive positioning of the proposed buildings and associated windows and balconies, ample separation distances observed between the development and neighbouring properties mean no undue loss of privacy or loss of outlook will occur as a result of the development.

Residential Amenity – Other issues

- 8.97 The development would result in some level of noise and activity but this is not likely to be greater than that which would be associated with the existing office and existing background noise conditions associated with the railway line and vehicular traffic.
- 8.98 Planning conditions would be imposed to ensure that noise from any plant is at acceptable levels given the prevailing town centre environment. Hours of use conditions are also imposed in relation to the commercial premises within the development, to prevent noise and disturbance at otherwise quiet times of the day and night.

Residential Amenity – Conclusion

- 8.99 The proposal has been assessed in relation to its impact on the residential amenity of existing residential properties and other uses in the surrounding area. Subject to appropriate conditions it is acceptable in this respect and complies with relevant planning policies.

F. STANDARD OF ACCOMMODATION

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

Unit Size

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

Unit Layout

- 8.103 Policy 56 of the Adopted Local Plan requires that the provision of dual aspect units should be maximised and the provision of single aspect units avoided where possible. In this case all units have been designed as at least dual aspect.
- 8.104 This is considered to be an appropriate design solution given the constraints of this site, that provides high quality living accommodation whilst having regard to the guidelines set out in the Housing Design Standards London Plan Guidance. This is a significant positive to the scheme which distinguishes it from other development coming forward in London on constrained sites such as this.
- 8.105 The internal layouts are otherwise acceptable in principle, benefitting from appropriate functional layouts and appropriate natural light.

Outlook and Privacy

- 8.106 Each habitable room within the 46 proposed residential units are served by adequately sized windows that provides sufficient outlook to ensure a good living environment for future occupiers.
- 8.107 The development has been sensitively designed to ensure adequate privacy for future occupants. Noting ground floor residents of A-00-02 of Block A, whilst a window will be positioned adjacent the public walkway into the site from Wilton Place to the central courtyard and commercial unit in Block B, this window will be high level to prevent any undue overlooking or privacy concerns to this unit. A 1.5m wide buffer zone is also provided to this unit along its southern elevation to provide adequate separation from the communal amenity space and windows serving this unit.
- 8.108 Unit A-00-01 is also located at ground floor level of Block A. Its frontage is adjacent Wilton Place with a bathroom window facing this frontage. In the interests of ensuring adequate privacy for future residents, a condition will secure the obscure glazing of this window. It is also considered that the private garden with a depth of 2.1m to Wilton Place alongside boundary treatments to be secured by planning condition would adequately address privacy concerns to this unit given that a bedroom window also forms part of its frontage to Wilton Place.
- 8.109 The separation distance of 19m between Blocks A and B is sufficient to mitigate any overlooking or privacy concerns related to interlooking between windows and private amenity spaces (ground floor gardens and upper floor balconies) on the northern elevation of Block B and southern elevation of Block A.

- 8.110 Balconies on Block A will also be served by privacy screens on its eastern side to provide additional privacy for future occupants from potential interlooming between balconies and overlooking from the adjacent the railway platform. Notwithstanding this, there is sufficient separation distance (23-30m) from properties on The Avenue and Station Approach to the development to mitigate any privacy concerns. Rear (east) facing windows of ground floor units in Block A will achieve adequate privacy from overlooking from the railway platform through a planning condition to secure boundary details along the boundary of the site.
- 8.111 Block A will be positioned against the blank flank wall of the eastern wing of 36-50 Wilton Place. Therefore, there would be no views from this neighbouring development towards this part of the development. The splaying of windows westwards on the rear (southern) elevation of 36-50 Wilton Place away from the development means there will be limited opportunities for overlooking from this part of the neighbouring development. Moreover, Block B will be well separated from the southern wing of 36-50 Wilton Place and its facing windows with a distance of over 19 metres between them which is adequate to achieve an acceptable level of privacy for future occupiers. The positioning of Block B means that views from the western wing of 36-50 Wilton Place will not be direct providing outlook over the communal amenity space meaning only oblique views from this neighbouring properties windows towards the development. This coupled with a separation distance of c.11m means adequate privacy is achieved for future occupiers.
- 8.112 Given the positioning of Block B behind the station canopy structure on the railway platform, the same requirement for privacy screens is not necessary for the eastern facing elevation of Block B. Noting the consented scheme at 480-510 Larkshall Road, the southern elevation of Block B would face a blank elevation of this development and so no concerns regarding privacy or overlooking is raised.

Daylight and Sunlight

- 8.113 The daylight and sunlight assessment considers the situation in relation to the proposed development. In terms of daylight, the results indicate that 70 (96%) of the 73 habitable rooms assessed would meet the minimum suggested daylight criteria for their respective use. Two of the three rooms falling short of the guidelines are bedrooms, which are less significant overall. In the remaining case, a living area, the breach is minor against BRE standards.
- 8.114 In terms of sunlight, the report indicates that the results of the sunlight exposure assessment indicate that of the 73 rooms assessed, 55 (75%) would meet or exceed the minimum guideline values. Where the rooms do fall short of the guideline values, this is because they all face in a north-easterly or north-westerly direction and therefore do not have an expectation for direct sunlight. The BRE guidance acknowledges that it is not possible to ensure all rooms face within 90 degrees of due south and have direct access to sunlight;

this is a consequence of the developer seeking to maximise the potential of the site for housing.

- 8.115 The independent review carried out by the developer considers this position further. It considers that the performance is what would be expected for a development of this scale and massing. Officers accept this position, whilst there are some north facing rooms, rooms constrained by enclosures and bedrooms with less than ideal daylight, overall the position is considered to be acceptable in this constrained urban environment.

Amenity Space

- 8.116 Policy 56 of the Waltham Forest Local Plan LP1 (2024) seeks a minimum of 50 sqm of private external amenity space for all houses, and a minimum of 10 sqm of external amenity space for all flats, increasing by 1 sqm for each additional resident in homes containing three or more bedrooms. As with the adopted standards, external amenity space for flats can be private or communal, provided that an individual flat has an element of private external amenity space measuring at least 5 square metres in size and achieve a minimum depth and width of 1.5 metres.
- 8.117 All the flats have private amenity space in excess of 1.5 m width and 5 square metres in total. In each case this is good quality space with good levels of natural light and unobstructed outlook. Any deficit against the 10m per unit target set out within the Local Plan is accounted for by the large communal amenity space between the two blocks. The proposal complies with relevant planning policies in this respect.

Play Space

- 8.118 London Plan Policy S4 seeks to ensure that development proposals should include suitable provision for play and recreation and incorporate good-quality accessible play provision for all ages, of at least 10sqm per child. Policy 56 of the Waltham Forest Local Plan LP1 (2024) states a minimum of 10sqm of play space should be provided as per child (as per the London Plan and the Mayor's Providing for Children and Young People's Play and Informal Recreation SPD).
- 8.119 Using the GLA Population Yield Calculator, the total number of children that the development would have is 12. This would therefore require 120sqm of play space.
- 8.120 The proposal demonstrates 131sqm of play space through the provision of a communal amenity courtyard with dedicated children's play space between Block A and Block B. This landscaped area incorporated play equipment for young children via the provision of wooden play gardens, as well as opportunities for non-prescriptive play items and green leisure space for all ages to enjoy.

