

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 5 th April 2022
Application reference:	202288
Applicant:	ANH FRIENDS LIMITED
Location:	Land adjacent to 17-20, Tudor Court, Walthamstow, London, E17 8ET
Proposed development:	Construction of a two storey, 3 bedroom dwellinghouse with a lower ground floor. Associated works to include cycle storage, refuse & recycling storage.
Wards affected:	Markhouse
Appendices:	None

1 RECOMMENDATION

- 1.1 It is recommended the application be approved, subject to conditions and informatives and completion of a S106 Legal Agreement with the following Heads of Terms:
- 1.2 Car Free Development – With the exception of Blue Badge holders, the development is to be classified as car-free and new residents will not be eligible for parking permits.
- 1.3 Condition Survey – a highway condition survey to assess the condition of highways before and after construction.
- 1.4 Legal Fees – Payment of the Council's legal fees for preparation and completion of the Legal Agreement.
- 1.5 It is also recommended that authority be given to the Assistant Director of Development Management and Building Control in consultation with the Council's Legal Services for the sealing of the s106 Agreement and to agree any minor amendments to the conditions or the s106 Agreement on the terms set out above.
- 1.6 In the event that the S106 agreement is not completed within three months following committee, the Assistant Director of Development Management and Building Control would be authorised to refuse the application.

2 REASONS REFERRED TO COMMITTEE

- 2.1 The application has been referred to committee based on the number of objections received from neighbouring residents.

3 SITE AND SURROUNDINGS

- 3.1 The application site is an irregular shaped plot located to the north of 17-20 Tudor Court and to the west of 21-24 Tudor Court, Walthamstow. The site is vacant, currently comprising overgrown vegetation. The western boundary of the site runs adjacent to the Dagenham Brook.
- 3.2 The surrounding area is predominantly characterised by two storey residential properties to the south, east and south west. Properties to the north comprise two and three storey flatted developments.
- 3.3 The site is located within Flood Zones 2 and 3 as identified by the Environment Agency.
- 3.4 The property is not located within a Conservation Area, is not listed and is not subject to an Article 4 direction.

4 APPLICATION PROPOSAL

- 4.1 The application is seeking planning permission for the construction of a two storey dwellinghouse.
- 4.2 The proposed dwellinghouse would comprise three bedrooms and a lower ground floor which would comprise an open void as flood mitigation.
- 4.3 The scheme includes associated refuse and cycle storage.

5 RELEVANT SITE HISTORY

A. Planning

- 5.1 **Planning Application 130136** for erection of one x three bedroom dwellinghouse. **Refused 21 March 2013.** The application was refused for the following reasons:
 - The proposed development is sited in a high risk Flood Zone (zone 3) and has a high probability of flooding where the risk to life and property, both within the development and in upstream and downstream locations from fluvial inundation would be unacceptable. This is exacerbated by the large expanse of hardsurfacing on the site. As such, the proposal fails to satisfy Policy CS13 of the Waltham Forest Local Plan – Core Strategy 2012 and Policies DM33 and DM35 of the Waltham Forest Local Plan – Development Management Policies Proposed Submission July 2012.
 - The proposed dwelling by reason of orientation would appear visually intrusive, incongruous and disruptive to visual amenity of the surrounding area and set an unwelcome precedent. The orientation of the building also results in poor access and poor natural surveillance, to the detriment of future occupiers. In addition, the large expanse of hardsurfacing around the building is visually unacceptable and results in a poor standard of accommodation. As such the proposal fails to satisfy Policies CS14 and CS16 of the Waltham Forest Local Plan – Core Strategy 2012 and Policy DM30 and DM34 of the Waltham Forest Local Plan – Development Management Policies Proposed Submission July 2012.

- The extent of the proposed garden right up to the Dagenham Brook disrupts the existing pattern of development which has a strip of land that runs along the east of the brook, thereby preventing general access disrupting the established wildlife corridor. As such the proposed development fails to satisfy policies CS5 and CS15 of the Waltham Forest Local Plan – Core Strategy 2012 and Policy DM30 and DM36 of the Waltham Forest Local Plan – Development Management Policies Proposed Submission July 2012.

5.2 **Planning Application 121465** for construction of 1 x two storey four bedroom dwellinghouse. **Refused 22 November 2012.** The application was refused for the following reasons:

- The proposed dwelling by reason of its siting, design and roof formation would appear visually intrusive, incongruous and disruptive to the pattern and rhythm of development within the surrounding area and would set an unwelcome precedent. As such the proposal fails to satisfy Policy CS15 of the WF Local Plan Core Strategy 2012 and Policy DM30 of the emerging Waltham Forest Local Plan Development Management Policies (Proposed Submission July 2012).
- The standard of the proposed residential environment is poor as future occupants would have poor outlook, lack of natural light and lack of privacy. The proposal also fails to meet Lifetime Homes Standards. As such, the application fails to satisfy Policies CS13 and CS15 of the adopted WF Local Plan Core Strategy (2012) and adopted Supplementary Planning Document 'Urban Design' February 2010.
- The proposed dwelling by reason of its location would result in an overbearing impact, in terms of loss of light and poor outlook for the neighbouring occupiers adjoining the site, contrary to Policy CS13 of the adopted Waltham Forest Local Plan Core strategy (2012) and Policy DM33 of the emerging Waltham Forest Local Plan Development Management Policies (2012).
- The site is within a high Flood Risk Zone therefore prone to flooding. In the absence of a Flood Risk Assessment, the Council is unable to satisfy itself that the proposed development would not be prone to intermittent flooding to the detriment of the future occupants and surrounding occupiers As such, the proposal fails to satisfy Policy CS13 of the adopted Altham Forest Local Plan Core Strategy (2012) and Policy DM35 of the emerging Waltham Forest Local Plan Development Management Policies (2012).
- The application has failed to make adequate provision for cycling facilities as such the proposal fails to satisfy policy CS13 of the WF Local Plan Core Strategy 2012.

B. Pre-Application

5.3 183239 relating to construction of a two storey building to accommodate two self-contained units (1x2 bed and 1x1 bed units) with associated landscaping. Advice dated 28 February 2019 and summarised as follows:

- Following an initial meeting on 16 October 2018, a number of concerns were raised in regards to the original scheme. Amended documents were received on 28 January 2019 for the construction of a two storey building to accommodate two x self-contained units (1x2 bed and 1x1 bed) with associated landscaping.
- The principle of development for residential accommodation is not objected to and the proposed land use would be compatible with neighbouring residential land uses.
- The site is located within Flood Zones 2 and 3 and has a high probability of flooding where risk to life and property both within the development and in upstream and downstream locations would be unacceptable. The Environment Agency were informed of the pre-application and the Council was instructed that the Applicant is to liaise with the Environment Agency through their own pre-application process.
- Design must be carefully considered due to narrow gap between the corners of No. 20 and 21 Tudor Court which provides a visual relief between end terraces and is highly visible from the street scene.
- The Council provided an overlay to the site plan submitted to indicate an appropriate layout and roof form which would appear cohesive in terms of design and less prominent from the Tudor Court street scene.
- The design should avoid any blank facades and poor detailing.
- Concerns with the overall height of the proposed two storey building and its proximity to the neighbouring properties to the east (21-22 Tudor Court) as this would create overshadowing issues.
- Any future planning application will need to include a study to demonstrate a sufficient amount of separation distance and appropriate level of outlook and sunlight/daylight is maintained and BRE standards achieved for existing neighbouring occupiers as well as future occupants of the proposed development.
- The proposal would not provide any three bedroom units and would be contrary to Section 3.8 (Housing Choice) of the London Plan.
- The Applicant is advised that a three bedroom single dwellinghouse would be an appropriate solution over flatted units, achieving good standard of accommodation with sufficient external amenity space directly accessible at ground level.
- The site is located within a CPZ and any future development must be car-free, secured through a s106 Agreement.
- Cycle parking facilities should be provided at ground floor level , and must be easily accessible, safe, secure and sheltered.
- A future application would require an Outline Construction Logistics Plan and a Construction Method Statement.
- Refuse and recycling bins required to be provided towards the front of the site.

