



# Appeal Decisions

Hearing held on 22 and 23 June 2010

Site visit made on 23 June 2010

by **Brendan Lyons** BArch MA MRTPI IHBC

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
**28 July 2010**

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## Appeal A: Ref. APP/U5930/A/10/2121342

### 454-458 Larkshall Road and Station Car Park, Chingford, 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 Islington & Shoreditch Housing Association against the decision of the Council of the London Borough of Waltham Forest.
- The application Ref 2009/1170, dated 4 September 2009, was refused by notice dated 4 December 2009.
- The development proposed is the demolition of existing buildings at 454 and 458 Larkshall Road and inclusion of part of the station car park to enable redevelopment of the site to provide 56 residential units, comprising of 47 x flats within 3 and 4-storey blocks, and 9 x 2 and 3-storey houses. Re-provision of office accommodation, and provision of 3 retail units on the Larkshall Road frontage, and on-site parking.

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## Appeal B: Ref. APP/U5930/A/10/2126257

### 454-458 Larkshall Road and Station Car Park, Chingford, 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 Islington & Shoreditch Housing Association against the decision of the Council of the London Borough of Waltham Forest.
- The application Ref 2010/0050, dated 7 January 2010, was refused by notice dated 11 March 2010.
- The development proposed is the demolition of existing buildings at 454-458 Larkshall Road and inclusion of part of the station car park to enable redevelopment of the site to provide 45 residential units, comprising of 33 flats and 12 houses. Re-provision of office accommodation, and provision of 3 retail units on the Larkshall Road frontage, and on-site parking.

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## Procedural matters

1. The above descriptions of proposed development are taken from the Council's notices of refusal of planning permission.
  2. At the opening of the Hearing, some local residents complained that they had not been made aware that Appeal B was to be considered at the event as well as Appeal A. However, on reviewing the Council's letter of notification of the Hearing, it was accepted that both applications were referenced. It was also accepted that the timetable for the Hearing would give further time to prepare for Appeal B, which would not be considered until the second day. I concluded that no-one would be disadvantaged by proceeding with the event as scheduled.
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3. At the Hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

### **Decisions**

4. I dismiss Appeal A.
5. I allow Appeal B, and grant planning permission for the demolition of existing buildings to enable redevelopment of the site to provide 45 residential units, comprising of 33 flats and 12 houses, re-provision of office accommodation, and provision of 3 retail units on the Larkshall Road frontage and on-site parking, at 454-458 Larkshall Road and part of the station car park, Chingford, London E4 9HH, in accordance with the terms of the application, Ref 2010/0050, dated 7 January 2010, subject to the conditions set out in the Annex to this decision.

### **Main issues**

6. The main issues in Appeal A are:
  - a) Whether the proposed residential density would be appropriate with regard to the site's location and the proposed layout;
  - b) The proposal's effect on the character and appearance of the area;
  - c) Whether amenity open space of sufficient size and quality would be provided to ensure satisfactory living conditions for future residents;
  - d) The effect of traffic generated by the proposal on highway safety and the efficient operation of the highway network;
  - e) Whether harm would arise from the proposed provision of three retail units facing Larkshall Road;
  - f) Whether the proposal would contribute to poor air quality for future residents and for the wider area; and
  - g) The proposal's effect on biodiversity.
7. Provision for affordable housing and impact on local infrastructure did not form part of the reasons for refusal of the Appeal A planning application, but did of the Appeal B application. At the Hearing, the appellant handed in signed and executed copies of Section 106 Agreements to accompany both appeals, setting out the amount and future administration of affordable housing on the site, the implementation of highway works on and adjoining the site, and financial contributions towards provision of education, healthcare and street trees in the area. The Council confirmed that the obligations contained in the Appeal B agreement satisfactorily addressed its concerns.
8. As a result, the outstanding matters at issue in Appeal B are:
  - a) Whether the amount of proposed development on the site would be appropriate and would provide sufficient accessible amenity open space and standards of accommodation to ensure satisfactory living conditions for future residents;

- b) Whether the proposal would contribute to poor air quality for future residents and for the wider area; and
- c) The proposal's effect on biodiversity.