- 8.121 As such, the proposal would comply with London Plan and Local Plan policy in relation to child play space provision. Full details of the child play space will be secured by planning condition. The proposal is acceptable and complies with the development plan, in this respect.

Accessible Homes

- 8.122 London Plan Policy D5 requires an inclusive design that takes accessibility, diversity, and the need for social interaction into account. It requires inclusive design, including fire evacuation lifts for people requiring level access in all proposed developments with lifts. Policy D7 requires that at least 10% of relevant new homes meet Building Regulation requirement M4(3) for wheelchair-user dwellings, with the remainder meeting requirement M4(2) for accessible and adaptable dwellings. Policy 16 of the Local Plan include similar requirements as per Policy D7 of the London Plan.
- 8.123 The proposal provides a total of 5 accessible M4(3) units, over the 10% required by Policy D7 of the London Plan (2021), all of which meet the Nationally Described Space Standard. These accessible units are located in Block B. The remaining units are M4(2) compliant.
- 8.124 In terms of residential car parking, Policy T6.1 (Residential Parking) of the London Plan (2021) and Policies 60 and 66 (Managing Vehicle Traffic) of the Local Plan (2024) aim to ensure that development proposals are car-free except for accessible car parking facilities for residential developments of 10 units or more. Both policies require that blue badge parking meet the same design standards, with Policy T6.1 of the London Plan allowing for blue badge parking to be located on-street if funded by the applicant, including the provision of electric vehicle charging infrastructure. However, the standards for provision differ, with the Local Plan taking precedence as it was adopted more recently. The Local Plan requires 5% of dwellings to have accessible parking spaces from the outset (2 spaces for 46 flats) with an additional 2% futureproofed (1 space).
- 8.125 The development provides 3no. blue badge parking spaces at the James Yard side of the development adjacent Block B where the M4(3) compliant units will be provided in accordance with the Local Plan LP1 (2024).
- 8.126 The route from blue badge parking spaces to the M4(3) units located within Block B is provided in Figure 17 below alongside an example of an M4(3) compliant unit within Block B (Fig 18)

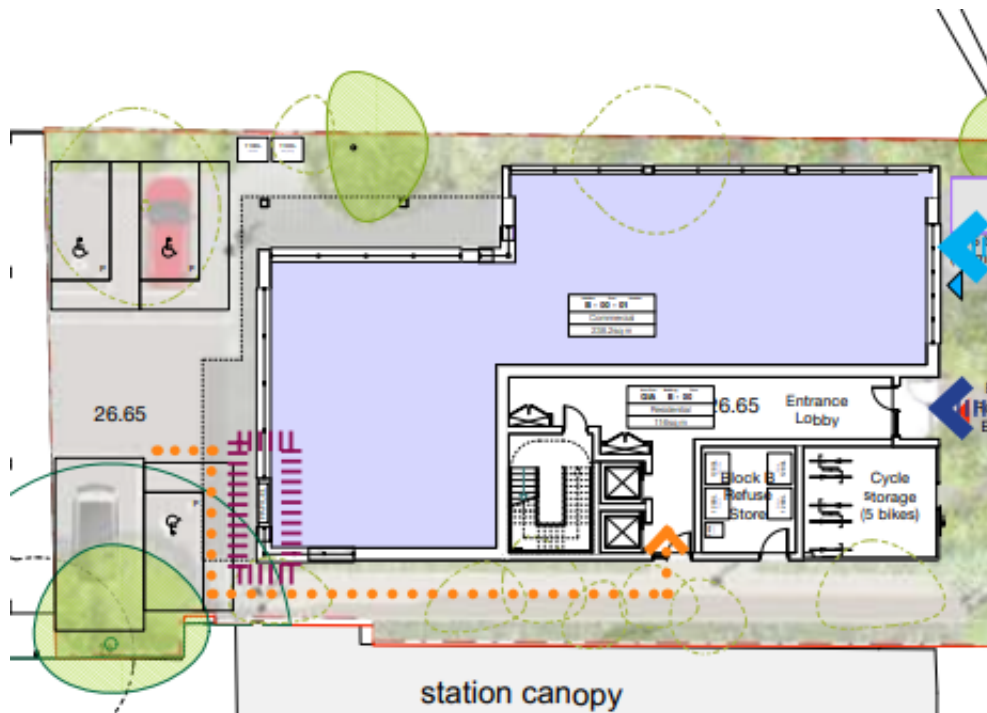


Fig 17 – Route from blue badge parking spaces to entrance of block B (comprising M4.3 units)

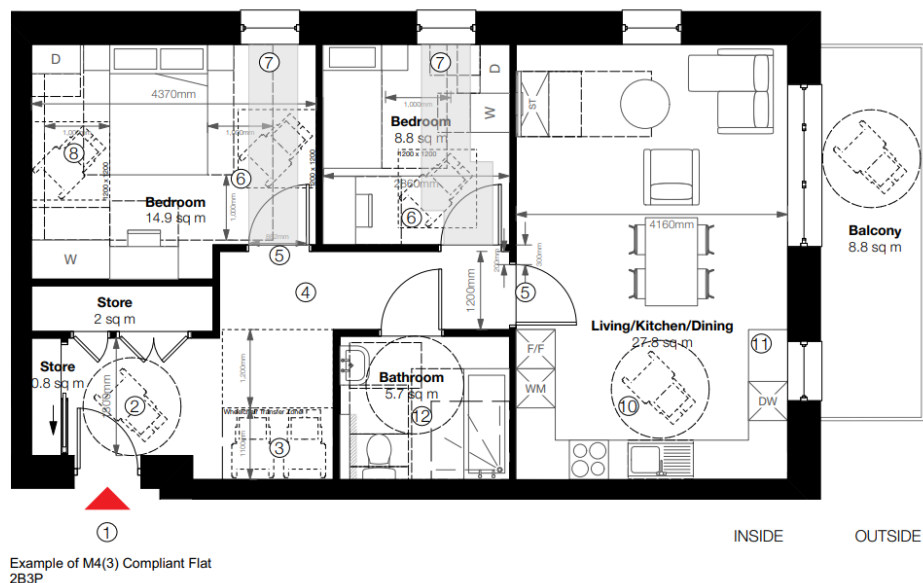


Fig 18 – Typical layout of M43 unit

Overall Conclusion on standard of accommodation

8.127 The proposal is considered to provide a high standard of accommodation for future residents. It responds effectively to the constraints of the site whilst optimising the potential of the site for housing delivery, whilst making appropriate provision for people with disabilities. This is a positive element of the scheme that weighs in its favour.