- Any future planning application will require an Arboricultural Impact Assessment.
- There is an access strip to Dagenham Brook that runs along the bottom of the neighbouring gardens. The formal garden area within the pre-application seeks to extend right up to Dagenham Brook and this would disrupt the strip and general access to the river.

C. Enforcement

5.4 None.

D. Adjacent Site

5.5 Nothing relevant.

6 PUBLIC CONSULTATIONS

6.1 The Council circulated (number of letters) consultation letters to local residents on 27 August 2020, as follows:

- 1 Flanders Court, 1 Luther King Close
- 2 Flanders Court, 1 Luther King Close
- 3 Flanders Court, 1 Luther King Close
- 4 Flanders Court, 1 Luther King Close
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- 6 Flanders Court, 1 Luther King Close
- 7 Flanders Court, 1 Luther King Close
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- 1 Nathaniel Court, 2 Luther King Close
- 2 Nathaniel Court, 2 Luther King Close
- 3 Nathaniel Court, 2 Luther King Close
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- 6.2 The application was advertised via a site notice dated 1 September 2020.
- 6.3 The Council received a total of 35 letters as a result of the public consultation, as well as one additional follow up letter from one of the initial objectors. All of these were objections.
- 6.4 The representations relating to the issues of concern raised are detailed in the table below, and are also matters which are addressed within the “Assessment” section of this report.

Objection received	Response
<p>The new dwelling has no historic charm in age or character that fits with the existing Tudor Court dwellings.</p> <p>The new bricks of the proposed dwelling will make it look like a new</p>	<p>Although planning policy would require development to respect its surrounds and be in keeping with the existing development, there is no requirement for new development to match existing development. The Council considers that an exact</p>

<p>build.</p> <p>Size and scale of property is excessive.</p>	<p>match for the existing Tudor Court dwellings would be unlikely to present a better visual outcome, whereby a “faux” Tudor appearance would not necessarily respect the surrounding area.</p> <p>Scale of the proposed dwelling is addressed in detail in Section 10 of this report.</p>
<p>The area is currently being used to dispose of household waste in an allocated bin area.</p> <p>The communal garden that would act as an access to the proposed dwelling is used by the residents of Tudor Court.</p> <p>Pedestrian access required from Tudor Court and Luther Ling Close is over private property.</p>	<p>It can be seen that there is an existing bin storage area adjacent to the site, however this does not occupy the whole site which would appear to be private land.</p> <p>The Council’s Waste Management officers were consulted on the scheme. No response was received, which is taken to mean Waste Management have no objections to the scheme.</p> <p>Private land disputes are to be resolved between relevant landowners and would be outside the scope of what the Council is required to consider in its assessment of a planning application.</p>
<p>The dwelling is too close to existing Tudor Court buildings.</p>	<p>Building separation and impact of the development on neighbour amenity is addressed in detail in Section 10 of this report.</p>
<p>Loss of light and overshadowing.</p>	<p>Daylight, sunlight and overshadowing is addressed in detail in Section 10 of this report.</p>
<p>Overlooking and loss of privacy.</p>	<p>Overlooking and privacy is addressed in detail in Section 10 of this report.</p>
<p>Increase traffic</p>	<p>The development would be required to be car-free, secured by way of a s106 Agreement.</p>
<p>Distortion to current green area</p> <p>Loss of trees</p> <p>Importance of the site to the</p>	<p>Landscaping and biodiversity is addressed in detail in Section 10 of this report.</p>

Dagenham Brook wildlife corridor	
Noise, odour and disturbance from use	The Council's Environmental Health officers were consulted on the scheme who raised no concerns in relation to unreasonable noise or undue disturbance. The application is for a single family dwellinghouse and there is no evidence to suggest that unreasonable noise, odour or disturbance would arise from such a development. The Council cannot be responsible for the actions and behaviours of individuals who occupy a property, therefore any unreasonable activity should be reported to the relevant authority for investigation at the time it occurs.
<p>Disruption during construction</p> <p>Increased vehicle hazards during construction</p> <p>Feasibility of construction which requires access over private land</p>	<p>Development should not be prohibited because of construction impacts to neighbours where these construction impacts would not be unreasonable. The application is for the construction of a single dwellinghouse and there is no evidence to suggest the construction impacts of the development would be above what would reasonably be expected for such a development.</p> <p>The Council's Highways officers have reviewed the Outline Construction Logistics Plan for the development and would also require a Detailed Construction Logistics Plan to be submitted prior to the commencement of works to ensure satisfactory management and mitigation of construction impacts on the local road network.</p> <p>Private land disputes are to be resolved between relevant landowners and would be outside the scope of what the Council is required to consider in its assessment of a planning application.</p>
<p>Increased flood risk.</p> <p>Environment Agency (EA) advised in</p>	Flood risk is addressed in detail in Section 10 of this report.

2013 that land should not be built on. Validity of the Flood Risk Assessment.	Consultation with the EA is detailed in Section 7 below. It is noted that the EA did not raise any concerns with the validity of the FRA.
Impact of increased capacity on already failing water and sewer	The Council consulted Thames Water. No response was received from Thames Water which is taken to mean that Thames Water has no objection to the proposed development.
Affordability of three bedroom dwelling Capacity for affordable housing in the area	The application is not proposing affordable housing, within the definition of “affordable housing” in planning terms.
A list of “omissions and possible inaccuracies in the planning statement” is provided	Noted by Planning Officers.

- 6.5 Amendments to the cycle storage and the Outline Construction Logistics Plan were received during the course of the assessment. It was considered that these amendments would not cause additional impacts to neighbouring occupiers from what was originally assessed. As such, Planning Officers did not re-consult.

7 OTHER CONSULTATIONS

Consultees	Response
Environmental Health	<p>Recommended the following condition:</p> <p>Works of demolition and construction shall be carried out during normal working hours, i.e. 08:00 to 18:00 hours Monday to Friday, and 08:00 to 13:00 hours on Saturdays, with no noisy working audible at the site boundary being permitted on Sundays or Bank Holidays.</p> <p><u>Reason:</u> To ensure considerate construction and to protect the amenities of the nearby residents from excessive noise and dust and to comply with Policies CS7 and CS13 of the adopted Waltham Forest Core Strategy (2012) and Policies DM14, DM15, DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013)) and comply with Policy 7.14 of the London Plan and the GLA NRMM LEZ.</p> <p>This condition has been included in the recommended</p>

	conditions at Section 13 of this report.
Contaminated Land Officer	No contaminated land conditions for this application. However as the ground is being broken, as a precautionary measure it is recommended the Applicant remains vigilant for visual and olfactory signs of contamination.
Highways	<p>It is noted that bin storage is shown on the proposed plans. Waste Management should be consulted with regards to bin storage location, capacity and collection routes. Waste Management was consulted however no response was received. Planning Officers have assessed waste management in Section 10(G) of this report.</p> <p>The public highway should be shown alongside the public highways boundary. The developer should confirm whether they require access over private land and whether access has been granted prior to approval. As demonstrated by the Council's GIS mapping, the nearest public highway extends to the road of Tudor Court and Luther Close. The public highway is not located adjacent to the property boundary and therefore is not shown on the plans. The Agent has confirmed that requisite access is available. It is further noted that it is the developers responsibility to ensure they have right of access.</p> <p>An Outline Construction Logistics Plan has been submitted with the planning application, but several amendments are requested prior to approval. Planning Officers note that an amended Outline CLP has been provided. In response to the final Outline CLP, Highways requested that figure 4.1-4.3 be removed and requested three plans be moved from the appendix to Section 4. Given the minor nature of these request, that there are no in principle concerns with the Outline CLP and that a Detailed CLP would be required at planning condition stage, Planning Officers consider that the scheme could be determined based on the current information provided subject to a Detailed CLP condition.</p> <p>A Detailed Construction Logistics Plan will be required at the planning condition stage.</p> <p>A S106 contribution of £250 is requested towards CLP monitoring. Planning Officers have not included this request in the s106 Heads of Terms as this contribution would only be applicable to major schemes.</p> <p>A Condition Survey will be required of the adjoining carriageway and footways on Tudor Court. This will be required prior to the commencement of any works to</p>

