



Appeal Decision

Inquiry held on 22-24 November, 29-30 November and 1 December 2022

Site visit made on 23 November 2022

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2023

Appeal Ref: APP/U5930/W/22/3304178 480-510 Larkshall Road, London E4 9HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Morris Nourani (Atlantis Highams Ltd) against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 203040, dated 29 September 2020, was refused by notice dated 18 March 2022.
 - The development proposed is the 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.
-

Decision

1. The appeal is allowed and planning permission is granted for the 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 at 480-510 Larkshall Road, London E4 9HH in accordance with the terms of the application, Ref 203040, dated 29 September 2020, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The description of development on the appeal form is slightly different to that given on the planning application form. This is because the proposal was amended during the Council's determination of the planning application. I have used the description on the appeal form.
3. A planning obligation was submitted in draft form, discussed at the Inquiry and subsequently finalised.

4. The inquiry was closed in writing on 20 January 2023. This was because an ecological survey was conducted after the inquiry and the report submitted on 16 December 2022. A period of consultation followed. I have had regard to the consultation response received from the Council and included conditions where necessary.
5. Reasons for refusal 3 and 5, dealing with affordable housing, air quality and infrastructure were not pursued by the Council at the inquiry. This was owing to the drafting of the planning obligations and the Council reviewing the evidence relating to viability.
6. The London Borough of Waltham Forest Draft Local Plan – Part One Strategic Policies (submission draft April 2021) (eLP1) was the subject of a local plan examination in March 2022. It has not yet been adopted, and the preliminary report from the examining Inspector raised concerns. Therefore, I give it limited weight.
7. The London Borough of Waltham Forest Draft Local Plan 2 Site Allocations Document (regulation 19, November 2021) (eLP2) has been published for consultation but not submitted for examination. Given its early stage and lack of examination, this emerging document is given very limited weight.

Main Issues

8. The main issues are:
 - (a) The effect of the proposal on the character and appearance of Highams Park District Centre,
 - (b) The effect of the proposal upon the existing transport network, traffic and parking in the area,
 - (c) Whether the proposal would make the most effective use of land and enhance connectivity at Highams Park railway station.
 - (d) Whether the proposal would provide an acceptable housing mix, and;
 - (e) Whether the proposal would provide acceptable living conditions for future residents, with specific reference to amenity space.

Reasons

Character and appearance

Site and surroundings

9. Located prominently in the district centre of Highams Park, the site comprises a triangular parcel of land, approximately 0.27 hectares. It is bounded by Larkshall Road, Highams Park overground railway station and level crossing, and neighbouring sites at 272 - 278 and the rear of 480 Larkshall Road. Currently on site is a 2 storey late 20th century office building with car parking. The building contributes little to the character of the area, and presents an uninteresting frontage.
10. The site falls within Character Assessment Area 9 (CAA9) of the Highams Park Neighbourhood Plan (made in March 2020) (NP). CAA9 identifies the commercial centre is focused on the domestically styled railway station, the signal box and level crossing. Retail premises fronting Hale End Road, The Avenue, The Broadway, and Winchester Road radiate out from the level

crossing and contain mostly 2 and 3 storey Edwardian and Victorian pitched roofed buildings. It also refers to the modest scale of buildings allowing a constant backdrop of mature trees, complemented by street trees, contributing to the area's leafy suburban residential character.

11. The NP details that this creates a 'marketplace' feel to the area. To some extent, I agree. However, CAA9 covers only the district centre and there are other elements that form the character of the area. For example, the former factory site to the west of Larkshall Road is a historic feature and provides a mixed, commercial character. Indeed the site itself was historically a goods yard and coal depot. The factory site is now occupied by bulky industrial units, and a large 4 storey modern supermarket development and contemporary flatted residential development, which reaches 5 storeys in places. There is also a post-war residential tower block of around 13 storeys, to the east of this modern development, forming part of the wider townscape. This is a contrast to the residential character of traditional roads to the south and east.
12. Moreover, there are other larger scale buildings in the locality, such as the Regal Cinema and a local convenience store, to the southeast of the site on Hale End Road. The Regal Cinema also has planning permission to increase the height to a 6 storey building. For these reasons, I consider that the area around the site itself has evolved to a form a suburban, mixed use character of varying architectural styles and heights.

Proposal

13. The proposal is for a 5, 6 and 7 storey development. For identification purposes, the building has been split into 3 blocks. Block A would be a rectangular 5 storey building fronting Larkshall Road on the northern part of the site. Block B would be 7 storeys, rectangular in shape, located at a right angle to the south end of Block A, running east west, with a 6 storey rectangular building jutting off obliquely to the northeast along the boundary with the railway lines, dropping to 5 storeys at the end. A 2 storey link building connects to Block B at the southeast corner, before rising again to form a 5/6 storey amorphous shaped block at the south of the site, identified as Block C.
14. The building would contain 68 residential units, along with a new entrance to Highams Park Railway Station, located in the 2 storey link element, between Blocks B and C. To the front of the station entrance would be a public square and public cycle storage. Glazed fronted commercial units would be located at ground floor along Larkshall Road, running round the corners to front the public square. A children's play area would be provided to the rooftop of Block A. Disabled car parking and servicing bays would be located in the north east part of the site, accessed via an archway through Block A, in the same place as the existing access point.

Policy

15. The height, and its corresponding scale and massing causes the Council and local residents the most concerns in relation to character and appearance. Policy CS15 of the Waltham Forest Local Plan Core Strategy (March 2012) (CS) sets out that there are limited circumstances where medium rise, taller¹

¹ Defined as between 5-9 storeys (13 - 23 metres above natural ground level) in Policy CS15 of the CS

development would be considered appropriate. 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. This is supported by Policy D3 of the London Plan (March 2021) (LP), which encourages higher density developments in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. Also, whilst of very limited weight, the site has been identified as part of a wider allocation in the eLP2 for a taller development, detailed as up to 8 storeys² in the Draft Skyline Study.

16. The Council asserted Policy D9 of the LP is relevant to this proposal, despite it not being quoted in the reason for refusal. However, I do not consider it applicable in this case because the CS provides its own definition of ‘tall’ and ‘medium rise taller’ buildings.
17. Therefore, 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.

Assessment

18. In terms of the design, the elevations would be well detailed and attractive. The materials would be high quality, creating a distinctive top, middle and bottom to the building, which successfully breaks up the scale and height to ameliorate the overall massing. The lower section would be faced with high quality stone, grounding the building to the street. The upper floors would contain mixed brick types, textures and brick patterns, split with stone banding. Vertical emphasis fenestration and recessed stone lintels would also be used in Block C, along with brick and stone detailing in the whole development, responding positively to the surrounding traditional residential properties. Block B along the railway lines would include screens, fins and balustrades to the external deck access for the dwellings, creating interest and visible human activity. Block A would contain projecting and recessed balconies that would add articulation and detailing.
19. The height of the proposal in Block A, at 5 storeys corresponds with other consented and existing development in the area. Indeed, the adjoining consented development to the north will reach a height of 5 storeys. Additionally, although there would be no set back from the street at ground floor, this would form an active street frontage, with the upper floors set back.
20. The 6 storey element to Block C is set back significantly from the site boundary, such that its steps down to 5 storeys at the sensitive southern tip towards the level crossing and nearby notable smaller scale buildings. This would be a sympathetic design response, and enables the benefit of a small area of public space to the south to be created, enhancing the public realm.
21. The 6 storey element of Block B along the railway line would be tall, but not unacceptably tall given its location parallel to the platform. There would be relief between the station buildings owing to the railway lines and it would also drop to 5 storeys at the end reducing the perceived massing. Whilst acknowledging this would leave a blank north façade, this is necessary to enable future neighbouring development. Moreover, I do not agree with the

² CD13.4

Council that the building would 'loom large' over the station buildings. This is because the railway lines and the break between Blocks B and C would ameliorate the massing and height, along with the oblique angle of the 7 storey element to the railway line.