G. SECURE BY DESIGN

- 8.128 Policy D11 of the London Plan sets out requirements for all new developments to design out crime and incorporate an acceptable level of safety and security measures and ensure development is resilient to emergency. Policy 58 of the Local Plan developments should minimise opportunities for criminal behaviour by requiring all forms of new development to incorporate Designing out Crime and Secured by Design principles, and requiring all major development to seek to achieve for Secured By Design accreditation via the Secured by Design scheme, in combination with the Metropolitan Police.
- 8.129 The site is located within a Town Centre adjacent to a railway station, which is reflected in concerns about Anti-Social Behaviour noted in a number of consultation responses. The proposal has been reviewed three times by the Secured by Design officer at the Met Police. The most recent comments refer to provision of CCTV coverage of the central amenity space between the two blocks to avoid segregating this space with fencing that would result in a poor quality amenity space for future occupiers. Further discussions resulted in further provision of defensible zones, access control, double doors, and air lock entry systems. This has allowed the Metropolitan Police to confirm that with these measures are acceptable from a security perspective subject to further operative details of security measures can be secured at approval of details stage via the attaching of a planning condition.
- 8.130 Network Rail and Counter Terrorism Security Advisor within the Metropolitan Police have also been consulted on the application with specific consideration of the developments impact on the adjacent railway line. No concerns were raised by either consultee.
- 8.131 Subject to conditions, the proposal is considered acceptable in terms of safety and security and the proposal would not exacerbate existing issues relating to crime and anti-social behaviour. It complies with the relevant policies in the development plan, relating to this issue.

H. TRANSPORT, HIGHWAYS AND SERVICING

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

- 8.136 In terms of the key policies in the adopted Local Plan, Policy 60 seeks to promote sustainable transport and a key objective here is supporting car-free development to reduce car dominance; Policy 61 seeks to support Active Travel encouraging an increase in walking and cycling. Policy 62 and 63 seek to support public transport and manage development and transport impacts. Policy 64 seeks to minimise the adverse impacts of deliveries and servicing, and policy 65 sets out detailed criteria for Construction Logistic Plans.
- 8.137 Policy 66 of the Local Plan require car-free agreement within legal agreements restricting new residents from accessing parking permits within existing Controlled Parking Zones (CPZs) or ensuring future CPZs are in place before a development is occupied. It goes on to say that, where roads in close proximity to the site are not managed, or not adequately managed by parking controls, appropriate financial contributions will be sought to secure the delivery of CPZs.

(i) Car Parking provision (within site)

- 8.138 No parking is provided within the site, with the exception of 3 blue badge parking spaces. Such an approach adheres to the standards set out in the Local Plan. The proposal would otherwise be car free. Clauses in the S106 agreement would require future occupants to be aware of this, and that they would not be able to apply for a permit, should a Controlled Parking Zone ("CPZ") be introduced in the future.
- 8.139 Consequently, those acquiring flats would not have any expectation of being able to park in the development or in the surrounding area. In this case such an approach is justified by reference to the location in a town centre in very close proximity to amenities, and directly adjacent to an overground station, which provides fast access to Central London and connections to the underground at Walthamstow Central and Liverpool Street. In terms of the locality, there are frequent bus routes that provide convenient access to surrounding area. Furthermore, available parking in the immediate vicinity of the site, ie along Wilton Place and Larkshall Road, is very limited. In this particular context, officers consider that the probability of residents owning cars and seeking to park in the local area is very low.
- 8.140 For visitors to the development, in addition to the servicing bay for deliveries, there is short term parking in the locality, including within the Tesco Supermarket car park. There are also 4 car club bays within 5 minutes walk of the development, which provide convenient car hire options that future residents can access. Future occupants of the development would be provided with car club membership upon first occupation and this would be secured through the Section 106 agreement.
- 8.141 As such officers consider the approach to parking in the proposal is justified and aligned with the objectives of planning policy. Notwithstanding this, it is accepted that it is not possible to completely rule out the possibility that the development will generate overspill parking, thus exacerbating parking stress, and this is a matter requiring further consideration.

ii) Car Parking – impact on existing on street parking

- 8.142 The issue of parking stress in Highams Park was considered in depth in the 2023 appeal decision for the adjacent site, which is a material planning consideration in this decision. The Inspector noted that there is a high level of parking stress in the local area (paragraph 34). Concerns were set out that, in the absence of a CPZ, residents could park their cars on the streets in the locality leading to a risk of parking stress leading to overcapacity and highway safety concerns (paragraphs 47 and 48). The appeal was allowed only with a condition restricting occupation of the adjacent development until a CPZ is put in place.
- 8.143 The 2023 appeal decision addresses the Council's internal policy towards implementing CPZ's, which was introduced in 2008. It was stated that this is *'profoundly hampering it's (the Council's) ability to implement effective and necessary CPZ's in areas of parking stress, and unreasonably restricting the promotion of sustainable development and transport'* (paragraph 43). The Inspector went on to state that *'there are likely to be good and material reasons why implementing a CPZ would be necessary in this area, even without this proposal'*.
- 8.144 In the intervening time, the Council has taken a gradual approach to implementing CPZ's within Highams Park. CPZ's have been introduced where local consent has been agreed. The existing take up of CPZ's are set out in fig 19, below.

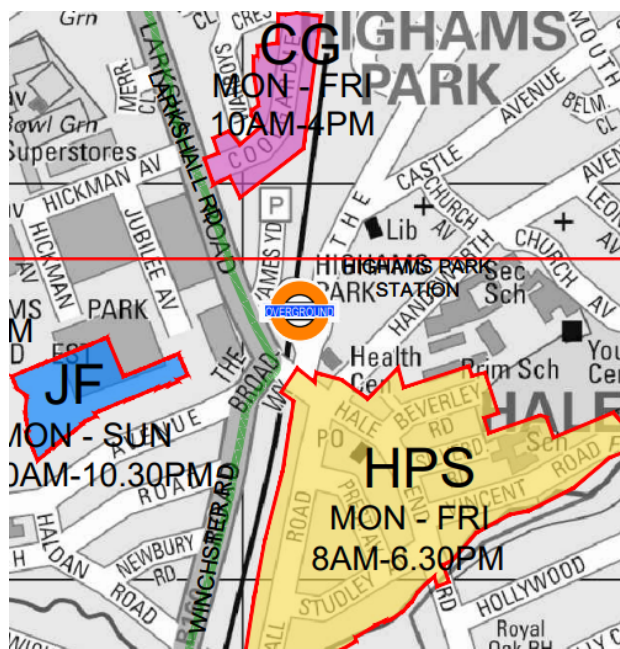


fig 19 – showing CPZ implementation around Highams Park

- 8.145 In support of the development, the applicant has carried out parking surveys on roads surrounding the site. The survey extents were broadly discussed with the highway authority prior to being carried out, and the findings are presented in the Transport Statement. It is noted that there are very few parking spaces

available along Wilton Place and Larkshall Road within around 200 metres of the site, so it is reasonable that a wider catchment of parking is considered.