	<p>include a wider scope than the developments immediate frontage to include all junctions using for vehicle routing. The condition survey will need to be submitted to the Council's Highways team for records and will need to include a site plan showing the location of the photographs. The condition survey will be required in addition to the highway works, to ensure, if the public highway is damaged as a result of the construction works this would be reinstated by the Council and funded by the developer. This requirement has been included in the proposed Heads of Terms for the s106 Agreement.</p> <p>This site is within an existing CPZ and must be classified as car free with future residents not entitled to parking permits. This requirement has been included in the proposed Heads of Terms for the s106 Agreement.</p> <p>Cycle storage is shown on the proposed plans. Cycle storage must be secured and covered as per borough policy. Cycle storage is assessed in Section 10(F) of this report.</p> <p>Before detailed drainage design for the development is undertaken reference will need to be made to the new draft London Plan, our SFRA and the Local Flood Risk Management Strategy, dated April 2015.</p> <p>The London Plan states the developers should aim for a greenfield runoff rate from their development.</p> <p>The developer is to demonstrate that the redevelopment would be safe without increasing flood risk elsewhere and where possible would reduce flood risk overall.</p> <p><u>Flood Risk</u></p> <p>The LLFA are not in a position to approve or reject the scheme at present because we need clarification with regard to the points raised below. Once we have responses from Planning Policy, Civil Protection and the EA in relation to our comments below we will be able to make a recommendation with regard to whether to approve or reject the scheme on flood grounds.</p> <ul style="list-style-type: none"> • The development should utilise SuDS and all opportunities must be explored. Potential SuDS features for this site include permeable paving using voided stone sub-base or modular storage cells, water butts, rain gardens, soakaways, that must be designed together with infiltration test results and recommended soakage rates where soil conditions are suitable for
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	<p>infiltration. Blue/green roofs should be used.</p> <ul style="list-style-type: none"> • SuDS features included within the drainage design should be fully justified by adopting techniques higher up in a hierarchical manner, maximising the use of those techniques higher up in the hierarchy and those that deliver multi-functional benefits (refer to 3.4.14 and 3.4.15 of the GLA's Sustainable Design and Construction SPG). The developer should demonstrate that the requirements of table 3.1 of the SPG documents have been considered. • A site specific Flood Risk Assessment must be provided to the LLFA for review and approval. The EA should be consulted as a statutory consultee and their comments made available to the LLFA. • A simple schedule of maintenance task required should be provided and developers should engage early with stakeholders likely to have maintenance responsibilities. • Infrastructure Planning and Planning Policy must comment on the exception test as the Environment Agency is objecting to this development. Infrastructure Planning and Planning Policy should comment in relation to the Council's SFRA and local policies. • Normally no building structures will be allowed within 8m of a main river and this should be confirmed with the Environment Agency. • Any modelling of flood levels should include the relevant allowance for climate change. • An evacuation plan should be provided. The Councils Civil Protection officer: Pierre Rossouw-Senior Civil-Protection Officer-Civil Protection Service-Phone: 020 8496 4418-Mobile: 07896 119 407 - pierre.rossouw@lbbd.gov.uk , should be consulted at an early stage as to whether a flood evacuation strategy would be required for the development • If an under-croft area is to be considered for use as a flood plain compensation area, it would need to be written in the planning permission that this area is used for this specific purpose during the full life of the development. • The developer should consult Thames Water with regard to whether any surface or foul water connection/discharge consents are required for the site and copies of any consent granted should be
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	<p>forwarded to the Council for record purposes.</p> <ul style="list-style-type: none"> Please provide a SuDS drainage design drawing with supporting calculations to enable us to review the scheme fully. <p>Following submission of the Technical Note and receipt of the Environment Agency's final consultation response withdrawing its objection and providing requirements for the development if approved, Highways advised that it had no additional drainage comments.</p> <p>Flood risk is addressed in detail in Section 10 of this report.</p>
Urban Design	<p>The Council's Urban Design Officer is overall not convinced by the design of the proposed dwelling. They stated that it is typically better for infill development to take a more contemporary approach in terms of appearance, while taking cues from existing development in terms of scale, proportion and materiality. Design and appearance is assessed in detail in Section 10(D) of this report.</p> <p>The Council's Urban Design Officer also raised some concerns regarding maintenance and management of the lower ground floor void which were subsequently addressed by the Agent by demonstrating that grilles would be removable to allow for access to the void for maintenance and/or cleaning should the need arise. Further, the EA recommended a condition requiring approval of details of management of the void. Further comments were provided about the arrangement of the ground floor level.</p> <p>Absence of materials detailed was noted, however Planning Officers consider it acceptable to require these details by way of a pre-commencement planning condition, which is a standard approach taken to confirm these details.</p> <p>Concerns regarding the existing trees and proposed landscaping were raised. Additional information was submitted in this regard. Further, trees and biodiversity are addressed in detail in Section 10(I) of this report.</p> <p>The Urban Design Officer also noted that the proximity of the site to the Dagenham Brook is a unique asset that could enhance the scheme overall.</p>
Transport Policy	No response received.
Tree	Will require a BS 5837 2012 trees in relation to design, demolition and construction. An assessment of the

<p>Preservation and Nature Conservation</p>	<p>existing trees should be provided.</p> <p>An ecological survey PEA to inform and make recommendations and assist the soft landscaping proposals along with recommendations for suitable types and numbers of habitat boxes etc is required.</p> <p>A detailed soft landscaping plan is required for diverse multi-functional planting remembering that biodiversity net gain is to be increased and that we have declared a climate emergency.</p> <p>Conditions have been recommended (see Section 13 of this report) requiring an ecological assessment and landscaping details to be submitted to and approved by the Council prior to works commencing in order to address these concerns.</p>
<p>Waste Management</p>	<p>No response received.</p>
<p>Environment Agency</p>	<p>Initially the EA objected to the scheme because the Flood Risk Assessment (FRA) was insufficient to address the EA's concerns regarding flood risk at the site, and the FRA failed to adequately assess climate change allowances or provide details of floodplain compensation.</p> <p>In its response, the EA noted that the FRA referred to a Technical Note which appeared to be missing from the document. Subsequently the Applicant submitted the Technical Note to accompany the FRA and the EA provided an updated response taking the newly submitted information into consideration.</p> <p>The updated response from the EA withdrew the initial objection to the scheme, subject to the following being included in any permission granted:</p> <ul style="list-style-type: none"> • Condition: The development hereby permitted must not be commenced until such times as a scheme to ensure maintenance of the proposed voids has been submitted to and approved in writing by the Local Planning Authority, The scheme shall be fully implemented and subsequently maintained in accordance with the scheme's timing/phasing arrangements or within any other period as may subsequently be agreed in writing by the Local Planning Authority. <p><u>Reason:</u> To ensure that there are no detrimental impacts to flood storage or flood flow routes in line with</p>

	<p>national and local planning policy.</p> <ul style="list-style-type: none"> • Informative: Flood Risk Activity Permit The Environmental Permitted (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place: <ul style="list-style-type: none"> ○ on or within 8 metres of a main river (16 metres if tidal) ○ on or within 8 metres of a flood defence structure or culvert (16 metres if tidal) ○ on or within 16 metres a sea defence ○ involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert ○ in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission. <p>For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.</p> <p>The above has been included in the recommended conditions and informatives at Section 13 of this report.</p> <p><u>Advice to LPA</u></p> <p>In accordance with the NPPF (paragraph 158), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the LPA to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. Our flood risk standing advice reminds you of this and provides advice on how to apply the test.</p> <p>In accordance with paragraph 163 of the NPPF, you must ensure that the 'development is appropriately flood resilient and resistant, including safe access and escape routes where required...' This is on the understanding that you have concluded that the proposed development has passed the flood risk sequential test. Within the</p>
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	<p>application documents the applicant should clearly demonstrate to you that a satisfactory route of safe access and egress is achievable. It is for you to assess and determine if this is acceptable. Please note we have not assessed the proposed access and egress route.</p> <p>Planning Officers note that Highways consultation response (which addresses flooding and drainage) have not raised any objection to the development and have not indicated that the development would not pass the sequential test. It is noted that Highways consultation response stated that an evacuation plan should be provided, which would be required by way of planning condition.</p> <p>Planning Officers also contacted Planning Policy in relation to the Sequential Test, whose final comments advised that the EA's advice should be followed.</p>
Thames Water	No response received.
Planning Policy Officer	Initially the Planning Officers raised concerns in regards to the Sequential Test undertaken and referred to the concerns raised in the EA's objection. Following an update from the Planning Officer that the EA revoked their objections upon receipt of additional information, the Council's Policy Officer did not have any further comments to make and it was indicated that the EA's comments should be relied on.