22. The 7 storey height of Block B, set back marginally from Larkshall Road, would be prominent and the tallest part of the development. However, it would occupy only a narrow frontage on Larkshall Road. The main bulk of height would be contained in the middle of the site, rising up from the south of Block A, forming a slender block running towards the railway lines. This would create a focal point and marker to the district centre aiding legibility and functionality to the new station entrance and public square, together with being at a convergence point of several local roads and the level crossing.
23. Moreover, because of these design components, along with its gradual stepping up, the building would address height sensitively by creating a small cluster of building heights in the central location, culminating with the 7 storey element. This would optimise the site's potential, efficiently using the land available. Overall, it would positively enhance the local context and enable the continued evolution of townscape.
24. For these reasons, I do not find there to be strong similarities between the appeal decision³ presented to me in evidence. Moreover, it falls that each case must be determined upon its own merits, and this site is in a different location and context.

Views

25. Locally significant views in and out of the district centre would change as a result of the proposal, some considerably, and I acknowledge it would create a contrasting development at a greater height than other existing lower level buildings. Yet, change does not necessarily equate to harm, and the proposal would respect these views, introducing a high quality, taller building in a suitable location, acting as a legible marker to the gateway station location.

Design rationale

26. The Townscape and Visual Impact Assessment (September 2020) (TVIA), considers the distinctive character of Highams Park, and its character area description in CAA9. The Design and Access Statement (and its numerous addendums) looks to the site constraints, detailing the design strategy and massing, along with elevational details, and goes some way to explaining the approach to the design concept. Whilst not explicit, this details a relatively sound understanding of the features of the surrounding context.
27. However, the TVIA only considers a 6 storey development, and was not updated to reflect the final design. Furthermore, the scheme has been subject to various iterations and amendments, changed to reflect the advice from the Design Council's Design Review Panel (DRP), pre-application advice and latterly officer advice during the consideration of the planning application. The building height has been amended both upwards and downwards, along with changes to the layout, and refinements to materials and fenestration. The 'marker' element of the building has also changed over time. In view of these factors, there could have been a greater written analysis and 'story' to the

³ APP/N5090/W/22/3294689

design evolution, and an opportunity to explicitly detail the rationale in writing has been missed.

28. Yet, it is clear from the evidence I have seen and heard, that the changes were as a result of the appellant responding to officer requests and the outcome of the DRP. Therefore, whilst there is limited written explanation, it is clear that there was an open dialogue between Council officers and the appellant to achieve mutual agreement, working pro-actively together.

Conclusion

29. Consequently, whilst the concerns over the written design rationale weighs very slightly against the proposal, on balance when considering the scheme as a whole, the height, scale and massing of the development would have an acceptable effect on the character and appearance of Highams Park District Centre.
30. This would be compliant with Policy D4 of the LP, Policies CS2 and CS15 of the CS, Policy DM29 of the Waltham Forest Local Plan Development Management Policies (October 2013) (DMP) and Policies CDP1 and CDP2 of the NP. Together, these seek the delivery of high quality, good design, that creates positive, responsive and inclusive environments that contribute to the local context, character and distinctiveness of the area.

Transport network, traffic and parking

Baseline

31. The roads which contain no parking restrictions surrounding the site are heavily parked with cars at most times. This is as a result of residential car ownership levels, people accessing the district centre and commuter parking using the railway station. The roads are also busy in the area, and often backed up due to the level crossing being closed regularly for trains. I observed this on my visit, and it is also referred to in the NP⁴.
32. To demonstrate this high parking demand, the Council's evidence contains a parking stress survey, carried out following the widely used Lambeth Methodology. The average observed parking stress of unrestricted kerb side parking opportunities from 0700 to 0800 and 1730 to 1830 was 93%. The average overnight parking stress of unrestricted kerb side parking opportunities within the parking survey area was 92%. It is widely accepted in the industry that an observed parking stress of 85% - 90% is deemed to represent a very high uptake of kerb side parking.
33. The appellant took exception to the Council's witness (Mr Ferguson), who applied 250m site survey walking distance, not 200m, as advocated in the Methodology. However, the Methodology details that since people are unlikely to stop halfway along a road at an imaginary 200m line, the survey should be extended to the next junction or shortened to the previous one, or taken to a suitable location along a road. Mr Ferguson explained that he increased the distance by 50m as the survey would then include wider areas of unrestricted parking on residential roads that might be affected by a prospective Controlled Parking Zone (CPZ). The reasoning behind this is common sense and justification for the increased distance is adequate. Furthermore, if only

⁴ 7.11

200m had been assessed, it could have shown greater parking stress because some roads closer to the site are subjected to parking restrictions.

34. Other criticisms from the appellant were asserted towards Mr Ferguson's evidence, but much of this was immaterial, and ultimately the baseline position indicates that there is high level of parking stress in the area.

Planning policy approach to car free development

35. Policy T6 of the LP details that car free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). It also sets out that an absence of local on-street parking controls should not be a barrier to new development, and boroughs should look to implement these controls wherever necessary (my emphasis) to allow existing residents to maintain safe and efficient use of their streets. This places a clear onus on the Council to implement CPZs where needed.
36. The supporting text to Policy T1 of the LP details that the provision of a robust and resilient public transport network is essential (my emphasis) in realising and maximising growth and ensuring that different parts of the city are connected in a sustainable and efficient way. In order to help facilitate this, an integrated strategic approach to transport is needed, with an ambitious aim to reduce Londoners' dependency on cars in favour of increased walking, cycling and public transport use. Without this shift away from car use, which the policies in the Plan and the Mayor's Transport Strategy seek to deliver, London cannot continue to grow sustainably.
37. It is also desirable to seek the minimum car parking provision as the dominance of vehicles on streets is a significant barrier to walking and cycling, reduces the appeal of streets as public places and has an impact on the reliability and journey times of bus services. Moreover, Policy T1 of the LP requires development proposals to facilitate the delivery of the Mayor's strategic target of 80% of all trips in London to be made by foot, cycle or public transport by 2041.
38. Policy CS7 of the CS also promotes car free development and Policy DM16 of the DMP also details that the Council will seek to effectively manage parking and to ensure the provision of safe and attractive parking facilities by; encouraging car-free and car-capped development in locations that are highly accessible by public transport; are accessible to opportunities and services, and/or have high levels of parking stress.
39. Additionally, Policy DM16 of the DMP details that the Council will seek to effectively manage parking and to ensure the provision of safe and attractive parking facilities by; [...] where a car-free and car-capped development is implemented, limiting on-site car parking for these developments to spaces designed for disabled people and operational and service needs and introducing CPZs in the vicinity of the development (my emphasis); occupants of car free developments will not be issued with on-street parking permits. The Council's own development plan policy places the onus upon the Council to implement CPZs. The NP also refers to car-free development being practical with appropriate control.