- 8.146 The surveys demonstrate that, in relation to unrestricted parking, there continue to be high levels of parking stress in Highams Park. Average levels of parking stress in this respect amount to 85% (10 am on Sunday), 95-97% (5am on weekdays), and 88-91% (10am weekdays). It is notable that, in most cases, the parking stress is significantly lower in relation to the road that now falls within a CPZ, Coolgardie Avenue, with the overnight parking stress on this road being 73-76% and the daytime stress being 52-56%. It is acknowledged that the parking stress on Coolgardie Avenue is 92% at the weekends, but this may be an outlier given it exceeds the figure for general parking stress outside the CPZ at this time (85%).
- 8.147 It is acknowledged that these surveys do not take account of consented development within Highams Park, which is likely to be built out and may generate further pressure on unrestricted parking spaces. The survey findings on Coolgardie Avenue generally support the position that the implementation of CPZ's will reduce parking stress, although inevitably any pressure from the implementation of CPZ's will, in the short term at least, be displaced on the surrounding road network.
- 8.148 Officers have carefully considered the most appropriate way forward given the Inspector's comments in the 2023 appeal decision, which set out an expectation that the Council would introduce a CPZ encompassing a greater extent than which has been introduced.
- 8.149 The adverse impacts of parking stress were characterised by the Inspectorate as obstructive and illegal parking. It is considered that the most appropriate method of dealing with matter is through an interim period of heightened parking enforcement, whilst the programme of gradual CPZ implementation, subject to local consent, continues to be rolled out. This would directly address the impact of obstructive parking and thus alleviate highway safety and residential amenity concerns, whilst enabling planned development in a highly sustainable location to come forward. This approach is supported by the local highway authority.
- 8.150 These mitigation measures would form part of a wider package of measures promoting car free development, including car club membership, provision of high-quality cycle parking, a contribution towards CPZ implementation, and restrictions on future occupants applying for parking permits. Cumulatively it is considered that these will address the impact of the proposal on on-street parking such that the development can be approved without a restriction on occupation as was set out by the Planning Inspectorate in the decision on the neighbouring site. It should be noted that restricting future occupiers from permits, should a CPZ be introduced, has been introduced as a policy response since the Inspector's decision on 480 Larkshall Road.

ii) Cycle Parking Standards

- 8.151 London Plan standards at Policy T5 Table 10.2 for residential development requires 1.5 cycle parking spaces per 1 bed units, and 2 spaces for all other residential units. In the adopted Local Plan (Appendix 1) the requirement is for 1.5 space per 1 bedroom home, 2 spaces per 2 bedroom home, and 3 spaces for all other dwellings, with 1 visitor space per 40 homes with a minimum of 2 spaces.
- 8.152 The proposal would provide cycle parking provision in accordance with local and strategic planning policy. This will be secured by planning condition.

(iv) Electric Vehicle charging

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

(v) Servicing and deliveries

- 8.154 The site will be serviced by vehicle from Larkshall Road via James Yard. A bespoke servicing bay is provided for this purpose adjacent to southern block. There is no servicing bay on Wilton Place, which is a pedestrian only access to the development. Wilton Place currently experiences a high volume of traffic due to drop offs and pick ups from the railway station, sometimes leading to unauthorised parking which obstructs the road and turning areas within it. This results in a high level of waiting which can cause congestion in the road, particularly at certain times of the day. This was reflected in the findings of activity surveys carried out by the applicant at pre application stage, which were requested by the highway authority.
- 8.155 Consequently a key objective associated with the development is the effective management of vehicular trips along Wilton Place, and to deter these as far as possible. The mitigation measures that have been agreed can be summarised as follows:
- The southern block will be named from James Yard. This will lead to most servicing and delivery trips associated with this block being diverted to the entrance from the Larkshall Road.
 - There will be parcel lockers adjacent to the servicing bay, again diverting servicing trips to the Larkshall Road.
 - The commercial unit will be limited to only being used as an office, thus avoiding uses which typically generate large numbers of vehicular trips such as nurseries or food and beverage uses.
- 8.156 Part of the servicing strategy involves 7.5 tonne plus vehicles accessing the site via Wilton Place, a reflection of the height limits imposed by the undercroft where the other servicing bay is. It is noted that this will mean such vehicles will need to wait in Wilton Place, either in the turning circle or alternatively by mounting the kerb to avoid obstructing the road.

- 8.157 Whilst the highways team have set out concerns regarding this, the constraints arising from the Larkshall Road entrance mean that such additional servicing is unavoidable if the site is to be developed in accordance with the local plan allocation. Such trips will be occasional given the size of vehicles involved, and the impact will be consistent with the existing situation relating to Wilton Place, which comprises blocks of flats that require servicing.
- 8.158 With the aforementioned mitigation measures in place, the pressure on Wilton Place would be reduced. However, there would still be some residual activity along this road which, in combination with the existing level of activity associated with the station, would lead to continued congestion. Officers consider the most effective way of managing this is through more intensive parking enforcement to deter illegal parking and waiting, a contribution to which would be secured via the S106 agreement. This is alongside other contributions, including to the delivery of a new station entrance, which will eventually alleviate pressure on Wilton Place. This has been agreed with the Highways department.

vi) *Refuse and waste collection*

- 8.159 The site would be serviced on street from Wilton Place, in common with other development along this road. Bins will need to be presented in the refuse store within the northern block to facilitate this and enable collection by Council waste operatives. A swept path diagram has been provided confirming how this would occur. This arrangement is considered acceptable given the context of the site and no objection has been raised from the Waste Team. This arrangement can be secured by planning conditions.

vi) *Construction Logistics Plan*

- 8.160 A number of respondents to the consultation process draw attention to concerns about the impact of the construction process. Policy 65 of the Adopted Local Plan states that proposals should be supported by an outline construction logistics plan. An Outline Construction Logistics Plan ("CLP") was provided with the planning application.
- 8.161 The Highways department have raised a number of concerns regarding the outline CLP which means that it cannot be an approved document. In particular, carrying out the development will either require the temporary stopping up of Wilton Place or otherwise will need to be carried out in a co-ordinated manner with the approved development on the adjacent site and access achieved this way. Consequently, at present officers are of the view that there is too much uncertainty to provide a detailed and realistic construction methodology that is likely to be adhered to were it to be set out as an approved plan. As an alternative, a detailed CLP will be required by way of planning condition. Subject to resolution of this at the post-decision phase, the proposal will be compliant with the development plan, in this respect.

vii) *Highways – conditions and obligations.*

- 8.162 A series of conditions and planning obligations have been requested by the highways team. These have been imposed where they meet the relevant policy tests that apply to the use of planning conditions and obligations. Further detail of this is set out in Section P of the report.
- 8.163 As discussed in this report, the parking enforcement contribution would be targeted at parking enforcement measures to address the short to medium term pressure on the local highway network arising from the development. An allowance is made for two hours of additional parking enforcement per day, seven days a week, for a period of 3 years post first occupation of the development. This will provide sufficient time to facilitate CPZ roll out and the wider implementation of the Council's car free policies, such that parking demand is likely to materially decrease by the end of the 3 year period.