### **Reasons**

9. Both appeals relate to the same site that adjoins an Outer London neighbourhood centre. The site's main road frontage comprises a large house, now in use as a supported refuge, and a two-storey office building with a car park. To the side and rear of these are part of a public car park that serves the adjoining railway station and an area of land overgrown with scrub and trees. The site is bounded to the south by a petrol filling station and the remainder of the public car park, to the east by trees adjoining the railway line and to the north by the rear gardens of houses that front onto a residential road named Coolgardie Avenue.
10. The Appeal A proposal would involve the replacement of the existing street-front buildings by two new blocks, one containing two floors of apartments and an attic floor over ground floor office space and one corner block marking the access to the site, containing three floors of apartments above three shop units. Within the site, a long three-storey block of apartments would face a new road, which would lead to a staggered terrace of houses along the northern boundary of the site and also give access to the retained public parking, which does not form part of the proposal, and maintain a pedestrian route to the station.
11. The Appeal B application was submitted following rejection of the Appeal A scheme and seeks to address the Council's concerns. The street-front buildings would be lower in height and the central three-storey block greatly reduced in length, giving a reduced number of apartments. A greater number of houses would be arranged in an L-shaped layout.
12. Whatever the intention of the revised scheme, the issue is not the relative merit of the two proposals. Each proposal is put forward for planning permission in its own right and must be assessed against the development plan and other material considerations. For that reason, it is necessary to consider each scheme consecutively.
13. It is important to note that the part of the site comprising the public car park and green land is allocated for housing development in the Waltham Forest Unitary Development Plan (UDP) First Review 2006. The Council has no objection in principle in either appeal to the inclusion of the street-front buildings and to the development of the entire site predominantly for new housing.

### Appeal A

#### *Density*

14. Policy 3A.3 of the London Plan (LP) requires development proposals to achieve the maximum intensity of use compatible with local context, design principles and public transport capacity. The density standards for residential development set out in Table 3A.2 to the Plan have now been incorporated in the Council's *Urban Design* Supplementary Planning Document (SPD). Although

- this was formally adopted after the refusal of Appeal A, it is now an important material consideration in both appeals, and to which I give substantial weight.
15. The site's relatively low Public Transport Accessibility Level (PTAL) of 2 is not disputed. The proposed density of 288 habitable rooms per hectare (hrph) would exceed the Table 3A.2 maximum for a suburban setting of 250 hrph but would be considerably less than the maximum for an urban setting of 400 hrph.
  16. In my view, the appeal site's local context is considerably more urban than the predominantly lower density residential character set out in the LP definition of a suburban setting. The car park performs a town centre function in close association with the station. The frontage to Larkshall Road forms a logical continuation of the adjoining commercial frontages within the designated centre, and comprises commercial and larger scale residential uses. Opposite the site are large-scale commercial sheds. The mixed retail/residential block to the north of the site is also quite urban in scale, before there is a change to a more suburban character beyond the junction with Coolgardie Avenue.
  17. I therefore agree with the appellant that the site context should properly be regarded as being of mixed character. Guidance accompanying the LP suggests that the density standards of Table 3A.2 should not be seen as prescriptive but should be applied flexibly in the light of local circumstances. Despite its low PTAL rating the site clearly is clearly well served by public transport and it has excellent access to local services. I consider it reasonable in principle to go above the recommended density range for a suburban setting.
  18. Support for this approach is to be found in the Council's recent decision to grant permission for a large mixed-use development on the opposite side of Larkshall Road, comprising a large supermarket, housing and employment uses, and which would involve a much higher residential density of 335 hrph.
  19. The principle of higher density would not be supported if the proposal were to result in an overdevelopment of the site, resulting in a cramped layout offering unacceptable standards of amenity, as feared by the Council. I acknowledge that the proposal would provide a relatively intensive form of development with significant site coverage, and I return below to matters of the scale and design of the proposed buildings and the adequacy of amenity open space. However, I find that other specific concerns about the effects of the proposed layout and the quality of development are not borne out by the evidence.
  20. Internal spaces in the proposed houses and flats have been designed to Lifetime Homes standards. The Council does not dispute that these would only very marginally depart from the minimum standards set out in the new SPD, which supersede those advised in the former Supplementary Planning Guidance Note (SPGN) 1: *Residential Development Design Standards*. There is no evidence to suggest that any dwelling would suffer from inadequate sunlight or daylight.
  21. The SPD recognises that separation distances between habitable room windows originally set out in the SPGN need to be applied more flexibly in higher density situations. In this case, the appellant has shown that reasonable standards of privacy and outlook would be achieved. I accept that there are some instances where relationships between buildings would be close to the limit of