Council's internal policy

40. The Council has its own internal policy⁵ for CPZ consultations and implementations. The policy requires a majority public vote in favour of a CPZ being implemented. This policy was agreed in 2008 and Highams Park District Centre has been subject to 2 consultations⁶ in the past, one in 2012 and the other in 2015, both returning a vote against the introduction of a CPZ.
41. The later 2015 consultation result showed that only 20% were in favour of the scheme, with a total of about 1,030 responses received. This was a greater vote against, and a larger turnout, than the 2012 consultation. Therefore, despite the evidenced high parking stress in Highams Park, there is no CPZ in place.
42. The decision on whether to implement a CPZ is in the Council's hands, but the Council considers that it is unlikely that a fresh consultation on implementing a CPZ in the area would return a majority in favour response, and thus it argues that it would be unlikely to implement the CPZ.
43. However, the Council's aged internal policy is undeniably and profoundly hampering its' ability to implement effective and necessary CPZs in areas with high levels of parking stress, and unreasonably restricting the promotion of sustainable development and transportation. This is a perverse and unsustainable barrier to any new development in the area that would generate a parking demand. It is also entirely at odds with the adopted development plan.

Effect of the proposal upon the transport network, traffic and parking

44. The site is rated level 3 public transport accessibility (PTAL), with 1 being the worst and 6 being the best. Appendix 4 of the DMP details this as medium accessibility, with 1-2 being low and 5-6 being high. Given the site's location adjacent to a railway station, and the proposal to facilitate a new station entrance, along with it being on bus routes, I consider the site is well connected to public transport. Furthermore, its district centre location makes it accessible to opportunities and services, such that a future owner/occupier should not need to own a vehicle, as there are other practical, convenient and attractive means of getting around.
45. Therefore, car free development should be the starting point for this proposal and for it to require any residential car parking on site would be likely to raise policy concerns, in terms of increased parking stress and increased cars on the road. It is for this reason the proposal has been designed as 'car free' providing only 8 disabled 'blue badge' spaces. The approach is acceptable and policy compliant.
46. However, car free developments are only effective in areas that are, or are proposed to be, within a CPZ. This is because there is commonly a requirement to remove the future occupiers' eligibility to access a residents parking permit, through a planning obligation. Therefore, anyone choosing to own a car would either have to find an alternative space off-street (e.g. in a public car park where fees would be incurred) or pay for on-street parking.

⁵ Appendix E, Mr Ferguson Proof of Evidence

⁶ Appendix F, Mr Ferguson Proof of Evidence

Parking within a CPZ without a residents' parking permit is usually time limited and/or expensive, making it impractical.

47. If a CPZ were not in place (and thus restrictions were not placed upon the development's future occupiers precluding them from obtaining parking permits), future residents could park their cars on streets in the locality, and parking demand and stress in the area would be likely to increase to overcapacity.
48. This could result in cars parked inappropriately close to junctions, impairing vehicle-to-vehicle inter-visibility, detrimental to road safety. It could also result in cars parked inappropriately close to dropped kerbs to dwellings which could impede ease of access, detrimental to residential amenity. This would cause harm to highway safety and residential amenity, making the development unacceptable. Notably, it would conflict with the development plan, which advocates car free developments.
49. The Council suggest the use of a Grampian condition requiring the CPZ to be in place prior to commencement of the development. The appellant does not agree to a pre-commencement condition, as they consider the delivery of the development would be at risk. I agree. It could take time to implement a CPZ and it would be unreasonable to restrict the development in this way.
50. However, a Grampian pre-occupation condition requiring the CPZ to be in place before residents occupied the site would effectively mitigate the harm, making unacceptable development acceptable. This is because the planning obligation contains clauses that would restrict future residents from being able to obtain a residents' parking permit, effectively rendering the development properly 'car free'. It would also require monies to be paid towards the consultation of the CPZ prior to commencement of development. A pre-occupation condition would also provide considerably more time to implement a CPZ.
51. Nonetheless, this could be a problematic condition if the Council does not introduce the CPZ.

Potential to implement a Controlled Parking Zone

52. There is no legal basis underlying the Council's internal policy and the Council is not bound by any statute to follow it. Indeed, at no stage in the process to implement a CPZ is there a legal requirement to obtain any form of majority support before it can be lawfully made, only to publicly consult and consider those responses. Therefore, even if the future vote returned a negative result, the Council could depart from the internal policy and implement a CPZ to ensure existing residents maintain safe and efficient use of their streets and to enable new development to come forward. This would be in line with the Council's legal duty under sections 45 and 122 of the Road Traffic Regulation Act 1984 (the 1984 Act).
53. Moreover, irrespective of any public vote on the CPZ, based on the Council's evidence of parking stress, the clear development plan direction and other permitted 'parking free' developments in the town centre (i.e. the Regal Cinema), there are likely to be good and material reasons why implementing a CPZ would be necessary in this area, even without this proposal.

54. These could include matters outlined in the 1984 Act, which are to ensure the free movement of traffic, maintain a reasonable access to premises, to ensure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities; having regard to public consultation.
55. Fundamentally, although the outcome of the CPZ consultation is unknown, the Council would not be precluded from making a necessary CPZ just because objections were raised. Therefore, the Council's assertion that the implementation of a CPZ would be improbable in the future is overstated, and the use of the pre-occupation condition would be reasonable and necessary.

Conclusion

56. The formation of a S278 agreement would be required by the planning obligation, and together with the conditions, would ensure the necessary changes to the highway took place to encourage cycling, connectivity with the surrounding road network, cycle parking and mitigation for new pedestrian desire lines. The planning obligation would also require 3 year membership to a car club scheme for future residents and the formation and implementation of a Travel Plan. These measures, together with the package of car free development would mitigate the impacts of the proposal upon the existing transport network, traffic and parking in the area, ensuring there was no harm.
57. Therefore, with the conditions and obligations, the proposal would be compliant with Policies T1 and T6 of the LP, Policy CS7 of the CS and Policy DM16 of the DMP. Together, these seek to promote trips by foot, cycle or public transport and to ensure that any impacts from development on London's transport networks and supporting infrastructure are mitigated, minimising congestion and pollution, and ensuring a safe, vibrant and healthy place to live and work.

Highams Park railway station

Delivery of the station entrance

58. The proposal includes a new entrance to the railway station. This would contain ticketing barriers and ticketing machines, along with a concrete box and ramp up to the western platform. The new entrance would provide access to the platform where trains travel northwards towards Chingford, which is the end of the line.
59. The appellant would deliver the concrete box, ramp and the entrance area to 'shell and core' standard. The planning obligation also contains a requirement to provide £125,000 towards a feasibility appraisal, the shell fit-out, and safeguarding arrangements (to allow the proposed entrance to come into operation in the future). Whilst the total costs may exceed the financial contribution, further sources of funding could become available via planning obligations or Community Infrastructure Levy (CIL) contributions from future developments within Highams Park. Additionally, both the Council and appellant agree that this is the most that could reasonably be required, given the station entrance would be used by the general public, not just future residents.