Overall Conclusion – Transport and Highways

- 8.164 Subject to the mitigation set out in the report being secured, the proposal is acceptable in Transportation and Highways terms.

I. TREES LANDSCAPING AND ECOLOGY

- 8.165 London Plan (2021) Policy G1 requires that development proposals incorporate elements of green infrastructure to deliver multiple benefits. London Plan (2021) Policy 8.133 D8 relates mainly to public realm proposals but includes the principle that landscaping, including planting, street furniture, and hard surface materials, should be of good quality. Policy 80 of Waltham Forest Local Plan LP1 (2024) requires development proposals to take account of existing trees on site and adjoining land, retaining any significant trees and re-provide the amenity, canopy, habitat and biomass of the existing trees through the planting of significant mature trees within the proposed scheme.
- 8.166 London Plan Policy G5 requires major development to contribute to the greening of London, whereby the Mayor's recommended target Urban Greening Factor (UGF) score is 0.4 for developments that are predominately residential. Policy 79 of the Local Plan also seeks developments to achieve a UGF score of 0.4.

Existing trees

- 8.167 Trees make an important contribution to the character and quality of urban environments, and can help mitigate and adapt to climate change. Trees also play an important role within the urban environment by helping to trap pollutants, adding amenity value, providing shade, absorbing rainwater, filtering noise and providing areas of habitat for wildlife.
- 8.168 Paragraphs 136 and 193 of the NPPF (2024), Policy G7 of the London Plan (2021) and Policies 53, 79 and 80 require developments to contribute to and enhance the natural environment by recognising the abovementioned value of trees. Existing trees of value should therefore be retained where possible.

- 8.169 An Arboricultural Impact Assessment (AIA) has been submitted with the application. This concludes that eleven trees and one tree group will need to be removed to facilitate the development – 8no. Sycamores (category C), 1no. Sycamore (category U), 1no. Sycamore (category B), 1no. Ash (category C) and 1no. Willow & Ash tree group (category C) - see Figure 20 below. Facilitation pruning is required for a further three trees.
- 8.170 The Council's Tree & Urban Greening Officer was consulted on the submitted information. The Tree & Urban Greening Officer agree that the proposed removal of the smaller trees and one tree group to facilitate the development could be sufficiently mitigated through suitable tree planting incorporated as part of a high-quality soft landscape scheme.
- 8.171 Officers note that T11 (acer) proposed to be removed is a Council owned tree. The Council's Tree Section was consulted on this matter. A mitigation plan to be secured by S106 legal agreement will be required to compensate for its loss to go towards new highway planting based having regard to the Capital Asset Value for Amenity Trees (CAVAT) value of this tree.
- 8.172 The Tree & Urban Greening Officer notes that two trees marked for retention, T10 (an offsite lime) and T9 (an oak growing within the site), are growing in close proximity to indicated position of the western elevation of the proposed northern block. These would require ongoing pruning to prevent encroachment of the crown on impacting the development. This will be secured by in the Section 106 agreement.

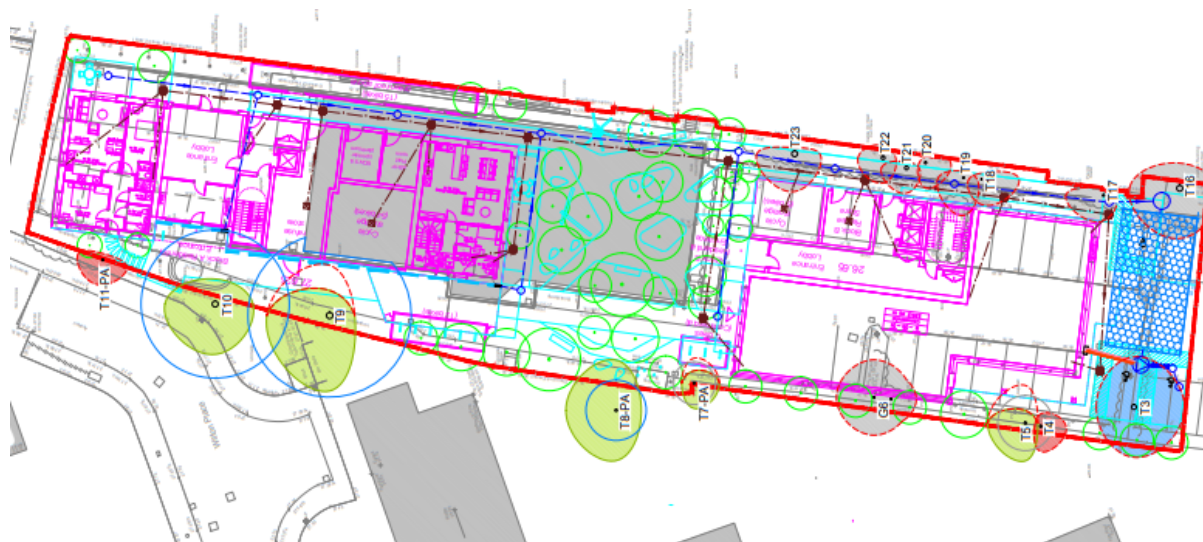


Figure 20: Tree Constraints Plan

- 8.173 With regards the Arboricultural Method Statement (AMS), this sets out a number of mitigation measures to protect retained trees during the construction process. However, this is generic and the AMS states that it may be subject to revisions once final construction methods are agreed. To this end, a detailed AMS will be required prior to commencement of development which would be secured by planning condition.

Biodiversity Net Gain

- 8.174 Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) specifies that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (“the biodiversity gain condition”) that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. All planning permissions granted in England have to deliver at least 10% biodiversity net gain, effective from 12 February 2024.
- 8.175 There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 8.176 Based on the submissions provided with this application it is considered the proposal under consideration requires the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed are considered to apply.
- 8.178 The submitted Biodiversity Net Gain Assessment states that the development would result in a net gain of 204.53% habitat units. This outcome is helped by the retention of the one significant on-site tree, coupled with the rest of the existing site being assessed as largely developed land and vegetated garden.
- 8.179 As the development demonstrates that it can achieve 10% biodiversity gain, a planning condition will be attached to forthcoming consent requiring the submission of Biodiversity Gain Plan and Habitat Monitoring and Management Plan (HMMP), to demonstrate how the net gain would be achieved and managed over required 30 year period. The management and monitoring of the proposed BNG plans would be secured via S106 agreement.
- 8.180 The responsibility to ensure compliance with the approved BNG plan lies with the Local Planning Authority, with requirement to incrementally monitor this over total 30 years period (end year 1, 2, 5, 10, 20 and 30). To facilitate the monitoring role, a financial contribution would be secured via Section 106 legal agreement.