acceptability, such as between the westernmost houses and the central block of apartments, but in general detailed layouts have been carefully planned to avoid significant problems of mutual overlooking or poor outlook. The Council accepts that there would be a low impact on existing houses on Coolgardie Avenue, assisted by the retention of the proposed wildlife buffer strip.

22. The heart of the site is allocated for housing in the UDP. I do not agree with the view put by some local residents that higher than traditional suburban density or the site's closeness to the railway line would make it inherently unsuitable for family housing.

*Character and appearance*

23. The character of this section of Larkshall Road is of generally unremarkable commercial development, softened by the mature trees that screen the large sheds on the west side and provide a feature at the entrance to the appeal site. The proposal would retain the most prominent of these, while filling the frontage of the site with three and four storey buildings.
24. I acknowledge that the new frontage would represent an increase in scale over the existing and over much of rest of the street. However, this would not be inherently harmful to character and appearance. The new three storey block would be virtually identical in scale to the adjoining three storey block which sits comfortably in the existing setting. The four storey corner block would provide an accent in the street scene, which would be appropriate to its role in marking the new road leading to the station.
25. The absence of gaps between the buildings would suggest a more urban character. But this would be consistent with the street front to the south of the petrol station, which is made up of a variety of different buildings in an unbroken street frontage. The proposed built form would also be entirely consistent with the approved design for the mixed use scheme, which would transform the opposite side of Larkshall Road by introducing a long uniform frontage block, comprising a generously scaled ground floor of retail units with three floors of residential above. However, even if that development were not to proceed, the scale of the appeal proposal would not be excessive.
26. The three storey building in the centre of the site would provide a strong public face to the new road, where its scale would not be inappropriate. The building's bulk would be offset by considerable variation along its frontage, including significant steps in plan at each end. As a result its length would not appear oppressive. As the appellant points out, long unbroken terrace frontages are characteristic of the surrounding area.
27. I agree with the Council that the flat-roofed rear wing to this block would appear somewhat incongruous against the otherwise pitched roof forms. However, the effect on the wider street scene would be minimal and there would be sustainability benefits from the proposed 'green roof' treatment.
28. The stepped form of the terrace of houses would respond to the context provided by the Coolgardie Avenue houses. The houses' narrow modular width would keep their scale down, while dormer windows and second floor gables would serve to break the expanse of roof arising from their deep plan.

29. I conclude that the proposal's intensification of built form would be justified by the context and by the creation of enhanced public realm in the centre of the site. The change in scale and form of development would not be harmful to the character and appearance of the area and would comply with UDP Policy BHE1, which requires development to be compatible with or improve its surroundings.

*Amenity space*

30. The Council raises particular concern about the private gardens for the proposed houses, which would fall significantly below the standards of the new SPD. All but one of the houses would have four bedrooms, for which the SPD seeks a minimum garden size of 70 sq.m. Looking in more detail, it is clear that the three largest Type G houses, for seven persons, would have the smallest gardens, particularly those at the western end of the row. In my view the amount of space provided would be inadequate for a family of the size anticipated.
31. The issue is not just of area. The gardens would be both narrow and short. With a northerly aspect and directly facing the potentially dense and tall mature planting in the Woodland Amenity Zone, the gardens would feel dark and rather oppressive. Their usability as amenity space would be heavily compromised, and as a consequence there would be an unacceptable effect on residents' living conditions.
32. From the plans provided, it is clear that the layout originally allowed for much longer gardens, but that they were later radically curtailed by the creation of the Woodland Amenity Zone. This major change has had significant implications that have not been compensated for by altering the proposed position of the houses.
33. The Council accepts that the amount of outdoor amenity space for the proposed flats would meet the SPD standards, but questions the disposition of spaces and their quality in use.
34. In my view, the two main areas of communal space would be well located in relation to the blocks they would serve, and would be contained in a secure environment, well overlooked without being dominated by windows. Whilst acknowledging concern expressed at the Hearing about play provision, I consider that these two areas would go some way towards meeting the needs of older children, and note that there would also be a secure area dedicated to younger children's play.
35. Upper floor flats would have an adequate balcony and ground floor flats, including those intended for disabled residents, would almost all have direct access to a private garden. The fact that two such spaces would be located on the public side of the building would not undermine their attractiveness in use. The Council acknowledges that privacy could be enhanced by careful design of boundaries and planting, but absolute privacy would not be essential.
36. The closeness of outdoor spaces to car parking would be inevitable, but in each case the number of cars would be few and the number of movements so low that any adverse effect on usage of the spaces would not be significant.