60. However, the timing for the implementation of the station entrance is currently unknown, with Transport for London (TfL) being unable to commit to its delivery due to its own funding constraints. The Council considers that because of this, the proposal would not secure the future operation of station infrastructure facilities, and this would be contrary to the development plan.
61. I fail to see how this would be the case. The proposal would safeguard the land for public transport, ensuring the provision of sufficient and suitably-located land for the development of the public transport system to serve London's needs. Importantly, the appellant could not construct the rest of the development without building out the entrance, given its position at ground floor. There is also very limited infrastructure required to make the entrance operative, consisting of some 2 ticketing machines, 5 ticket barriers, a small office area and other paraphernalia. There are also numerous requirements in the planning obligation that require the safeguarding of the station entrance, together with annual reviews, an asset protection agreement and transfer of the land when the calling notice is issued. These provide certainty that the station entrance would be delivered by the developer and handed over to TfL when the time comes for it to be brought into use.
62. The proposal would make the most effective use of land, creating a new station entrance directly in the centre of Highams Park, public cycle parking for passengers, along with a high quality pedestrian entrance through a newly formed public square. This would enable connectivity and accessibility to public transport, and provide walking and cycling routes. Indeed, the scheme is supported by TfL, as it would address the shortcomings of the current suboptimal access arrangement. These include the existing level access being off Wilton Place at the far northern end of the platform, tucked away down the side of a gated estate.
63. It would also improve the transport infrastructure and potentially increase the capacity of the existing station by enhancing accessibility closer to the centre. Furthermore, whilst local residents claim the 'drop off' ability at Wilton Place would be removed and this would reduce accessibility, the benefits of relocating the entrance closer to the centre of Highams Park would far outweigh this inconvenience. It would also remove the need to use the overspill steps to the subway, which are clearly not 'step-free'.
64. Many residents claim that the new entrance would be of limited benefit because there is only one stop after Highams Park northwards, and most passengers travel south towards London. I disagree. The entrance would also be used as an exit for passengers travelling from London, and therefore, would provide accessible, level access to the west side of the centre of Highams Park directly from the platform, without having to travel north to Wilton Place. Thus it would be used as frequently as the eastern platform, given passengers normally travel to and from one location.
65. The new station entrance, and the contribution in the planning obligation would wholly comply with the development plan. I accept that the funding for the entrance is uncertain, but there is simply nothing more the appellant could do to ensure the operation of the station entrance.
66. Fundamentally, the basic infrastructure would be provided, and given the support for the scheme from TfL and Network Rail, and the Council's high level aspirations to see its delivery, I see no reason why it would not be

operable at some point in the near future. This is a significant public benefit to the scheme.

Meanwhile use

67. In the interim, the appellant proposes a meanwhile commercial use (Use Class E). The Council asserts that this would be a discordant feature that would fail to support the vitality of Highams Park District Centre or complement the character and appearance of the surrounding area. I disagree. In the first instance, the meanwhile use would be temporary for all intents and purposes.
68. Moreover, its location would be set within a public square, with multiple residential access points, and active glazed return façades to both commercial units to Blocks B and C, such that it would be able to attract passing trade. I accept it may not be as visible or obvious as other commercial frontage development, but I fail to see how this would be harmful to the vitality of the centre or the character and appearance of the area. It is after all, one temporary, small commercial unit.

Conclusion

69. Therefore, the proposal would make the most effective use of land and enhance connectivity at Highams Park railway station. This would be compliant with Policies T1 and T3 of the LP, Policy CS7 of the CS, Policy DM14 of the DMP and Policy TPR1 of the NP. Together, these seek to make effective use of land through connectivity, accessibility and improvements to sustainable travel.

Housing mix

70. The proposed housing mix would comprise 39 one bed units, 19 two bed units and 10 three bed units. There would be a high proportion of one bed units, at around 58%. Policy DM5 of the DMP seeks all housing developments to provide a range of dwelling sizes and tenures particularly focusing on the provision of larger family sized homes. A preferred housing mix is set out in Table 6.1, which details 20% one bed, 30% 2 bed, 40% 3 bed and 10% 4 bed.
71. Furthermore, the Strategic Housing Market Assessment (SHMA) (February 2019) details that "the required size breakdown of housing stock in 2039 will be 18% one bedroom dwellings, 30% 2 bedroom dwellings, 35% 3 bedroom dwellings, and 17% 4 bedroom dwellings. To reach this target, new housing provision will need to focus on 2 and 4 or more bedroom units".
72. Paragraph 4.18 of the SHMA and figure 4.19 show that the Borough has a relatively low proportion of larger homes (4 beds or more), though it has reasonably higher proportions of 2 and 3 bed homes. One in 5 dwellings are one-bedroom homes. Thus, the proposal would not be in accordance with the preferred housing mix in the DMP, nor the most recent conclusions of the SHMA.
73. However, the housing mix in Table 6.1 of the DMP is a preferred mix, and the policy intent is to create a range of dwelling sizes to form an economically mixed and balanced community. Furthermore, Policy H10 of the LP states that "schemes should generally consist of a range of unit sizes. To determine the appropriate mix of unit sizes in relation to the number of bedrooms for a

scheme, applicants and decision-makers should have regard to:[...] the nature and location of the site, with a higher proportion of one and 2 bed units generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity”.

74. The NP also advocates that residential development in Highams Park district centre that meets the local need for particular home types will be supported, specifically referring to apartments suitable for downsizing for older households and for younger first-time buyers.
75. Whilst there is a high number of one bed units, the proposal would still provide a mix of unit sizes, with there being 2 and 3 bedroom apartments. Moreover, given the accommodation would be located at the nucleus of a town centre adjacent to a railway station, it would be entirely apt to provide a higher proportion of smaller units. Additionally, given the sub-urban nature of Highams Park, it would be reasonable to anticipate a higher proportion of smaller homes in the district centre location, than in surrounding residential areas where larger family homes with private gardens and parking are commonplace.
76. Lastly, from what I saw on my visit, there was a high amount of 2/3 storey terraced housing stock close to the centre, which is likely to provide 2/3 bedroom dwellings surrounding the site. Therefore, the number of one bed housing proposed could potentially serve to balance the housing mix in Highams Park specifically, to deliver mixed and inclusive neighbourhoods overall.
77. Thus, whilst there would be a high proportion of one bed units, in this specific location, this would be an acceptable housing mix, compliant with the aims of Policy H10 of the LP, Policy CS2 of the CS and Policy DM5 of the DMP. Together, these seek to ensure the delivery of mixed and balanced communities with a range of home sizes and tenures in new development.

Living conditions for future residents

Provision of external amenity space

78. The scheme would provide private amenity space for each unit in the form of balconies. In addition to this, communal amenity space is also proposed on the roof top of Block A. Overall, there is a requirement to deliver about 1,071 square meters (sqm) of external amenity space to be policy compliant, however, there would be a shortfall of around 57 sqm (about 5%), equivalent to 5 or 6 dwellings. Policy DM7 of the DMP aims to ensure that all new residential development is of the highest quality and sets out minimum external space standards in Table 8.3. The shortfall in external amenity space would be a technical breach with the policy.
79. That said, space does not equate to quality and an exceptionally high quality landscaping scheme, required by condition, could create a well designed, usable valuable space for residents that would make a positive contribution to their quality of life, in this instance where there is a modest shortfall. Furthermore, although the communal amenity space is located at the roof top, I see no reason why it would not be appropriate. It would be accessible by all residents through the use of lifts. Moreover, amenity space at ground floor,

adjacent to a main road and railway lines is unlikely to offer a similar quality of space.