8 DEVELOPMENT PLAN

National Planning Policy Framework (2021)

- 8.1 The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as at the heart of the framework.
- 8.2 For decision-taking the NPPF states that the presumption means "approving development proposals that accord with an up-to-date development plan without delay" and where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless "...any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".
- 8.3 The NPPF gives a centrality to design policies; homes should be locally led, well-designed, and of a consistent and high quality standard. Local planning authorities (LPAs) are to make sure that the quality of approved developments

does not materially diminish 'between permission and completion, as a result of changes being made to the permitted schemes'

8.4 The specific policy areas of the NPPF considered to be most relevant to the assessment of this application are as follows:

- Delivering a sufficient supply of homes
- Promoting sustainable transport
- Making effective use of land
- Achieve well-designed places
- Supporting a prosperous rural economy
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment

The London Plan (2021)

8.5 On Tuesday 2nd March 2021 The Mayor of London published the replacement London Plan. From this date it forms part of the Development Plan for the purpose of determining planning applications. The 2021 London Plan supersedes the 2016 London Plan, which no longer has any effect. The relevant policies within the London Plan 2021 are:

- GG2 Making the best use of land
- GG4 Delivering the homes Londoners need
- D1 London's form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive Design
- D6 Housing quality and standards
- D7 Accessible Housing
- D10 Basement development
- D14 Noise
- H1 Increasing housing supply
- H2 Small sites
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI 1 Improving air quality
- SI 7 Reducing waste and supporting the circular economy
- SI 12 Flood risk management

- SI 13 Sustainable drainage
- SI 17 Protecting and enhancing London's waterways
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T7 Deliveries, servicing and construction
- DF1 Delivery of the Plan and Planning Obligations

Waltham Forest Local Plan Core Strategy (2012)

- 8.6 The Waltham Forest Core Strategy (2012) was adopted on 1st March 2012.
- 8.7 The Core Strategy contains 16 policies designed to deliver the Council's vision for the physical, economic, environmental and social development of the Borough. These policies will be used to direct and manage development and regeneration activity up to 2026.
- 8.8 The policies considered relevant to this application are as follows:
- CS1: Location and Management Growth
 - CS2: Improving Housing Quality and Choice
 - CS4: Climate Change
 - CS5: Enhancing Green Infrastructure and Biodiversity
 - CS6: Promoting Sustainable Waste Management and Recycling
 - CS7: Developing Sustainable Transport
 - CS13: Promoting Health and Well Being
 - CS15: Well Designed Buildings, Places and Spaces

Waltham Forest Local Plan Development Management Policies (2013)

- 8.9 The Local Plan Development Management Policies Document was adopted in November 2013. This sets out the borough-wide policies that implement the Core Strategy and delivering the long term spatial vision and strategic place shaping objectives. There is an emphasis on collaboration and a positive proactive approach to reaching a balance agreement that solves problems rather than a compromise that fails to meet objectives. The following policies are relevant in this case:
- DM2- Meeting Housing Targets
 - DM7 - External Amenity and Internal Space Standards
 - DM10 - Resource Efficiency and High Environmental Standards
 - DM13 - Co-ordinating Land use and Transport

- DM14 - Sustainable Transport Network
- DM16 - Parking
- DM24 - Environmental Protection
- DM29 - Design Principles, Standards and Local Distinctiveness
- DM32 - Managing Impact of Development on Occupiers and Neighbours
- DM34 - Water
- DM35 - Biodiversity and Geodiversity

9 MATERIAL PLANNING CONSIDERATIONS

Other policies

Supplementary Planning Document Urban Design (2010)

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

Supplementary Planning Document Revised Planning Obligations (2017)

- 9.2 The Planning Obligations SPD (2017) was adopted on 16 May 2017. This revised document replaces the 2014 Planning Obligations SPD. The SPD provides updated guidance for developers, applicants and landowners on planning obligations and Section 106 agreements and how these work alongside the Community Infrastructure Levy (CIL) in securing the appropriate contributions required to support growth in Waltham Forest.

Natural England – Epping Forest Special Area of Conservation

- 9.3 Natural England issued an Interim Advice Letter on 6th March 2019, in relation to the Epping Forest SAC (Special Area of Conservation), which is based on updated research on the impacts on the SAC and proposed measures to mitigate those impacts with particular reference to those understood to arise from the recreational impact generated by occupiers of new development. The Local Planning Authority is a “competent authority” under the Habitat Regulations and is legally obliged to take Natural England’s advice into account in decision making and attach great weight to it.
- 9.4 Waltham Forest shares a boundary with the Epping Forest Special Area of Conservation and following research in the form of a visitor survey by Footprint Ecology, has been found to fall within a wider Zone of Influence (ZOI) based on the distance the majority of visitors will travel to visit Epping Forest SAC. This report identified that 75% of visitors travelled up to 6.2Km to

the SAC and as result of the whole of the London Borough of Waltham Forest falls within this ZOI for recreational pressure. It is anticipated that new residential development within this ZOI constitutes a LSE (Likely Significant Effect) on the sensitive interest features of the SAC through increased recreational pressure, either when considered 'alone' or 'in combination'.

- 9.5 The Council as Local Planning Authority is obliged to ensure that any grant of planning permission would have sufficient mitigation measures in place so as to ensure that there would be no harmful impact on the Epping Forest SAC arising from LSE.
- 9.6 Natural England's Interim Guidance assumes that all new residential development within Waltham Forest will create an impact on the Epping Forest SAC which will need to be mitigated. The Interim Guidance suggests that mitigation measures should take a threshold approach whereby development of 100 dwellings or more is treated differently to schemes of 99 dwellings or less.
- 9.7 For schemes of 99 units or less, an initial draft of costed Strategic Access Management Measures (SAMM) has been prepared by the City of London Conservators of Epping Forest. This package of measures is to be used in the interim period until the full Mitigation Strategy has been agreed and adopted. However, as an indication under the interim Strategic Access Management Measures, Waltham Forest is expected to contribute circa £1m towards the mitigation works which equates to 37% of the total.
- 9.8 For applications received after 1st April 2019 a SAMM levy is requested for all new residential developments of 10 units or more to contribute towards the Epping Forest mitigation. This is calculated at £100 per unit. The SAMM levy is not being sought for schemes of less than 10 units as the administrative costs are greater than the amount collected. Natural England is supportive of this approach, provided the total expected contribution is delivered.

Waste & Recycling Guidance for Developers (LBWF, 2019)

- 9.9 This guidance is for architect and other stakeholders involved in designing and building residential and commercial developments in the borough to encourage safe and secure refuse and recycling storage and collection.

Emerging Policy

- 9.10 Planning Policy Framework. The following policies are of relevance:

Shaping the Borough – London Borough of Waltham Forest Draft Local Plan Part One Submission Draft (April 2021)

- 9.11 The Draft Local Plan underwent Regulation 18 public consultation between July 2019 and September 2019 and consultation on the proposed Submission Version between 26th October 2020 and 14th December 2020. It has now been submitted to the Secretary of State for examination. This is an early stage of the plan making process and less weight will be given to its policies.