37. I conclude on this issue that, due to the poor garden provision for the houses, the proposal would be contrary to SPD guidance and to UDP Policy PSC2, which seeks secure and usable private amenity space in all new residential developments.

*Traffic*

38. The reason for refusal of the Appeal A application refers to the unacceptable cumulative effect of traffic generation from the site. The Council's statement clarifies that the concern relates, firstly, to potential safety issues due to increased traffic from the site following completion of the proposed development and enlargement of the remaining public car park, and, secondly, to potential congestion caused by traffic from the site in conjunction with the approved in principle mixed use development opposite.
39. The appellant has submitted a detailed assessment which shows that, using trip rates accepted for the mixed use development, traffic generation from the site would be low. I am satisfied that any increase in vehicle movements, even if the public car park were to be well used, would be more than offset by the safety improvements offered by a single properly designed point of access to the site, which would replace three current separate accesses.
40. The assessment also explains that detailed studies had been accepted for the mixed use development, which showed that, despite the increase in vehicle movements on Larkshall Road, reserve highway capacity would be maintained and serious congestion would not occur, even with the regular closure of the nearby level crossing. I accept that the additional movements added by the appeal proposal would not significantly alter those conclusions.
41. Parking provision for the proposed housing would be well below the maximum standards set out in the UDP, but would be consistent with the site's good location in relation to public transport and local services.
42. I conclude that the proposal would not conflict with UDP Policy BHE4, which seeks to regulate transport impacts of development.

*Retail*

43. The Council's reason for refusal on the proposed provision of three small shop units facing Larkshall Road refers to UDP Policy TRL11, which relates to the impact of retail on the character and appearance of the frontage. The concern appears to arise from perceived lack of need for additional provision in the light of the decision to approve 10 units in conjunction with the large supermarket as part of the mixed use development. However, national policy set out in Planning Policy Statement 4: *Planning for Sustainable Economic Growth* no longer requires a test of retail need. The Council does not dispute that studies prepared for the mixed use development show that further spending capacity would remain even after completion of that development.
44. I agree with appellant that the amount of space proposed would be too small to have a significant impact on the established centre. The location immediately adjoins the currently designated edge of the centre, but the character of the Larkshall Road frontage would change considerably should the mixed use development proceed, which would also provide new pedestrian crossings. I

accept that there would be benefits in small scale retail provision, particularly if it would, as anticipated, be directed at the convenience shopping demands of future residents. The units would be unobtrusively designed as part of the corner block, set behind a green forecourt. I do not see a conflict with Policy TRL11.

#### *Air quality*

45. The Council now accepts that the conclusions of the Air Quality Assessment (AQA) submitted with the second application apply with equal force to the Appeal A proposal. The AQA shows that residents of flats facing Larkshall Road would not be subject to unacceptable air quality, even if the mixed use development were to be fully implemented. Therefore, the Council's requested condition, seeking submission of an AQA and possible mitigation in the form of omission of balconies to Larkshall Road would not be necessary.
46. The Council maintained at the Hearing that a condition should be imposed requiring mechanical ventilation to flats on the road front. However, I find no justification for this in the submitted AQA.
47. The effect of demolition and construction on local air quality through dust can be the subject of a condition. It was agreed at the Hearing that this should form part of a more widely drawn condition covering submission of a method statement, provision of wheel washing and the Considerate Constructors scheme.
48. I conclude that the submitted AQA meets the requirements of UDP Policy WPM9 and that residents would not suffer unsatisfactory air quality.