Provision of children's play space

80. At the rooftop in the same space, around 207 sqm of play space for 0-11 year olds would be provided, exceeding the minimum play space requirements of Policy S4 of the LP. However, the Council assert that this would result in a poor environment for play because of its location.
81. The use of a roof top for play space is an accepted and well used solution for flatted developments in London boroughs. Whilst it may be less utilised in outer London boroughs, such as this, I see no reason why the principle of a roof top play space would provide a poor environment. Indeed, The Mayor's Supplementary Planning Guidance (SPG) on 'Play and Informal Recreation' details that the use of roofs and terraces may provide an alternative to ground floor open space where they are safe, large enough, attractive and suitable for children to play. It details that careful consideration should be given to these options, including the need for supervision and any restrictions that this might put on the use of the facilities.
82. The play space would be accessed from the lifts in Blocks A and B, and would be easily accessible for all living in those blocks. If a child living in Block C wished to access the play space, they would need to leave Block C, cross the public square and enter Block B. Given this, younger children (i.e. under 11s) may be unlikely to access the play space independently. Yet, I do not anticipate that younger children would access play space independently in any event, and it would be reasonable to assume that most parents/carers would accompany their younger children to play areas. Older children and young people are likely to be given more freedom, and I have no doubt that they could access the play space independently from Block C if they chose to do so.
83. Additionally, there is only one 3 bed family dwelling in Block C, and although there are some 2 bed 4 person units, these would generally not be considered family units, if having regard to the LP glossary. Thus the majority of family units could access the integral play space without crossing the public square. This would increase opportunities for play and informal recreation.
84. Furthermore, whilst the play space layout would be required by condition, I see no reason why it would not provide a good quality, stimulating environment, incorporating greenery. The Landscape Sketchbook⁷ details the masterplan for the site and it adequately demonstrates safe and attractive play space.
85. Lastly, the presence of Block B to the south, at 7 storeys, would not make the space feel hemmed in or oppressive, as claimed by the Council. This is because it would only be 2 storeys in height above the play space, on one side of the amenity area only, and would in fact provide necessary passive surveillance to the play space, increasing its safety and suitability.

Conclusion

86. Consequently, whilst the children's play space proposed would be acceptable, there would be a shortfall in external amenity space. These standards are

⁷ CD2.28

minimum and the failure to provide sufficient amounts of outdoor amenity space is contrary to Policy DM7 of the DMP. Therefore, suitable living conditions for the future residents would be slightly compromised, conflicting with the aims of Policy DM7 of the DMP. However, I find no conflict with Policy S4 of the LP, which seeks to incorporate good-quality, accessible play provision for all ages.

Other matters

Planning obligation

87. The planning obligation commits to providing:
- (a) an affordable housing review – early and late stage
 - (b) measures to deliver and safeguard the new railway station entrance
 - (c) the provision of wheelchair housing
 - (d) the provision of a local employment, local suppliers and training strategy during construction, including apprentices and community engagement
 - (e) car club membership
 - (f) travel plan
 - (g) capability of connecting to a decentralised energy network
 - (h) a requirement to enter into a s278/38 Agreement for off site highway works
 - (i) electric vehicle charging points
 - (j) retention of the architect
 - (k) monetary contributions towards:
 - (i) the safeguarding and feasibility for the new railway station entrance
 - (ii) air quality improvements
 - (iii) carbon offsetting
 - (iv) mitigation measures on the Epping Forest Special Area of Conservation (SAC) and the Strategic Access Management Measures (SAMMs)
 - (v) construction logistics
 - (vi) CPZ consultation and implementation
 - (vii) highway safety and connectivity improvements
 - (viii) monitoring
88. The CIL Compliance Statement provided by the Council adequately sets out sufficient justification for the requirements and contributions, aside from the travel plan, electric vehicle charging points (EVCP) and the retention of the architect. The travel plan is necessary to provide suitable transportation options with a view to reducing private motor vehicle trips, as part of a package of measures. EVCPs are necessary to ensure the proposal provides facilities for charging vehicles in the 'blue badge' parking area. Architect retention is necessary to ensure a high quality scheme is built out.
89. It is agreed with both main parties that the development would be unviable if it were to provide affordable housing. Therefore the provision of early and

late-stage review mechanisms of the development's viability are necessary to ensure that affordable housing can be provided in the event that the development becomes more profitable.

90. Based on evidence before me, all the obligations would be necessary to make the development acceptable, directly related and fairly and reasonably related in scale and kind. I will deal with the SAC and SAMMs separately below.
91. Aside from the new station entrance, all other provisions in the obligation are mitigation to make the development acceptable, and neutral in the planning balance.

Habitats Regulations Assessment

92. The proposal is within the Zone of Influence (ZoI) to Epping Forest SAC. Development within the Borough would increase the human population in the ZoI, and this is likely to increase recreational impacts on the heathland and forest elements, both qualifying features of the SAC.
93. The impacts of recreational disturbance (both at the site-scale and in combination with other development around the Epping Forest) are similar to impacts from direct habitat loss because recreation can cause important habitat to be unavailable for use. The habitat is functionally lost, either permanently or for a defined period, and the impacts of recreational disturbance can be such that they affect the stated conservation objectives of the European sites.
94. Consequently, when considered in combination with other plans and projects, this development would have a likely significant effect on the Epping Forest SAC.
95. In terms of mitigation, and the appropriate assessment, the Epping Forest Strategic Access Management and Maintenance Strategy, and the Council's emerging Suitable Alternative Natural Greenspace (SANGs) Strategy (Part 1 of the Waltham Forest Green Spaces and Places SPD) outlines an appropriate scale of mitigation, which consists of:
 - i) a financial contribution of £6,800 (£100 per new home) towards mitigation SAMMs within the SAC itself; and
 - ii) A proportion of the CIL payment would be invested in line with the emerging SANG strategy. Based on the methodology, it is anticipated that 68 new homes would result in a potential visitor uplift of 2.4 daily visits. Of the proposed SANGs, this site falls within the catchment of Larkwood or Highams Park, and investment in either would mitigate the potential recreational impacts on Epping Forest.
96. The monetary contribution would be secured in the planning obligation, and the Council has responsibility to ensure that the CIL payment will be invested into the SANGs. Therefore, the above measures will ensure that the likely significant effects on the Epping Forest SAC are adequately mitigated and having undertaken the appropriate assessment, I am satisfied that the scheme would not adversely affect the integrity of the nearby European site. Natural England also have no objections to the proposal on this basis.

97. The Ecology report conducted in December 2022 concluded that no protected species would be adversely affected by the proposal, but recommended an Ecological Management Plan (EMP) to be submitted prior to commencement of development. The EMP will set out details of habitat provision and biodiversity features to be created by the development and their subsequent management. Therefore, I am satisfied that the proposal would have no adverse effect upon ecology or protected species.

Local residents' concerns

98. I have considered most of the objections above, but many residents remain concerned about the effect of the proposal upon local infrastructure, such as the capacity of doctors and schools. Aside from the requirements contained in the planning obligation, the appellant/developer would also be required to pay the CIL to the Council. These monies go towards community infrastructure in the borough and are used to offset the effects of development upon local infrastructure.

99. It is a long standing planning principle that the effect of a development upon property prices would not be a reason to withhold planning permission. The effect of wind vortex from the development is unlikely to lead to unacceptable effects, owing to the design and layout.

Other matters

100. The Council raised concerns that the scheme had not come forward as a comprehensive redevelopment of a larger site, in line with the emerging allocation. However, land ownership is different and the other landowners have already pursued their own projects. This does not weigh against the proposal.