9.12 The Draft new Local Plan proposes to be a “combined” document comprising 12 thematic policies and a revised spatial strategy, splitting the borough into North, South and Central Waltham Forest.

9.13 The Draft Local Plan clearly sets out the Council’s growth agenda which seeks to facilitate the sustainable delivery of 27,000 new homes and 46,000sqm of employment floor space over the next plan period. The draft policies relating to housing type and mix are reflective of the London Plan (2021).

- 1 Presumption in Favour of Sustainable Development
- 3 Location and Management of Growth
- 6 South Waltham Forest
- 23 Increasing Housing Supply
- 27 Housing Design
- 31 Small Sites
- 59 High Quality Environment
- 62 Delivering High-Quality Design
- 64 Amenity
- 68 Walking and Cycling
- 70 Deliveries Freight and Servicing
- 71 Construction Logistics Plan
- 72 Managing Vehicle Traffic
- 74 Assessing, Mitigating and Monitoring Transport Impacts
- 75 Utilities Infrastructure
- 76 Digital Infrastructure
- 86 Biodiversity and Geodiversity
- 88 Waterways
- 90 A Zero Carbon Borough
- 92 Sustainable Design and Construction
- 93 Air Pollution
- 94 Water
- 96 Managing Flood Risk
- 99 Waste Management
- 100 Infrastructure and Developer Contributions

Local Finance Considerations

9.14 Local Finance Considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL).

- i) There are no grants which have been or will or could be received from central government in relation to this development.
- ii) The Council has not received but would expect to receive income from LBWF CIL in relation to this development.
- iii) The Council has not received but would expect to receive income from Mayoral CIL in relation to this development.

10 ASSESSMENT

10.1 The main issues for consideration, in relation to the proposed development are as follows:

- A.** Principle of Development
- B.** Flood Risk
- C.** Quality of Residential Accommodation
- D.** Urban Design, Character and Appearance
- E.** Neighbour Amenity
- F.** Highway and Transport Impact
- G.** Refuse Management
- H.** Environment and Sustainable Design
- I.** Accessible Housing
- J.** Trees and Local Biodiversity
- K.** Planning Obligations

A. Principle of Development

10.2 Policy H1 states that to ensure housing targets are achieved, boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their planning decisions, especially sites with PTALs of 3-6 and small sites.

10.3 Policy H2 states that boroughs should pro-actively support well-designed new homes on small sites (i.e. those below 0.25ha) through planning decisions in order to increase the contribution of small sites to meeting London's housing needs and to provide opportunities for a variety of locations, housing types and developers.

10.4 Policies CS2 and DM2 seek to ensure a continuous supply of homes to meet a range of housing needs and seeks to protect existing housing stock.

Specifically, Policy CS2 states that previously developed, particularly unused or underused land, should be prioritised for residential development to maximise the number of quality homes in the borough, and that effective and efficient use of land should be made by seeking to optimise housing densities.

- 10.5 The application site is a vacant plot comprising overgrown vegetation. The site is surrounded by residential development to the north, south and east, and to the west is the Dagenham Brook and open space.
- 10.6 In the pre-application advice issued by the Council dated 28 February 2019, the Council did not object to the proposed use of the site for residential accommodation as it would be compatible with the neighbouring land uses.
- 10.7 The current scheme is for a single family residential dwelling, and the Council still considers this land use would be a suitable use of the land, subject to satisfactory mitigation of flood risk and impacts to neighbouring occupiers as well as provision of a satisfactory standard of accommodation. These matters are assessed below.

B. Flood Risk

- 10.8 Policy SI 12 requires development proposals to ensure that flood risk is minimised and mitigated, and that residual risk is addressed, including making space for water and aiming for development to be setback from the banks of watercourses.
- 10.9 Policy DM34 seeks to manage flood risk and requires a Flood Risk Assessment (or drainage strategy) to be submitted at planning application stage for sites with known flooding risk. Development should achieve greenfield run-off rates through the maximisation of Sustainable Urban Drainage Systems (SuDS) where possible, should retain permeable materials where possible, provide mitigation measures where there are residual impacts, and where necessary provide new or upgraded infrastructure to reduce and mitigate against flood risk. Policy DM34 also requires that development affecting waterways demonstrate that there would be no adverse impacts on the water environment, species of habitats, and incorporate buffer zones of at least 8m for main rivers and 5m for ordinary water courses and left free of any permanent structures.
- 10.10 The site is located within Flood Zones 2 and 3 as identified by the Environment Agency (EA). In accordance with the EA's requirements, a planning application for a site in Flood Zone 2 and/or 3 must be supported by a Flood Risk Assessment (FRA). A FRA was submitted with the application.
- 10.11 The Council consulted the EA on the application, with the details of this consultation summarised in Section 7.1 of this report. The final consultation response from the EA did not object to the development, subject to conditions and an informative.
- 10.12 The EA's final consultation response also outlined advice to the LPA relating to the appropriateness of the site in accordance with the NPPF. The Council's Highways Team was consulted on the application, with this consultation addressing Flooding and Drainage. Initially Highways requested

further information. In response to the additional information provided and the EAs final response to the Council, Highways stated that there were no additional drainage comments.

- 10.13 In addition to producing a flood risk assessment, the applicant is also required to demonstrate that the sequential test and exceptions test have been met. The sequential test aims to steer new development to areas with a lower risk of flooding and applicants are required to demonstrate that there are no reasonably available sites appropriate for the development. Where the sequential test is met, the exceptions test must also be passed; that the development will provide sustainability benefits to the community that outweigh flood risk and the development will be safe.
- 10.14 Planning Officers also communicated with the Council's Planning Policy team in relation to the sequential test undertaken and subsequent consistency with the NPPF. Initially the Council's Policy Officers raised concerns with the Sequential Test undertaken. However, following an update that the EA's initial objection had been revoked, the Policy Officer indicated that the EA's comments should be relied on and had no additional comments to provide. In terms of the exceptions test, the development will provide a sustainable development, in terms of energy efficiency, water efficiency, biodiversity net gain, sustainable drainage and being car free. The application has been designed to ensure occupants will be safe from flooding and conditions have been imposed to achieve this.
- 10.15 As such, the scheme is considered to be in accordance with Policies SI 12 and DM34, subject to planning conditions.

C. Quality of Residential Accommodation

Internal Space

- 10.16 Policy D6 specifies minimum internal floor area requirements for residential development. The standard requires at least 7.5sq.m. for a single bedroom and 11.5sq.m. for a double bedroom. The proposed dwelling would provide three bedrooms comprising 12.4sq.m., 13.4sq.m. and 12.2sq.m, which would provide three double bedrooms. As such, the dwelling would be a 3b6p occupancy.
- 10.17 Policy D6 requires a minimum gross internal floor area of 102sq.m. for a two storey 3b6p dwelling. The proposed dwelling has a gross internal floor area of 121.6sq.m. and therefore complies.
- 10.18 Policy DM7 requires the minimum combined floor area of living, dining and kitchen space for a 6 person dwelling to be 31sq.m. The combined floor area of the living room and the kitchen would be 42sq.m.
- 10.19 In accordance with the SPD Urban Design, the proposed dwelling would be multi-aspect, providing windows on three elevations at ground floor level and all four elevations at first floor level. The application was accompanied by a Daylight, Sunlight and Overshadowing Assessment which concluded that the internal habitable rooms would achieve satisfactory levels

of daylight in accordance with the BS 8206-2:2008, Lighting for Buildings - Part 2: Code of Practice for Daylighting.

External Space

- 10.20 Policy D6 requires that where there are no higher local standards in the borough Development Plan Documents a minimum of 9sq.m. of private outdoor amenity space should be provided for a 6p dwelling, with a minimum width of 1.5m. Policy DM7 of the Council's Development Management Policies Document requires terrace dwellings to provide a minimum of 60sq.m. of private outdoor amenity space for three bedroom houses. In accordance with Policy D6, Policy DM7, being the higher standard, prevails in this instance.
- 10.21 The scheme includes a 224sq.m. garden which therefore complies.
- 10.22 The scheme complies with the internal and external space standards and in most cases, provides more than the minimum requirements. The proposed dwelling would have good access to natural light, outlook and ventilation. It is considered that the proposed development would provide a high level of residential amenity for future occupiers in accordance with Policies D6, DM7 and the SPD Urban Design.