#### *Biodiversity*

49. The planning application was supported by an Ecological Survey. This recommended implementation of measures such as planting of native species and the provision of bird and bat boxes, all of which could be secured by planning conditions.
50. The Council accepts that the loss of unmanaged scrub planting would be successfully mitigated by the creation of the proposed Woodland Amenity/ Natural Habitat Zone between the proposed houses and the gardens of Coolgardie Avenue. I agree that, subject to suitable enclosure and management, which could also be secured by conditions, this area should be effective in preserving wildlife habitat, including that of the protected Stag Beetle, whose presence was noted by local residents who have monitored the incidence of wildlife on the site.
51. Subject to these measures, I am satisfied that biodiversity would be protected and potentially enhanced by the proposal, which would comply with national guidance set out in Planning Policy Statement 9 and with UDP Policy ENV6.

#### *Conclusion on Appeal A*

52. I conclude that the Appeal A proposal would be acceptable in all respects other than its provision of amenity space for the proposed houses. However, as the houses would make up a significant proportion of the total accommodation and as the inadequacy of the space provided would have a major effect on the

quality of residents' living conditions, I regard this as a fundamental weakness of the proposal. I conclude that this issue would outweigh other considerations, justifying dismissal of the appeal.

## Appeal B

### *Amount of development*

53. The Appeal B proposal would comprise a smaller number of units overall than Appeal A, with a greater proportion of houses. The Council raises no objection on grounds of density, which would fall below the maximum target for a suburban setting. While I have concluded above that a higher density would be suitable for this location, I accept that the density on Appeal B would still be high enough to be consistent with LP and SPD objectives.
54. The three storey frontage to Larkshall Road would relate well to the existing building to the north. The unbroken street frontage would give the site a more urban character without being excessive in scale. The new access road to the car park and station would be appropriately marked by the raised tower features on the corner building. Within the site, the curtailed three storey block would have sufficient presence addressing the access road, while allowing a more spacious arrangement of houses at the eastern end. As on Appeal A, I accept that the sustainability benefits of the 'green' treatment to the flat roof of the rear wing to this block would outweigh its rather incongruous relationship with the front element.
55. Internal space standards within the dwellings would be satisfactory, almost entirely meeting SPD standards. The relationship between buildings at the western end of the site would benefit from the lower scale of the frontage buildings than on the earlier proposal. Separation distances to each side of the central block would be acceptable, subject to some flexibility in application of SPD guidance.
56. The two main areas of communal open space would be well related to the buildings they would serve. A significant dedicated play area is proposed, well located in a secure environment.
57. The terrace of houses backing onto the central block would have reasonably sized rear gardens, albeit smaller than the SPD target. As the gardens would back onto communal space, living conditions for residents would be satisfactory. Three of the houses in the middle of the other terrace would have short and narrow gardens. These would be similar to those on the Appeal A layout, although not the very tightest, and would have the same north-facing aspect. However, these houses are designed for smaller families.
58. As the great majority of the houses would have adequate usable space, and as all other aspects of the layout would be satisfactory, I consider that the less than ideal provision for these three houses would not be sufficient reason to withhold permission for the overall proposal.

### *Air Quality*

59. The submitted AQA has shown that residents of the flats facing Larkshall Road should experience satisfactory standards of air quality. There would be no balconies facing the road. A condition requiring mechanical ventilation would

not be justified by the evidence. Construction impacts on air quality could be covered by a condition, as outlined above and the proposal would comply with UDP Policy WPM9.

#### *Biodiversity*

60. The area of the proposed Woodland Amenity/Natural Habitat Zone would be greater in the Appeal B proposal and it would be significantly wider at its western end. As on Appeal A, I am satisfied that, subject to conditions, the biodiversity interest of the site would be adequately protected and enhanced, and that the proposal would comply with national guidance and with UDP Policy ENV6.