Conditions

101. The plans are listed for certainty. All pre-commencement conditions are fundamentally necessary to be agreed prior to the commencement of development and the appellant has agreed to their implementation in writing. All other conditions have the reasons for them listed in the Schedule of Conditions.

102. However, minor changes have been made to the suggested conditions and these are listed below. I have removed parts of conditions Nos 5 and 6 where repetition occurred, such as haulage routes. I also removed "site operation times" from condition No 7 as this is condition No 30.

103. I have included "All approved hard landscaping shall be implemented prior to final occupation of the development" as there was no implementation clause for the hard landscaping in condition No 11.

104. I have removed the second part of the suggested condition No 14 as this required an application for a certificate of compliance to be submitted to the police. This is outside the control of the LPA and thus not enforceable.

105. I have also removed "with no noisy working audible at the site boundary being permitted on Sundays and Bank Holidays" in condition No 30 because this is not precise or enforceable, and Sunday and Bank Holiday working does not enable suitable respite from construction noise for local residents.

106. I have removed “to ensure compliance with these conditions, contact should be made with the Council’s Senior Occupational Therapist in Housing both before and during the build” from condition No 37, as this is not a necessary part of the condition.
107. Lastly, I have also removed all reference to conditions being consulted with Network Rail as the details to satisfy conditions should be approved by the Council.

Planning balance and Conclusion

108. There would be a modest shortfall in the amount of outdoor amenity space provided, and suitable living conditions for the future residents would be slightly compromised, conflicting with the aims of Policy DM7 of the DMP. This is of limited weight against the proposal.
109. However, with the imposition of planning conditions and the obligations, there are no other harms or policy conflict from the proposal. Furthermore, the proposal would provide benefits, such as the provision of a new railway station entrance, public square and commuter cycle parking, brownfield development on a well located site, and a commitment to reduce carbon dioxide emissions of the development by at least 78% compared to the 2013 Building Regulations.
110. New market housing would be delivered, which although there is no shortfall in the provision of market housing in the area, would be a benefit when considering the Government’s objective of significantly boosting the supply of homes. There would also be economic benefits from both construction and longer term expenditure by new residents.
111. Therefore, on balance, this limited harm would be outweighed by the benefits of the proposal, such that the proposal would comply with the development plan when considered as a whole.
112. For the reasons set out above, I conclude that the appeal should be allowed.

Katie McDonald

INSPECTOR

APPEARANCES

For the Local Planning Authority:	
Matthew Henderson of Counsel	Instructed by Brown Jackson LLP
He called	
Scott Hackner BA(Hons) PgDip MRTPI	Principal Planning Officer, London Borough of Waltham Forest
Nicholas Peter Ferguson BA(Hons) MCIHT	Director, Paul Mew Associates Transport Consultancy
Ben Hunt	Senior Associate Planner, Browne Jacobson LLP
Rudo Mudyarabikwa	Associate, Browne Jacobson LLP
For the appellant:	
Gwion Lewis KQ	Instructed by Scott Hudson, Savills UK
He called	
Scott Hudson BASc MRTPI	Director, Savills UK
Dr Juan Jose Sarralde PhD (Cantab) MPhil (Cantab) Lic Arch (Chile)	CEO and Board Director, The Townscape Consultancy Ltd
David Holdaway MSc MCIHT	Director, Velocity Transport Planning
Stephen Davy BSc(Dist) Dip Arch(Dist) RIBA	Architect, Stephen Davy Peter Smith Architects
Interested parties:	
Gordon Turpin	Chair of Highams Park Planning Group
Mike Schirn	Local resident
Martin Chandler	Local resident
John Avis	Local resident

INQUIRY DOCUMENTS

ID1	Appellant opening submissions
ID2	Council opening submission
ID3	Highams Park Planning Group opening comments
ID4	Regal Cinema corrected Committee Report
ID5	Written Statement for the London Plan Examination in Public – Matter 81 - Transport for London (March 2019)
ID6	The Regal Cinema Transport Statement – Paul Mew Associates (October 2017)
ID7	Planning conditions
ID8	Note on the current Highams Park CPZ consultation
ID9	LPA note on ecology condition
ID10	Appellant note on ecology condition
ID11	Consolidated planning conditions
ID12	Highams Park Planning Group final comments
ID13	Council closing submissions
ID14	Appellant closing submissions
ID15	Completed planning obligation
ID16	Ecology Report
ID17	Council's comments on Ecology Report
ID18	Updated conditions – agreed with both Council and appellant
ID19	Completed planning obligation

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby approved shall be carried out only in accordance with the following drawings and documents:

Drawings:

OS Plan Reference 1820-OS-01, Location Plan P001 (Rev. P0), 63692-F-G, 55824-E-01, 63692-S, 198020/01, P100 (Rev. P18), P101 (Rev. P14), P102 (Rev. P12), P103 (Rev. P10), P104 (Rev. P10), P105 (Rev. P14), P106 (Rev. P12), P107 (Rev. P7), D200 (Rev. P13), D201 (Rev. P12), D202 (Rev. P11), D203 (Rev. P8), D204 (Rev. P11), D205 (Rev. P6), D206 (Rev. P7), D207 (Rev. P7) and D208 (Rev. P9).

Documents:

Revised Planning Statement dated October 2021, Post Planning Revised Massing – Accommodation Schedule Document Ref. 1820-Z116-S2-P3, Design and Access Statement dated September 2020, Addendum to Design and Access Statement revisions dated November 2021, Larkshall Road Sketchbook 004 Landscape Document, Air Quality Assessment dated 28th August 2020 (Report Number H2750), Outline Construction Logistics Plan (Revised) dated November 2021, Daylight and Sunlight Study (Neighbouring Properties) dated 3rd September 2020, Daylight and Sunlight Study (within development) dated 3rd September 2020, Employment Land Report & Property Analysis dated August 2020, Employment Land Study Final Report dated August 2019, Energy and Sustainability Statement dated 1st September 2020, BREEAM pre-assessment (Appendix A) issued by JAW Sustainability, Flood Risk Assessment & Drainage Strategy dated September 2020 (Ref. 198020-01D), Drainage Strategy, Desktop Health Impact Assessment dated September 2020, Phase 1 Environmental Risk Assessment dated 20th August 2020 (Ref. HLEL77264), Acoustic Report dated August 2020 (Ref. ACO/RP1), Statement of Community Involvement dated August 2020, Healthy Streets Transport Assessment dated September 2020, Framework Travel Plan dated September 2020 and Preliminary Ecological Appraisal (ref 552246mc09Dec22FV1_PEA dated December 2022).

- 3) Prior to commencement of any development, a scheme to address the risks associated with site contamination shall be submitted to and approved in writing by the local planning authority. It shall include the following components (where applicable):
 - i) A desk study report including a preliminary risk assessment and conceptual site model.
 - ii) A ground investigation based on the findings of the Desk Study Report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii) The results of the investigation and revised risk assessment and based on these, in the event that remediation measures are identified necessary, a remediation strategy shall be submitted giving full details of the remediation measures required and how they will be undertaken.

- iv) A verification report to demonstrate that the works set out in the remediation strategy are complete.

Any investigation and risk assessment must be undertaken in accordance with the Environment Agency's Model Procedures for the Management of Contaminated Land (CLR11). If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved. For the avoidance of doubt, this condition can be discharged on a section-by-section basis.