Urban Greening Factor

- 8.181 Policy 53 of the adopted Waltham Forest Local Plan LP1 (2024) requires developments to provide a high-quality level of landscaping.
- 8.182 The main central space is proposed as a flexible amenity space for the residents, with incidental and natural play elements, attractive ornamental planting and inclusive seating. Tree planting is providing privacy to the adjacent residential units and private amenity terraces.
- 8.183 In terms of Urban Greening, the landscaping proposals generate an Urban Greening Factor score of 0.4006, which is above the required 0.4 score for residential developments.

- 8.184 The exact detail of the planting will need to be agreed following the submission and approval of a planning condition.

Nature Conservation & Ecology

- 8.185 London Plan Policy G6 requires that development proposals manage impacts on biodiversity. Local Plan LP1 Policy 81 states that proposals should seek to protect and enhance biodiversity and geodiversity resources in the borough and will ensure that all development should maximise opportunities to create new or make improvements to existing natural environments, nature conservation areas, habitats or biodiversity features and link into the wider green infrastructure network.

- 8.186 The Chingford to Walthamstow Railsides SINC is located immediately to the north of the application site. The adjacent rail embankment and its tree lines could play a role in the landscape for commuting bats and ground-based mammals. Whilst the scheme would not impact these commuting/foraging habitats, the adjacent habitats will need to be protected during construction and operation of the development. A series of mitigation and enhancement recommendations are set out within the Preliminary Ecological Appraisal and Roost Assessment which include submission of:

- Construction Environment Management Plan (CEMP)
- Protection measures for a retained oak tree on the north-west corner of the site
- Installation of habitat boxes/bricks for bats, birds and invertebrates
- Wildlife sensitive lighting strategy
- Precautionary working methods during construction to protect commuting hedgehogs

- 8.187 The above measures can be secured via planning condition.

Epping Forest Special Area of Conservation – Appropriate Assessment

- 8.188 A shadow Habitats Regulation Assessment was prepared by the applicant dealing with the impacts of the proposal on the Epping Forest Special Area of Conservation (“SAC”). This has informed the ‘appropriate assessment’ under the Habitats Regulations 2017 which forms this part of the report.
- 8.189 The qualifying features of the Epping Forest SAC from which its special interest is derived are Atlantic acidophilous beech forests; European dry heaths and Northern Atlantic wet heaths; and the qualifying species are the stag beetle. The Conservation objectives are to ensure the integrity of the site is maintained or restored.
- 8.190 Potential likely significant effects are identified as arising from additional recreational pressure (additional population accessing the SAC for recreational purposes), and urbanising effects, specifically cat predation, fires and fly tipping. Other ways in which the development would have a likely

significant effect on the SAC is through construction dust, and visual impact, specifically due to artificial light.

- 8.191 In this case the development is outside the boundary of the SAC and its immediate buffer zone but within the 6.2 kilometre Zone of Influence. It is around 0.6 km from the SAC. The separation distance is such that there are no pathways for impacts of construction and site specific urbanisation to result in impacts on the SAC. The intensified residential use of the site will however result in increasing recreational pressure on the Epping Forest.
- 8.192 Mitigation for this can be achieved through a financial contribution to a Strategic Access Management and Monitoring Strategy which sets out a fully costed set of measures to be delivered in the forest itself, ranging from interventions like repairing and improving paths and trackways to protect the special interest of the SAC. A financial contribution of £29,900 (£650 per unit) is required for this purpose. This is in accordance with the methodology set out in the Epping Forest Strategic Access Management and Maintenance (SAMM) Strategy.
- 8.193 Secondly, the Council has developed a strategy for Sustainable Alternative Natural Greenspaces which provide alternative locations for recreation and leisure to the Epping Forest SAC, thus reducing recreational pressure on it. Based on the methodology set out in the emerging strategy, it is anticipated that the 46 new homes proposed would result in a potential visitor uplift. Of the proposed SANGs that this site falls within the catchment of, investment in the Ainslie Wood and Rolls Park Sports Ground is proposed to mitigate the potential recreational impacts on Epping Forest SAC. This would be funded via Community Infrastructure Levy.
- 8.194 Consequently, as a result of the avoidance and mitigation measures set out above, the proposed development would not result in any adverse impact on the integrity of the Epping Forest Special Area of Conservation. The proposal is acceptable in this respect and there is no conflict with the requirements of the Habitats Regulations.

Overall Conclusion – Trees, Landscaping and Ecology

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

J. ENERGY EFFICIENCY AND SUSTAINABLE DESIGN AND CONSTRUCTION

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

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

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

Energy measures

- 8.199 The submitted energy statement outlines measures that reduce energy demand and increase the environmental performance of the building. The approach follows the three-step Energy Hierarchy set out in the London Plan and reflected in the Waltham Forest Local Plan Part 1. The approach achieves estimated regulated CO2 savings for the site as a whole are 80%, against a Part L 2021 compliant scheme with SAP10.2 carbon factors.
- 8.200 Of the above 24% savings are achieved through ‘Be Lean’ Measures, i.e. insulation and efficient lighting. The remaining 56% savings come from the use of renewable energy namely ASHP and PV panel systems.
- 8.201 The application has been referred to the Council's sustainability advisor who has recommended conditions and appropriate Section 106 terms to ensure the development delivers the intended carbon reductions. This is reflected in the recommendations of this report. A carbon offset payment of £24,854 is necessary to achieve net-zero carbon in line with Policy 85 of the Waltham Forest Local plan.
- 8.202 It is noted that at 80%, the improvement over the London Plan/Local Plan minimum of 35% carbon reduction, and the guideline target of 50% for residential schemes represents a significant achievement. This is a matter that attributes significant weight in the overall planning balance.
- 8.203 The development is acceptable in terms of Sustainability and Energy Efficiency, subject to appropriate conditions and S106 clauses set out in this report.

Water Efficiency

- 8.204 Water saving measures and equipment are also expected to be incorporated into the design of new development, reflected in London Plan Policy SI 5 and Policy 89 of the Local Plan. Residential development must not exceed a

maximum water use of 105 litres per head per day (excluding the allowance of up to 5 litres for external water consumption).

- 8.205 The Sustainability Statement submitted with the application details that indoor water consumption will be minimised through the specification of water efficient fixtures and flow restrictors where possible. However, no supporting calculations are provided to demonstrate compliance with the targets set out within the London and Local Plans. Nonetheless, the matter can reasonably be controlled by way of planning condition requiring compliance with these well-established standards. Subject to this there is no conflict with London Plan Policy SI5 or policy 89 of the Adopted Local Plan.
- 8.206 Overall, the measures proposed within the planning application clearly comply with the thrust of policy towards energy efficiency and sustainability and the delivery of these can be secured through planning condition or planning obligations. As such the proposal complies with relevant London Plan and Adopted Local Plan policies in relation to this issue.

Pre Demolition Audit and Circular Economy

- 8.207 The application has been accompanied by a pre demolition audit and circular economy statement. These measures reduce the environmental impact of construction by seeking to conserve resources, eliminate and manage waste, and reuse materials. It is demonstrated in these documents that 99.84% of demolition waste will be diverted from landfill via recycling. It is noted that due to the age of the building, there were no items and/or materials that have been found to be viable for reclamation / reuse. These would be approved documents which the development must be carried out in accordance with and will be secured by planning condition in the event of approval.
- 8.208 Overall, the submitted documentation demonstrates the proposal is compliant with the strategic approach to the circular economy and reducing the environmental impact of demolition.