#### *Conclusion on Appeal B*

61. I consider that the form and layout of the Appeal B proposal would for the most part successfully address the concerns of the Council. Any harm caused by the few under-sized gardens would be outweighed by the benefits of development. I agree with the Council that the planning obligations contained in the S106 agreement concluded by the parties would successfully address its concerns about provision of affordable housing and effects on local infrastructure. I find the obligations to be necessary to make the proposed development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. I give substantial weight to the completed agreement. I conclude that, subject to necessary conditions, Appeal B should be allowed.

#### **Conditions**

62. The Council has proposed a number of conditions to be applied, which were discussed at the Hearing. Subject to some amendment and amalgamation in the interests of greater precision, and apart from the proposed condition on air quality, I consider these to be reasonable and necessary.
63. Further investigation of site contamination and a strategy for dealing with any that is found, and the agreement of a Method Statement covering demolition and construction are necessary for public health and safety. Approval of proposed materials, tree protection and new hard and soft landscaping are needed to ensure that the development will improve the character and quality of the area. Approval of an Ecological Method Statement is needed to ensure that the habitat for protected species and other wildlife on the site is protected and enhanced. Approval and implementation of waste and recycling facilities and of energy saving measures are needed to ensure that the development will contribute to sustainability. As discussed at the Hearing, I shall amend the Council's proposed condition to broaden the scope for achieving the proposed 20% reduction in carbon emissions.
64. Achievement of 'Secured by Design', 'Lifetime Homes' and Council access standards are justified in accordance with UDP policy to ensure that the development will be safe and accessible to all users, including the general public passing through the site. The restriction of permitted development rights for extensions and other alterations is needed due to the restricted plot sizes and space between buildings, to ensure that living conditions for all future residents will be protected. Retention of communal open space is needed for

the same reason. Retention of car and cycle parking is required in the interests of highway safety, to ensure adequate access for disabled people and to promote sustainable modes of transport.

**Conclusions**

65. For the reasons set out above, and having taken account of the many submissions made, both in writing and at the Hearing, I conclude that Appeal A should be dismissed but that Appeal B should be allowed and planning permission granted subject to conditions.

*Brendan Lyons*

INSPECTOR

**Annex**

**Appeal B: Ref. APP/U5930/A/10/2126257**

**454-458 Larkshall Road and Station Car Park, Chingford, London E4 9HH**

**Schedule of conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans numbered 2635/FP:  
/01, /99B, /100Q, /101P, /102P, /103Q, /104Q, /105P, /107A, /108A, /115E, /116D, /117E, /118F, /119D;  
and the Schedule of Units numbered 2635/FP/60L.
- 3) No development shall take place until a further intrusive site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. Any further remediation works following identification of unforeseen contaminants shall be the subject of prior written approval by the local planning authority.
- 4) No development shall take place until a Demolition and Construction Method Statement has been submitted to and approved in writing by the local planning authority, to include Considerate Constructor status, hours of work, dust suppression measures, wheel washing, waste storage and disposal, and a strategy for dealing with any asbestos removal. Development shall be carried out in accordance with the approved Method Statement.
- 5) No development shall take place until a full schedule and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted, together with details of windows and doors, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until an Arboricultural Method Statement, detailing measures to safeguard and protect trees to be retained on the site, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Method Statement.
- 7) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatments to be

- erected. Development shall be carried out in accordance with the approved details and the boundary treatments shall be completed before the buildings are first occupied.
- 8) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include: vehicle and pedestrian access and circulation areas, hard surfacing materials, communal spaces and children's play area, retained and proposed planting. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
  - 9) No development shall take place until an Ecological Method Statement, detailing measures to safeguard and enhance biodiversity within the site, including the protection and management of the designated Natural Habitat Zone, the provision of bat and bird boxes, and the provision and management of green roofs, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Method Statement.
  - 10) No development shall take place until full details of refuse and recycling facilities have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the approved facilities shall be provided prior to first occupation of the buildings hereby permitted and retained thereafter.
  - 11) No development shall take place until a Sustainability Statement, detailing (i) an energy strategy which seeks to achieve at least 20% reduction of carbon emissions by the use of renewable and low-energy technology and (ii) measures to be incorporated within the development to improve energy efficiency, has been submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the development and thereafter retained in accordance with the approved Statement.
  - 12) No development shall take place until details to show how the principles and practices of the 'Secured by Design Award Scheme' are to be incorporated into the development have been submitted to the local planning authority. Details shall include car park access controls, communal entrances, entrance doors, windows, cycle storage, external lighting and protection of pedestrian access to Highams Park Station during construction works. No development other than the construction of foundations shall take place until the details have been approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, which shall be operational prior to first occupation of the buildings hereby permitted, and shall be retained thereafter.