D. Urban Design, Character and Appearance

- 10.23 Policy CS15 seeks to ensure the highest quality architecture and design that responds positively to the local context and promote distinctiveness and sense of place. Policy DM29 requires high quality design that enhances local character and distinctiveness. The SPD Urban Design sets out a range of principles for achieving good design with the objective of significantly raising the quality of development within the borough.
- 10.24 The application site is not in a prominent location and views of the proposed dwelling from public spaces would be limited. Views to the proposed dwelling from Tudor Court would be extremely limited and would not have an impact on the Tudor Court street scene. There would be some views to the proposed dwelling from Luther Close, however the availability of these views and the setback and separation of the proposed dwelling from Flanders Court and Nathaniel Court would mean that the proposed dwelling would not cause a detrimental impact to the appearance of this street scene. The setback of the dwelling from the western boundary would be sufficient such that views from Low Hall Farm (on the western side of the Dagenham Brook) would not be dominated by the proposed dwelling and no important views of vistas from Low Hall Farm would be impacted.
- 10.25 In terms of scale and massing, the proposed dwelling would not be out of keeping with the surrounding development. The elevation plans indicate that the ground level of the application site would be lower than the adjacent Tudor Court properties. The difference in ground levels would mean that the proposed dwelling would be in keeping with the overall height of the adjacent Tudor Court properties, and the proportions of the elevations in terms of ground and first floor and the roof would be in keeping with the corresponding levels at the neighbouring properties at Tudor Court.

- 10.26 The SPD Urban Design specifies that a positive response to local context does not have to mean a replication of existing building styles. The proposal is for a detached dwelling on a vacant plot. It is noted that the area is characterised by flatted developments at Tudor Court, Nathaniel Court and Flanders Court, as well as semi-detached and terrace properties to the south-west on the opposite side of Dagenham Brook. The setting of the dwelling, being detached, is different from the existing dwelling type and the architectural style and appearance of the proposed dwelling would not replicate the appearance of the existing surrounding developments. Notwithstanding, it is considered that the proposed dwelling would not cause unreasonable impacts to the local character. The application form indicates that the external walls would comprise brick, cladding and timber, the roof would be tiles and the windows would be UPVC. These materials and their arrangement as indicated by the proposed plans would be in keeping with the neighbouring Tudor Court properties and would be sufficiently complementary to the nearby Nathaniel Court and Flanders Court properties.
- 10.27 The Council's Design Officer was consulted on the scheme and was not convinced by the proposed design and noted that a more contemporary design may be a more appropriate design response for this infill development. However, the development as proposed would not contravene relevant planning policy relating to design, character and appearance and for this reason must be considered acceptable. Further, the development would comply with the internal and external space standards and would provide a satisfactory level of amenity for future occupiers, would not cause unreasonable loss of amenity to the neighbouring occupiers and would not have adverse environmental impacts, in particular the EA considers the scheme to be acceptable in terms of flood risk (subject to planning conditions). It is considered that the benefit of providing a family sized home under a scheme that is in accordance with relevant planning policies would outweigh the request for a more contemporary appearance to the dwelling.
- 10.28 It is noted that the proposed elevation plans indicate a variation of materials on the external elevations, however specific detailing is not provided. However, it is considered that enough information has been provided at planning application stage and that specific details can be managed by way of planning condition.
- 10.29 As such, it is considered that the scheme would be acceptable in terms of character and appearance. Although the scheme would not replicate the appearance of the Tudor Court properties, it is considered this would not be detrimental to the street scene and visibility of the property would be limited. The scheme is considered to be in accordance with Policies CS15, DM29 and the SPD Urban Design.

E. Neighbour Amenity

- 10.30 Policy DM32 requires development to ensure that the amenity of neighbouring occupants is maintained by way of daylight/sunlight, outlook and privacy. The Urban Design SPD provides specific design guidelines to reduce impacts on neighbouring properties.

Daylight and Sunlight

- 10.31 The application was supported by a Daylight, Sunlight and Overshadowing Assessment which assessed the impacts of the development on 20 and 21 Tudor Court, being the two nearest properties to the proposed development. Given the separation distance between the proposed dwelling at the closest properties to the north, it is considered that the scheme would not cause a detrimental overshadowing or loss of light to these properties.
- 10.32 In reference to 20 and 21 Tudor Court, the Assessment concludes BRE guidelines for daylight and sunlight to habitable room windows would be achieved and that although there would be some overshadowing of the rear gardens, the amount of overshadowing would be negligible at No. 20 and only of minor impact at No. 21.
- 10.33 As such, it is considered that the scheme would not cause unreasonable overshadowing or loss of light to the neighbouring occupiers.

Outlook

- 10.34 The plans demonstrate that the proposed dwelling would not exceed a 45 degree line taken from the centre of the nearest rear elevation windows at 20 Tudor Court. The plans also indicate that the proposed dwelling would not exceed such a line taken from the rear elevation windows of 21 Tudor Court. It is also noted that the Tudor Court properties do not benefit from side elevation windows, therefore the proposed dwelling would have no impact on any views from the sides of these neighbouring properties. As such, it is considered that the scheme would not cause a detrimental impact to the outlook of the two adjacent properties.
- 10.35 The proposal would introduce a two storey building to the site which is currently vacant. As such, there would be an alteration to views towards the site from the nearest Flanders Court properties. However, the building separation, being 18.8m, scale and siting of the proposed dwelling is such that it would not be an overly dominant structure and although there would be some alterations to the views from these properties, it would not cause a detrimental loss of outlook.
- 10.36 It is considered that the side elevation windows of the Nathaniel Court would not be detrimentally impacted by the scheme.

Privacy and Overlooking

- 10.37 The SPD Urban Design requires dwellings with habitable rooms overlooking existing private gardens to be setback 5m per storey from the common boundary. The SPD Urban Design also requires two storey dwellings to have a minimum separation distance of 20m between the windows of habitable rooms and kitchens.
- 10.38 The proposed dwelling would be setback approximately 4.8m from the northern boundary. It is considered that the shortfall of 0.2m to the SPD requirement would not cause a significant additional impact in terms of overlooking and loss of privacy.
- 10.39 The proposed dwelling would be setback approximately 4m from the eastern boundary. The siting of the first floor bedroom window on the eastern

elevation is such that it would overlook the blank wall of No. 21. Although this window would have some views to the rear garden of No. 21, it is considered that the 4m setback combined with the siting of the window would provide that these views are limited and would not cause unreasonable overlooking opportunities.

- 10.40 Although there would be one first floor window on the southern elevation, the siting of this window would not overlook the rear garden of 20 Tudor Court. It is also noted that this window is connected to a stair case which is not a habitable space. As such, it is considered that the first floor window on the southern elevation would not have cause overlooking or loss of privacy to the occupants of No. 20.
- 10.41 The side elevations of 20 and 21 Tudor Court do not benefit from windows. As such, the southern and eastern elevations of the proposed dwelling would not directly overlook any existing windows at these properties. The separation between the proposed dwelling and 13-18 Flanders Court would be approximately 18.8m. Although this would fall short of the SPD requirement by 1.2m, it is noted that the siting of the proposed dwelling is such that the opposing windows would be offset and would not directly overlook one another between the dwellings which would sufficiently mitigate the shortfall of 1.2m in this instance.
- 10.42 It is therefore considered that the scheme would not cause unacceptable overlooking or loss of privacy to the occupiers of the neighbouring residential properties.

F. Highway and Transport Impact

Car Parking

- 10.43 In accordance with Policy DM16 (Parking) the Council will seek to effectively manage parking and to ensure the provision of safe and attractive parking facilities. The Council would resist proposals that are likely to hinder pedestrian movement or prove injurious to highway safety; provide inadequate sight lines for vehicles leaving the site; and reduce on-street parking provision in areas where on-street parking spaces cannot meet existing demand.
- 10.44 The surrounding streets are within a CPZ and have a high level of parking pressure. As such, the development is required to be car free, secured by way of a s106 Legal Agreement.
- 10.45 It is noted that no car parking is provided on the submitted plans, in accordance with the above. As such, it is considered that, subject to a s106 Legal Agreement, the scheme is in accordance with Policies CS7 and DM16.