Conclusion on Energy and Sustainability.

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

K. FLOOD RISK AND DRAINAGE CONSIDERATIONS

- 8.210 London Plan (2021) Policies SI 12 and SI 13 outlines that development proposals should minimise and mitigate flood risk and incorporate appropriate provisions for drainage, following the London Plan drainage hierarchy and other priorities. Policy 91 of the Waltham Forest Local Plan LP1 (2024) sets out various requirements for developments to manage flood risk, including

aiming to achieve greenfield run-off rates via the maximisation of Sustainable Urban Drainage Systems (SuDS).

- 8.211 The applicant has submitted a Flood Risk Assessment that explains that the site is in Flood Zone 1, so has a low general risk of flooding. It also explains that there is no significant surface water flood risk or any significant risk of groundwater, sewer or reservoir flooding.

Drainage

- 8.212 In terms of surface water drainage, the application site is located within the South Chingford Critical Drainage Area. Any issues arising from this will be addressed in the drainage plan to be agreed with the Local Lead Flood Risk Authority, which is co-ordinated by the Highways Department.
- 8.213 The principle of the drainage system associated with the development is yet to be agreed with the Council's drainage engineer. The drainage strategy will be subject to ongoing negotiation with the LPA and Council's drainage engineer. Subject to this, the proposal is acceptable in terms of flood risk and drainage and complies with relevant planning policies, in this respect.

L. ENVIRONMENTAL IMPACT CONSIDERATIONS

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

Ground Contamination

- 8.215 Policy 90 of the adopted Local Plan seeks to manage contaminated land, with a site investigation and desk based research undertaken. New development must address the impacts of contaminated land to be acceptable in planning terms.
- 8.216 The application was accompanied by a preliminary contamination report which identified risks to site receptors from lead, zinc, PAH and asbestos in the made ground. Moreover, gas precautions in accordance with CIRIA C665 will be necessary in the design of the structure due to elevated levels of carbon dioxide. Asbestos is also potentially contained within the existing building.
- 8.217 The Environmental Health officer has considered this report and recommended conditions that ensure further investigations are carried out and, if necessary, remediation occurs to address any potential risk to the health of future occupants by way of contaminants. Subject to these conditions there is no conflict with the requirements of policy 90 of the Adopted Local Plan which, amongst other things, seeks to manage contaminated land.

Air Quality

- 8.218 London Plan SI 1 sets out rigorous air quality standards for new development, including that it must be at least air quality neutral. It also puts in place

requirements for during the demolition and construction phases of development. Policy 88 of the Waltham Forest Local Plan LP1 (2024) states that new developments should mitigate any adverse air pollution impacts and be supported by Air Quality Assessment (AQA). It should be noted that the site is in the Waltham Forest Air Quality Management Area (AQMA), which covers the entire Borough and is in place due to vehicle emissions. Developments which may have a significant impact on air quality or, in an area where the existing air quality environment is poor or will have a significant impact on the development; will require a contribution towards implementation of the Air Quality Action Plan.

- 8.219 The residential development will have some impact on Air Quality due to emissions from visiting traffic, but this is limited in part due to the absence of on site parking (other than disabled parking). The development will also lead to short term air quality impacts through dust generated in the construction process but these impacts can be mitigated through a condition requiring a Construction Environmental Management Plan. The air quality offset payment (£4800) has been calculated and is reflected in the heads of terms of the section 106 legal agreement.
- 8.220 Overall, subject to the mitigation measures discussed, the proposal complies with London Plan Policy SI 1 and policy 88 of the Adopted Local Plan which, amongst other things, seeks to achieve air quality neutrality.

Noise and Vibration

- 8.221 Policy 50 of the Waltham Forest Local Plan LP1 (2024) states that developers will be required to demonstrate the impact of their developments on the noise environment and, where appropriate, provide a noise assessment. It goes on to say that the layout, orientation, design and use of buildings should ensure that operational noise does not adversely affect neighbours, particularly noise-sensitive land uses such as housing.
- 8.222 The site is subject to existing instances of noise arising from the town centre, commercial development, and railway line. According to DEFRA's noise assessment map, the site is identified as being within an area subject to high noise levels. This is due to the Overground Railway line which runs between 5am and 1am the following day. A noise assessment was submitted with the application which confirms that subject to appropriate acoustic mitigation in the construction of the development, such as double glazed windows, future occupiers of the development would not be detrimentally impacted by poor environmental conditions with regards noise. These measures will be secured by planning condition.
- 8.223 Noise arising during the construction process can be mitigated through a Construction Environment Management Plan, both required by way of planning condition. Overall, in the particular circumstances of this case there would be no conflict with policy 50 of the Adopted Local Plan which, amongst other things, seeks to ensure existing occupants of residential accommodation are not adversely affected by noise.

- 8.224 Overall, subject to the condition outlined above, the proposal is acceptable in terms of its environmental impact in relation to Noise and vibration impacts.

External Lighting

- 8.225 Policy 50 of the Waltham Forest Local Plan LP1 (2024) states that light pollution will be minimised by design measures that would ensure external lighting schemes should only illuminate intended areas. London Plan (2021) Policy D8 has similar requirements concerning lighting in the public realm.
- 8.226 The proposal is located in an existing town centre, replacing an existing commercial building the use of external lighting would have a limited impact on the environment. Final details can however be provided in response to a planning condition to ensure the proposed development is acceptable in respect. Subject to this there is no conflict with relevant planning policies in relation to this issue.

N. FIRE SAFETY

- 8.227 Policy D12 of the London Plan (2021) sets out that all major developments should be accompanied by a Fire Statement. These should be produced by a third-party, independent and suitably qualified assessor. The building falls under 18 metres at the top finished floor level having regard to the relevant legal definition and so is not regarded as a high risk building for the purposes of the building safety regulator.
- 8.228 The applicant team has consulted with the London Fire Brigade and Building Control prior to the submission of the application. Following these discussions, the application was submitted with a fire statement. This covers matters such as Fire Safety Systems, Means of Warning and Escape, Passive Fire Protection, External Fire Spread and Access and Facilities for the Fire and Rescue Service.
- 8.229 With regards access and facilities for the fire and rescue service, the outline fire statement sets out five options related to this. Upon consultation with the Council's Street Name and Numbering Officer, options 4 or 5 would be most appropriate to secure addressing of Block B from James Yard, Larkshall Road rather than Wilton Place to minimise traffic movements along Wilton Place as set out in Section H above. Options 4 and 5 are as follows:

Option 4: Fire appliance to access through Larkshall Road and park in front of the undercroft car park access gate. Connection from fire appliance to Block B dry riser inlet. (33m distance)

Option 5: If LFB have fire appliances under the 3.35 height, they can enter through Larkshall Road and access the undercroft car park. The height restriction at this point is 3.35m. The fire appliance will be 18m from Block B dry riser inlet.