- 13) The development hereby permitted shall comply in all respects with the Council's adopted 'Wheelchair Design Standards', and access guidelines 'Access for All'. The dwellings shall be built to 'Lifetime Homes' standards.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no enlargement, improvement or other alteration, including any addition or alteration of the roof, shall be carried out to any dwellinghouse hereby permitted, nor shall any building or enclosure required for a purpose incidental to the enjoyment of any dwellinghouse, other than those indicated on the approved plans, be constructed.
- 15) The areas within the site for amenity open space, designated on the approved plans as Communal Spaces 1, 2 and 3, shall be permanently retained as such for the use of the occupiers of the development hereby permitted and shall not be used for any other purpose, including parking of vehicles.
- 16) The car parking spaces and cycle parking facilities identified on the approved plans shall be provided prior to the first occupation of the dwelling units and shall thereafter be permanently retained for that purpose without obstruction.

## APPEARANCES

### FOR THE APPELLANT:

Mark Gibney	BPTW Partnership Planning Consultants
Richard Marsh	Burns Guthrie and Partners Architects
Gary Speller	WA Fairhurst & Partners Transport Consultants
Penny Wilson	Air Quality Consultants
Alec Coggins	Blackmore Building Services Ltd Agents for applications
Louis Gavriel	Islington & Shoreditch Housing Association Appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Robert Young	Stewart Management and Planning Solutions Planning Consultants
Sonia Malcolm	Principal Planning Officer London Borough of Waltham Forest

### INTERESTED PERSONS:

Local Residents: Sheila Smith-Pryor	Former member of Council
Oliver Shykles	Member of Highams Park Forum
Mary Dunhill	Member of Highams Park Forum

## DOCUMENTS

- 1 The London Plan *Policies 3A.3, 3D.3 and 4B.1*
- 2 Extract from Mayor of London's Supplementary Planning Guidance *Housing 2005*
- 3 Extract from The London Plan Housing Supplementary Planning Guidance *Draft Revised 2009*
- 4 Waltham Forest Unitary Development Plan *First Review 2006*, Policies SP1, SP2, SP13, SP18, HSG9, HSG10, BHE1, BHE3, BHE4, PSC1, PSC2, WPM9, TRL2, TRL11
- 5 Letter to Council from Natural England dated 25 February 2009

- 6 E-mail to Council from Natural England dated 22 January 2010
- 7 E-mails dated 25 November 2009 and 26 February 2010 from Council's Tree Preservation & Nature Conservation Officer
- 8 Report to and minutes of London Borough of Waltham Forest meeting of Cabinet 9 February 2010 on adoption of Supplementary Planning Document *Urban Design*
- 9 Signed and executed copy of S106 Planning Agreement in connection with Appeal A
- 10 Signed and executed copy of S106 Planning Agreement in connection with Appeal B
- 11 Council's response to costs application
- 12 The London Plan *Policy 4A.7*
- 13 Memo dated 12 June 2010 from Council's Air Quality Officer

#### PLANS

- A Burns Guthrie & Partners Drawing no. 2635/FP/100 Rev.P :Ground Floor Plans
- B Burns Guthrie & Partners Drawing no. 2635/FP/100 Rev.Q :Ground Floor Plans
- C Set of plans showing 'as approved' mixed use development on Larkshall Road
- D Burns Guthrie & Partners Drawings no. 2635/FP/401-409 showing proposed units for disabled residents
- E Extract from Waltham Forest Unitary Development Plan *Proposals Map*, showing allocated Highams Park Neighbourhood Centre