REASON: To ensure the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 4) Prior to the commencement of any development, an intrusive pre-demolition asbestos survey, carried out in accordance with HSG264 and supported by an appropriate mitigation scheme to control risks to future occupiers, shall be submitted to and approved in writing by the local planning authority. The report must be written by a suitably qualified person and shall be independently verified to the satisfaction of the local planning authority prior to occupation of the development. The approved details shall be adhered to throughout the period of demolition.

REASON: To ensure the future health of occupiers of the development and to protect pollution of groundwater.

- 5) Prior to the commencement of any development, a Construction and Demolition Method Statement shall be submitted to and approved in writing by the local planning authority. The method statement shall have regard to the Mayor of London's SPG: The Control of Dust and Emissions during Construction and Demolition, 2014 and include the following details:
 - i) Likely noise levels being generated by plant machinery.
 - ii) Details of any noise screening measures.
 - iii) Proposals for monitoring noise and procedures to be put in place where agreed noise levels are exceeded.
 - iv) When works are likely to lead to vibration impacts on surrounding residential properties, proposals for monitoring vibration and procedures to be put in place if a vibration limit of 1 mm/s measured as a peak particle velocity is exceeded.
 - v) Dust Management Plan.

REASON: To protect the living conditions of the nearby residents during construction and demolition.

- 6) Prior to the commencement of any development, a Construction Logistic Plan shall be submitted to and approved in writing by the local planning authority. The Construction and Logistics Plan must be submitted using the TfL template and guidance found in www.constructionlogistics.org.uk

and shall include details of site access, delivery and servicing arrangements, journey planning, access routes, hours of deliveries, temporary traffic arrangements or restrictions, loading and unloading locations and storage of building materials. All works shall be carried out in accordance with the approved details and the Construction and Logistics Plan should be implemented throughout the construction works.

REASON: To ensure no adverse effect on highway traffic flows or safety during construction and demolition.

- 7) Prior to commencement of any development, an Ecological Management Plan (EMP) shall be submitted and approved in writing by the local planning authority. The EMP shall set out details of habitat provision and biodiversity features to be created by the development and their subsequent management, including the measures outlined in section 5.2 of the Preliminary Ecological Appraisal (ref 552246mc09Dec22FV1_PEA dated December 2022) by Greengage Environmental Ltd. The development shall be carried out and managed thereafter in accordance with the approved EMP.

REASON: To protect and enhance biodiversity.

- 8) Prior to the commencement of any development, risk assessments, detailed design and method statements for the protection of rail assets shall be submitted to and approved in writing by the local planning authority. They shall include the following:
- i) details of all proposed below-ground, ground floor and first floor structures
 - ii) details of all piling (temporary or permanent), foundation designs, deep excavations and other penetrative methods to be used in their construction
 - iii) details of all heavy plant and machinery to be used.
 - iv) an assessment of the risks to the assets of Network Rail, and how the use of piling rigs will comply with Network Rail standard 'NR/L3/INI/CP0063 – Piling adjacent to the railway line'
 - v) where necessary, proposals for the installation of track and structure monitoring in accordance with Network Rail standard NR/L2/CIV/177 where piling/deep excavation is proposed within the track support zone.
 - vi) an assessment of the risks to the assets of London Overground, including structures and tunnels and how these will be accommodated assessments of the risks to groundwater resources
 - vii) how ground movement arising from the construction will be accommodated
 - viii) how the effects of noise and vibration arising from the adjoining railway operations will be mitigated.

The development shall be carried out only in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted, which are required by the approved design and method statements shall be completed in their entirety, before any part of the relevant phase/building is occupied.

REASON: To ensure that the development does not have a harmful impact on existing London Overground and Network Rail transport infrastructure, in order to prevent the pollution of groundwater, and in the interests of future health of occupiers.

- 9) Prior to the commencement of any development, a scheme for the protection of the retained trees (the Tree Protection Plan) and an Arboricultural Impact Assessment to assess the impact of the development on adjacent trees shall be submitted to and approved in writing by the local planning authority. If necessary, an Arboricultural Method Statement, demonstrating how the development would cause no adverse impact on the existing tree stock of the locality, shall be submitted and approved in writing by the local planning authority. The demolition and construction works shall be carried out in accordance with the Tree Protection Plan, the Arboricultural Impact Assessment, and if necessary, the Arboricultural Method Statement.

REASON: To ensure the well-being of the trees in the interest of biodiversity and visual amenity.

- 10) Prior to commencement of any development, a sound insulation scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate details of sound insulation to be installed between the non-residential premises and the residential units to manage noise and disturbance. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall demonstrate that the proposed sound insulation will achieve a level of protection which is at least +5dB above the approved document E standards (dwelling houses and flats) for airborne sound insulation and -5dB for impact sound insulation. The approved scheme shall be fully implemented prior to first occupation and shall be thereafter maintained for the lifetime of the development.

REASON: To protect the amenities of future occupiers from adverse noise, and particularly given the site's location adjacent to a railway.

- 11) Prior to commencement of any piling, details of the hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include details of any retained and proposed planting and all hardstanding shall be permeable. The development shall be carried out in accordance with the approved details and all approved soft landscaping shall be planted in the first planting season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is sooner. All approved hard landscaping shall be implemented prior to final occupation of the development. Any trees, hedges, shrubs, and greenspaces forming part of the approved scheme which within a period of five years dies, is removed, or becomes seriously damaged or diseased shall be replaced with others of similar size and species.

REASON: To ensure a satisfactory appearance, to enhance biodiversity and in the interest of local amenity.

- 12) Prior to commencement of any above ground development, a comprehensive report outlining details of interface with the station operator and Network Rail shall be submitted and approved in writing by the local planning authority. The report shall provide details of safety

measures and operational requirements and the development shall be carried out in accordance with the approved details.

REASON: To ensure pedestrian and highway safety.

- 13) Prior to commencement of any above ground development, an Electromagnetic Interference (EMC) risk assessment shall be submitted and approved in writing by the local planning authority. The report shall provide details of any potential impact the development could have on Network Rail's assets. Any development that is positioned within 20.00 metres or any transmitter within 100.00 metres of the operational railway will require an Electromagnetic Compatibility Assessment, which shall be carried out in accordance with Network Rail Standards 'NR/L1/RSE/30040, 'NR/L1/RSE/30041' and NR/L2/TEL/30066'. The development shall be carried out in accordance with the approved details.

REASON: To protect the adjoining railway development from adverse Electromagnetic Interference.

- 14) Prior to commencement of any above ground development, details of measures to be incorporated into the development demonstrating how the development can achieve Secure by Design Certification, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details prior to occupation of the development, and retained and maintained in for the lifetime of the development.

REASON: To protect the living conditions of future and existing residents in the locality by designing out crime.

- 15) Prior to the commencement of any above ground development, a Waste and Refuse Management Strategy, incorporating details of the measures to store and collect refuse and recyclable materials for all residents, including those residing in the wheelchair accessible units, shall be submitted to and approved in writing by the local planning authority. The strategy must also include the design and construction of refuse stores and the means of access for collection by refuse operatives and vehicles. The development shall be implemented in accordance with the approved details and the refuse/recycling stores shall be brought into use prior to the occupation of the development hereby permitted.

REASON: To ensure suitable living conditions of future residents and to ensure safe conditions for all highway users.

- 16) Prior to commencement of any above ground development, and notwithstanding any indications shown in the submitted plans, samples and a schedule of materials to be used in the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the development.

REASON: To ensure a satisfactory external appearance of the building.