- 8.230 A planning condition can be imposed which requires the submission of a detailed fire strategy prior to construction of the development. This can account for any changes arising through detailed design necessitating

changes to the outline fire strategy. The proposal is considered to be policy compliant in relation to fire safety issues for the purposes of the planning stage.

P. PLANNING OBLIGATIONS

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

Planning Obligation	Planning Justification
Affordable Housing Payment in Lieu – subject to early and late stage reviews	The early and late stage review mechanisms are necessary to accord with London Plan Policy on viability. Contributes towards addressing some of the issues with the scheme abovementioned and set out in Section 9 below. This contribution weighs in favour of the development in the planning balance.
Wheelchair Housing Marketing	To comply with Policy D7 of the London Plan (2021) and Policy 16 of the adopted Waltham Forest Local Plan (2024).
Employment and Skills Obligations	To comply with the Council's adopted SPD on Planning Obligations. The number of apprentice posts (5) has been calculated on an estimate of the construction cost based on 2017.
Highways: Car Free Housing.	To comply with the Council's policies on car free development and for reasons of highway safety, to ensure that the development does not result in additional vehicle movements such that could lead to harm to highway safety.
Highways: S278 works and S38 works	To ensure the public realm around the new building is reconstructed in accordance with the intention of the planning application and in line with the specifications set out by the local highway authority.

Highways: Condition Survey and CLP monitoring.	To manage the impact of construction traffic associated with the development and necessary to ensure the development is completed.
Highways: Walking and Cycling contribution	To build upgraded walking and cycling facilities around the site to assist with the mitigation of additional population.
Highways: Parking Enforcement Contribution.	The justification for this is provided in section 8H of this report.
Travel Plan:	To promote sustainable travel in line with the application and relevant planning policies
Energy and Sustainability	To ensure the conclusions of the Energy report are implemented in line with established planning policy and guidance.
Epping Forest Special Area of Conservation	To implement the conclusions of the Appropriate Assessment carried out in this report.
Biodiversity Net Gain	To comply with relevant legislation on Biodiversity Net Gain
Air Quality	To ensure the implementation of the Council's Air Quality Action Plan
Architect Retention Clause	To fulfil the Council's policies in relation to Design and to ensure there is no deterioration in design quality.

9. PLANNING BALANCE AND CONCLUSION

- 9.1 Under Section 70 of the Town and Country Planning Act 1990 the Council must make a decision in accordance with the development plan unless material considerations indicate otherwise. In this assessment the development plan must be considered 'as a whole'.
- 9.2 In this case the report identifies that the proposal does not entirely accord with the development plan in relation to delivering high quality design in new development. In particular the bay feature and subsequent undercroft within the scheme detract slightly from its overall design quality. As such there is a limited degree of conflict with policy 53 of LP1 which seeks to deliver high quality design.
- 9.3 However, against this the proposal would achieve significant planning benefits. These are set summarised below.
- The provision of C3 housing which is of dual aspect and high quality, in a highly sustainable town centre location.
 - A contribution of £100,000 towards providing affordable housing in the Borough.
 - Provision of high quality replacement commercial space

- A high standard of internal layout and design to the common parts of the building, in accordance with the Council's policies, in accordance with Local Plan Policies.
- An attractive renewed public realm around the building at ground floor level and improvements to the appearance of Wilton Place.
- High quality cycle parking facilities.
- Environmentally, a highly efficient building that through the provision of on site renewable energy generation that exceeds policy targets for carbon reduction.
- The provision of high quality landscaping within the development, to be secured by condition, that provides permeable surfaces for the treatment of rain water and, together with habitat enhancement measures, achieves biodiversity enhancement over the existing situation.
- There would be economic benefits through construction activity in the short term, and over the long term the significant uplift in residents would support the centre of Highams Park and businesses within it.
- Delivery of apprenticeships and work placements in the construction phase.

9.4 In terms of paragraph 216 of the NPPF, it is considered that the low level of harm to the setting, and therefore the significance of the non-designated heritage assets identified in section H is outweighed by the benefits of the development as summarised in the preceding paragraph.

9.5 Overall, for the reasons set out above, the proposal is considered on balance to be acceptable. It complies with the development plan, when it is considered as a whole. As such, the planning balance weighs in favour of granting planning permission for the proposed development and officers recommend approval.

10. ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

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

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

- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 10.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 10.3 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered and may be balanced against other relevant factors.
- 10.4 It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights:

- 10.5 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as the London Borough of Waltham Forest to act in a manner that is incompatible with the European Convention on Human Rights.
- 10.6 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

RECOMMENDATION

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

Conditions

1. Development to commence within 3 years
2. Development in accordance with the approved plans
3. Details of materials including samples
4. Details of doors and windows
5. Details of balconies and railings (including privacy screening)
6. Details of soffits
7. Details of bay studies
8. Details of child play space
9. Details of roof top plant
10. Details of extract flues
11. Wheelchair accessible units to be built in accordance with the approved plans
12. Secure by Design compliance

13. Details of CCTV
14. Detailed Construction Logistics Plan
15. Servicing and delivery plan for approval
16. Waste Management Plan for approval including details of waste presentation
17. Car Park Management Plan for approval
18. Details of a Sustainable Drainage System
19. Details of a green roof management plan for cycle stores.
20. Travel Plan
21. Siting and design of balcony treatments
22. Details of cycle parking
23. Details of waste stores
24. Details of Electric vehicle charging points
25. Details of hard and soft landscaping
26. Confirmation of final UGF score
27. Biodiversity gain plan
28. Habitat monitoring and Maintenance Plan
29. Tree Protection Plan
30. Arboricultural Method Statement
31. Details of external lighting
32. Details of Biodiversity and ecological enhancement measures
33. Details of carbon dioxide emissions reduction
34. Details of future district heating connection
35. BREEAM very good
36. Details of updated demolition audit
37. Details of water use reduction
38. Construction Environment Management Plan
39. Non Road Mobile Machinery restriction
40. Standard Contaminated Land condition
41. Asbestos surveys
42. Updated Fire Risk Assessment
43. Details of protection measures for rail assets in the course of construction
44. Electromagnetic interference Assessment in relation to Network Rail Assets
45. Details of interface with station operator and network rail
46. Details of opening / operating hours of commercial use
47. Window on bathroom on block A to be obscure glazed
48. Limitation on use of commercial premises as commercial (class E (c,e or g(i/ii))
49. Details of design, method statements and risk assessment in relation to TFL assets.
50. Requirement that any temporary structures are not located within 3 metres of live rail electrification equipment.
51. Limitation of noise from plant and associated noise criteria
52. Details and manufactures specifications of acoustic insulation, including glazing, to address noise from the adjacent railway.
53. Cranes to comply with CPA good practice guide. etails of display of postal numbers and positioning of letter box facilities