Cycle Storage

- 10.46 Both Policy T5 of the London Plan and Policy DM16 requires development proposals to provide for well designed, high quality cycle storage at a rate of two spaces per two or more bedroom dwelling. Cycle storage is required to be covered and secure.
- 10.47 The scheme includes two cycle storage spaces. Initially, the cycle storage was proposed to be located at the north eastern corner of the property

and details of the proposed storage were not provided. Planning Officers requested the cycle storage be re-located closer to the main dwelling entrance in order to ensure safety and convenience for future occupiers, and also requested design details. The Applicant subsequently re-located the cycle storage and provided details demonstrating that it would be covered and lockable in accordance with borough policy.

Traffic Management

10.48 Policy DM13 seeks to ensure that development is properly integrated with the transport network, and states that development proposals are required to submit a Construction Logistics Plan.

10.49 The application was supported by an Outline Construction Logistics Plan (CLP) which was reviewed by the Council's Highways Team. Initially, Highways raised several concerns with the Outline CLP in relation to the proposed travel routes. The Outline CLP was amended, and Highways raised no further concerns however, will require a Detailed CLP to be submitted prior to the commencement of works.

10.50 The Council's Highways Team has also requested that the developer submit a Highways Condition Survey prior to the commencement of works in order to ensure any damage to the Council's infrastructure as a result of the development is accounted for and repaired, to be funded by the developer. This would be secured through the s106 Agreement.

10.51 As such it is considered that, subject to planning conditions, the scheme is in accordance with Policy DM13.

G. Refuse Management

10.52 Policies CS6 and DM32 of the Local Plan states the requirement that new development should ensure that waste is managed in the most environmentally friendly way in order to protect human health and the environment from pests and other environmentally damaging effects.

10.53 The Council's Waste & Recycling Guidance for Developers (2019) requires street level properties that do not benefit from communal refuse storage to provide storage capacity for 1 x 140L refuse bin and at least 1 x 140L recycling bin or 1 x 140L food and garden waste bin, with the option to increase the size of the recycling and/or food and garden waste bins to 240L.

10.54 The plans show storage capacity for three bins is available in a location that would appear safe and convenient for future occupier and unlikely to cause detrimental visual, health or amenity impacts. The Council's Waste Management team was consulted on the scheme. No objection was received, as such, it is considered that the scheme would be able to accommodate a satisfactory amount of refuse storage for a single family dwelling in a manner that would not cause detrimental impacts to the amenity of neighbouring occupiers.

H. Environment and Sustainable Design

CO₂ Reduction

- 10.55 Policy DM10 states that the Council will ensure sustainable resource management and high environmental standards by requiring residential development of one or more units to be zero carbon and to achieve Code for Sustainable Homes Level 4 or equivalent standards.
- 10.56 The application was not supported by a Sustainability Statement however, it is considered that this can be satisfactorily managed by way of the Council's standard planning conditions for new dwellings requiring details of carbon reduction and water reduction measures to be submitted to the Council for approval prior to the commencement of works

Water Efficiency

- 10.57 Local Plan Policy DM34 states that developments should implement water efficiency measures to achieve usage of less than or equal to 105 litres per person per day for residential use.
- 10.58 No information has been provided however, it is considered acceptable to condition any permission to demonstrate how this target would be achieved, thereby according with Policy DM34.

Sustainable Urban Drainage

- 10.59 Plan Policy SI 13 requires new developments to utilise sustainable urban drainage systems (SUDS) to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible in line with the drainage hierarchy. Policy DM34 requires developments to incorporate SUDS at all opportunities.
- 10.60 The Council's Highways Team was consulted on the scheme, which included review by the Council's Engineers. Highways considered that SUDS detailing for this scheme could be satisfactorily managed through planning conditions.
- 10.61 In summary, using appropriate conditions would ensure that the proposal would not adversely exceed the CO₂ reduction target and water efficiency measures. Accordingly, the proposal would be in accordance with the London Plan (2021), Policies DM10, DM24, and DM34 of the of Waltham Forest Local Plan – Development Management Policies (2013).

I. Accessible Housing

- 10.62 Policy D7 seeks to ensure suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with younger children is provided. To do this, Policy D7 requires dwellings to which Part M Volume 1 of the Building Regulations applies to meet Building Regulation requirement M4(2) "Accessible and Adaptable Dwellings".
- 10.63 Access to the proposed dwelling is raised above the flood level. In order to provide level access, the scheme was amended to provide access ramps at a

gradient of 1:12 to both of the proposed entrance/exit doors. It is noted that stepped access to both doors is also provided.

- 10.64** Level-access cannot be provided without the incorporation of access ramps due to the flood level above both the natural and proposed finished ground level. As such, the inclusion of access ramps in this instance is considered necessary to ensure compliance with Policy D7.
- 10.65 Details of the material(s) of any safety railings required would be required to be submitted to and approved by the Council prior to the commencement of works, in accordance with the recommended planning conditions. To ensure compliance with Policy D7, Planning Officers have also recommended a condition which would require the dwelling to be built in accordance with 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.
- 10.66 As such, the scheme would be consistent with Policy D7 subject to compliance with planning conditions.

J. Trees and Biodiversity

- 10.67 Policy CS5 of the Waltham Forest Local Plan - Core Strategy (2012) seeks to protect and enhance green infrastructure and biodiversity and to maximise access to open spaces across the Borough by enhancing the green infrastructure network through better connectivity and the creation of new open spaces while conserving their historic value. Policy DM35 of the Waltham Forest Local Plan – Development Management Policies (2013) states where there are existing biodiversity resources on-site or in the vicinity of a development site, the developer must provide measures for their retention, the integration of existing wildlife habitats and features, and their restoration and enhancement where appropriate.
- 10.68 The Council's Tree Preservation and Conservation Officer was consulted on the scheme and requested a Preliminary Ecological Assessment to be undertaken and submitted to the Council in order to assist the soft landscaping part of the scheme and provide recommendations for suitable species types and habitat boxes to be provided on this site, as well as a subsequent detailed soft landscaping plan, showing a biodiversity net gain in accordance with local policy. Given the overgrown nature of the existing site and the proximity of the site to the Dagenham Brook, it is considered that there are important opportunities for retention and preservation of flora and fauna, which would be specified in the Preliminary Ecological Assessment. As the Tree Preservation and Conservation Officer did not raise an in principle objections, Planning Officers consider that this detailing could be provided post-decision by way of a planning condition, with a requirement for the approval of these details to be prior to the commencement of works on site.
- 10.69 The scheme also proposes to remove one of the existing trees to facilitate the construction of the proposed dwelling. The trees on the site do not have outstanding Tree Preservation Orders and the Council's Tree Preservation and Nature Conservation Officer did not raise any in principle objections in

relation to the tree proposed to be removed, nor the trees proposed to be retained. However, the Tree Preservation and Nature Conservation Officer requested an assessment of the existing trees to establish their quality and quoted BS 5837 2012 is required to be complied with. As no in principle issues were raised in relation to these trees, Planning Officers consider that, in this instance, it would be appropriate to require this detailing to be submitted by way of planning condition, prior to the commencement of works on site. It is also noted that local policy would require replacement planting to take place, which would also be required to be addressed in the assessment of the existing trees and the landscaping plan that would also be required by planning condition. The Council has also included a condition to secure the retention of the trees shown to be retained on the plans and would require replacement planting in the event of damage to these trees.

10.70 It is therefore considered that, subject to planning conditions, the scheme would be in accordance with Policies C5 and DM35.