- 17) Prior to commencement of any above ground development, a schedule showing the number and location of all cycle parking spaces and details of secure and sheltered cycle storage facilities shall be submitted to and agreed in writing by the local planning authority. The details shall include

specifications of the approved commuter cycle hub and the agreed facilities shall be fully implemented prior to occupation and shall be permanently retained thereafter.

REASON: To ensure safe and secure cycle parking for all users and encourage sustainable modes of travel.

- 18) Prior to commencement of any above ground development, details of electric vehicle charging point locations and technical specifications shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and retained as such thereafter for the lifetime of the development.

REASON: To enable charging for electric vehicles to encourage sustainable modes of travel.

- 19) Prior to the construction of roof slab level, specifications of a surface water drainage system (based on sustainable drainage principles) including details of design, implementation, adoption, maintenance, and management shall be submitted to and approved in writing by the local planning authority. The approved system shall be fully implemented prior to first occupation of the development and thereafter maintained in accordance with the agreed details for the lifetime of the development.

REASON: To ensure that the development can be adequately drained without increasing flood risk to others.

- 20) Prior to the construction of roof slab level, details of the siting, design, height and finish of all means of enclosure shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first occupation and shall be retained and maintained for the lifetime of the development.

REASON: To ensure a satisfactory external appearance and to protect the living conditions of existing nearby residents.

- 21) Prior to the completion of roof slab level, details of any external illumination and/or external lighting around the site, including any streetlighting, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of any of the residential units and retained and maintained for the lifetime of the development.

REASON: To protect the living conditions of existing nearby residents and future residents.

- 22) The development hereby permitted shall not be occupied unless and until a Controlled Parking Zone (CPZ) has been implemented within the local area around the site.

REASON: To ensure the development can be 'car free' to protect the living conditions of nearby residents and to ensure there is no adverse impact upon highway safety.

- 23) Prior to occupation of the development, a scheme detailing measures to reduce water use within the development, to meet a target water use of 105 litres or less per person, per day, shall be submitted to and approved

in writing by the local planning authority. The development shall be constructed in accordance with the approved scheme and the approved measures shall thereafter be retained.

REASON: To minimise the use of mains water in the development.

- 24) Prior to occupation of the development, a Landscaping Management Plan which includes long-term design objectives, management responsibilities and maintenance schedules for all landscaping areas, shall be submitted to and approved in writing by the local planning authority. The approved Landscape Management Plan shall be implemented prior to the first occupation of the development or the substantial completion of the development, whichever is sooner, and thereafter maintained for the lifetime of the development.

REASON: To ensure the well-being of all landscaping and to enhance biodiversity.

- 25) Prior to occupation of the development, a Car Parking Management Plan shall be submitted to and approved in writing by the local planning authority. The car parking spaces shall be made available for the purposes of parking private motor vehicles in association with the development and for no other purpose, and shall be laid out and allocated in accordance with the approved management plan prior to first occupation of the development, and retained as such for the lifetime of the development.

REASON: To ensure the safety all highway users in the car parking area.

- 26) Prior to the occupation of the development, a report demonstrating how the scheme reduces the carbon dioxide emissions of the development by at least 78% compared to the 2013 Building Regulations shall be submitted to and approved in writing by the local planning authority. The report shall reference the measures set out in the approved Energy Statement and explain what measures have been implemented in the construction of the development. The development and energy efficiency measures shall thereafter be retained.

REASON: In order to minimise greenhouse gas emissions from the development.

- 27) Prior to the occupation of the development, details showing how any potential overheating risk will be mitigated in line with the Cooling Hierarchy shall be submitted and agreed in writing by the local planning authority. This should include:
- i) an Overheating Assessment outlining all measures introduced for the minimisation of overheating, demonstrating that the overheating risk has been minimised.
 - ii) An overheating guidance document on minimising the risk of dwelling overheating in line with the energy hierarchy, that will be provided to occupants.

The development shall be implemented in accordance with the approved overheating assessment and retained as such for the lifetime of the development.

REASON: In order to provide a high quality living environment for the future residents.

- 28) Notwithstanding the submitted Addendum to the Design and Access Statement, prior to first occupation of the development, details of forms of screening, play equipment, safety measures and enclosures for the rooftop communal amenity space shall be submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained and maintained as such for the lifetime of the development.

REASON: In order to provide a safe and high quality living environment for the future residents.

- 29) Prior to occupation of the commercial units within the development, a proposed shopfront and signage strategy for the commercial units shall be submitted to and approved in writing by the local planning authority. Any signage displayed shall accord with the approved strategy and shall be retained in accordance with the strategy for as long as it is displayed.

REASON: To ensure a satisfactory external appearance, in keeping with the character and appearance of the area.

- 30) Demolition and construction works shall be carried out between 0800 – 1800 Mondays to Fridays and 0800 – 1300 on Saturdays.

REASON: To protect the living conditions of the nearby residents during construction and demolition.

- 31) No temporary structure should be positioned within 3.0 metres of the live railway electrification equipment.

REASON: To ensure a safe form of development and to protect the operational safety of the railway.

- 32) No non-road mobile machinery (NRMM) shall be used on the site unless it is compliant with the NRMM Low Emission Zone requirements (or any superseding requirements) and until it has been registered for use on the site on the NRMM register (or any superseding register).

REASON: To ensure that air quality is not adversely affected by the construction and demolition.

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

REASON: To protect the living conditions of existing nearby residents and future residents.

- 34) The operation cranes should comply with CPA Good Practice Guide 'Requirements for Mobile Cranes Alongside Railways Controlled by Network Rail' or the CPA Good Practice Guide 'Requirements for Tower Cranes Alongside Railways Controlled by Network Rail'. Written consent from the local planning authority shall be obtained where the compound collapse radius of a crane is within 3.0 metres of the Network Rail boundary or asset. A possession and isolation of the railway may be required in this instance.

REASON: To ensure a safe form of development and to protect the operational safety of the railway.

- 35) All residential units shall be built to The Building Regulations (2010) Access to and use of Buildings, Approved Document M (2015 as amended), Volume 1: Dwellings, M4(2): Accessible and adaptable dwellings.

REASON: To ensure inclusive development.

- 36) At least 7 of the residential units hereby permitted shall be built in accordance with Approved Document M 2015, M4 Category 3: Wheelchair user dwellings, category M4(3)(2)(a) "Adaptable". All wheelchair user dwellings must provide sufficient footprint and drawings must demonstrate that they can achieve a fully accessible layout.

REASON: To ensure inclusive development.

- 37) The private / communal amenity spaces and children's play areas shall be laid out and implemented in accordance with the approved plans prior to first occupation and shall not be used for any other purpose. The balconies and communal amenity spaces shall be retained for the use of the occupiers of the development for the lifetime of the development.

REASON: In order to provide a high quality living environment for the future residents.

- 38) The commercial units shall only be open to the public between 0800-2300 on Mondays to Saturdays and 0900-2100 on Sundays and/or Bank/Public Holidays.

REASON: In order to protect the living conditions of existing nearby residents and future residents.

- 39) The Use Class F1 floorspace for the ground floor unit within Block A shall operate only as social infrastructure/community use within Use Class F1 of the Town and Country Planning Use Classes Order 1987 (as amended), and for no other use.

REASON: To ensure the social infrastructure/community use remains in perpetuity to provide necessary community facilities.

*****END OF CONDITIONS*****