K. Planning Obligation

10.71 Section 106 (s106) Agreements are a material consideration in the determination of a planning application. The purpose of such an Agreement is to make otherwise unacceptable development acceptable and they should only be sought where they meet all of the following tests: i) Necessary to make the development acceptable in planning terms, ii) Directly related to the development and iii) Fairly and reasonably related in scale and kind to the development.

10.72 In terms of the s106 Agreement, the required Heads of Terms, having regard to planning policy, the Waltham Forest Supplementary Planning Document "Obligations" (2017) and the Waltham Forest Supplementary Planning Document "Affordable Housing and Viability" (2018), for this development relate to:

- Car free development
- Legal Fees
- Requirement for a Condition Survey

10.73 The details of these requirements are set out in the recommendation section of this report, paragraph 13.1.

11 CONCLUSION

11.1 The proposed development would introduce a new single family home to a vacant site within an established residential area. The proposed dwelling would provide satisfactory flood mitigation and standard of accommodation and would not cause detrimental impacts in terms of character, appearance or neighbour amenity.

11.2 The acceptability of the scheme would be subject to planning conditions relating to flood mitigation, materials and sustainability, as well as the requirement for a s106 Agreement to secure the development as car-free.

12 ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

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

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- D. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

12.2 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balance against other relevant factors.

12.3 It is considered that the recommendation to refuse permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

12.4 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as the London Borough of Waltham Forest to act in a manner that is incompatible with the European Convention on Human Rights.

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

proportionate response to the submitted application based on the considerations set out in this report.

13 RECOMMENDATION

13.1 The Planning Committee is requested to grant planning permission subject to conditions and completion of the Section 106 Agreement with the terms in the table below:

13.2 Section 106 Agreement Head of Terms:

CATEGORY	TERMS
Highways	Car Free Development - With the exception of Blue Badge holders, the development is to be classified as car-free and new residents will not be eligible for parking permits.
Highways	A highway condition survey to assess the condition of highway before and after construction works
LBWF Fees	Payment of the Council's legal fees for the preparation and completion of the Legal Agreement

13.3 That authority to be given to the Assistant Director of Development Management and Building Control in consultation with the Council's Legal Services for the sealing of the s106 Agreement and to agree any minor amendments to the conditions or the s106 Agreement on the terms set out above.

13.4 In the event that the S106 agreement is not completed within three months following committee, the Assistant Director of Development Management and Building Control is hereby authorised to refuse the application.

Conditions and Reasons:

1. The development hereby permitted shall begin not later than the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents and thereafter maintained as such for the lifetime of the development:

- Drawing Numbers 270-22C and 270-23C, Rev C, Dated 10-08-2020

- Drawing Number 270-20-D, Rev D, Dated 03-03-2021
- Drawing Number 270-21C, Rev C, Dated 12-01-2021
- Document Entitled “Planning/Design and Access Statement”, V1.0, Dated August 2020
- Document Entitled “Outline Construction Logistics Plan”, Issue 1C, Dated June 2021
- Document Entitled “Daylight, Sunlight and Overshadowing Assessment for Adjacent Properties and Proposed Development”, Issue 1, Dated 25.02.2020
- Document Entitled “FloodSmart Sequential & Exception Tes”, Dated 2019-11-19.

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

3. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and/or re-enacting that Order, no windows shall be inserted into the side elevations at first floor level of the development hereby permitted, without the prior written approval of the Local Planning Authority.

Reason: To prevent overlooking and loss of privacy in the interests of the amenities of the adjoining property, in accordance with Policy CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policy DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and/or re-enacting that Order with or without modification, no development under Schedule 2 Part 1 Classes A, B, C, D, E, F, G, H shall be carried out unless approved by way of a planning permission granted.

Reason: In the opinion of the Local Planning Authority, the nature and density of the layout requires strict control over the form of any additional development that may be proposed in the interests of residential amenities, in accordance with Policies CS13 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policy DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

5. Prior to the commencement of the development, excluding site investigation and clearance works, demolition and construction to slab level, detailed drawings and samples of all materials (including window specification, safety railings etc.) to be used in the construction of the

external surfaces the building hereby approved, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out solely in accordance with the approved details and thereafter retained as such for the lifetime of the development.

Reason: To safeguard the visual amenities of the area in accordance with Policy CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policy DM29 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

6. Prior to the commencement of the development, excluding site investigation and clearance works, demolition and construction to slab level, details indicating the positions, design, materials and type of boundary treatment and other means of enclosure to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved details prior to occupation of any of the units hereby permitted and thereafter permanently retained.

Reason: To ensure a satisfactory appearance in accordance with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012).

7. The existing trees, hedges and other soft landscaping features on the site shall not be removed, felled, topped, lopped or disturbed in any way as a result of the development hereby granted, without the prior written consent of the Local Planning Authority. This includes no damage caused to the roots of the trees/hedges within or adjacent to the boundary of the application site. If any trees, hedgerow or soft landscaping is removed, felled, topped, lopped or disturbed without consent then another of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original unless the local planning authority gives its written consent to any variation.

Reason: To ensure the well-being of the trees and in the interest of biodiversity and the amenity of the surrounding area, in accordance with Policies CS5 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM29 and DM35 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

8. Prior to the commencement of the development an ecological assessment to be carried out by a suitably qualified person and shall include a site survey, statement of the site, assessment of impact and mitigation measures, including biodiversity net gain, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved ecological assessment recommendations and any necessary mitigation measures shall be provided and thereafter retained in perpetuity.

Reason: In the interest of biodiversity and local amenity, in accordance with Policy CS5 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policy DM35 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

9. Prior to the commencement of development on site, details of the hard and soft landscaping to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of the retained and proposed planting around the site, along with the requirement to demonstrate that all hardstanding areas are permeable. The landscaping plan must demonstrate a biodiversity net gain. The development shall be carried out solely in accordance with the approved details and all approved planting shall be carried out in the first planting season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedges, shrubs and greenspaces forming part of the approved scheme which within a period of five years, dies, is removed or becomes seriously damaged or diseased shall be replaced with others of similar size and species.

Reason: To ensure a satisfactory appearance and in the interest of local amenity and biodiversity in accordance with Policies CS5 and CS15 of the adopted Waltham Forest Local Plan Core Strategy (2012), and Policies DM29 and DM35 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

10. Prior to the commencement of development on site, notwithstanding site investigation work, clearance and demolition, a SUDS (Sustainable Urban Drainage System) to deal with all surface water drainage from the site, including details of proposed rainwater harvesting systems, green roofs and proposed soakaway designs together with infiltration test results and recommended soakage rates, shall be submitted to and approved by the Local Planning Authority. The SUDs will be expected to achieve greenfield run-off rates. The approved SUDS shall be fully implemented prior to first occupation of any building and thereafter maintained in accordance with the agreed details for the lifetime of the development.

Reason: To prevent the increased risk of flooding, both on- and off-site ensure that adequate drainage facilities are provided in accordance with Policies CS4 and CS15 of the adopted Waltham Forest Local Plan - Core Strategy (2012) and Policy DM34 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

11. No development shall take place on site whatsoever, until a Detailed Construction Logistics Plan has been submitted to and approved by the local planning authority. The logistics plan shall include details of site access, journey planning, access routes, hours of delivery, temporary traffic arrangements or restrictions, site operation times, loading and unloading locations and material storage. All works shall be carried out in

accordance with the approved details throughout all demolition and construction works.

Reason: To ensure considerate construction and to protect the amenities of the nearby residents to ensure that disruption is kept to a minimum and does not affect highway traffic flows to comply with Policies CS7 and CS13 of the adopted Waltham Forest Core Strategy (2012) and Policies DM14 DM15, DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

12. Prior to the commencement of the development on site, notwithstanding site investigation and clearance works, demolition and construction to slab level, details of the specific measures to be adopted to achieve at least a 35% reduction in carbon emissions over the 2013 Building Regulations together with details of the renewable sources of energy to be incorporated within the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details relating to achieving carbon emissions reduction. Any subsequent shortfall shall be compensated by payment to the Council's Carbon Offset Fund. The approved measures shall be incorporated into the development, and thereafter maintained in accordance with the approved details for the lifetime of the development.

Reason: In the interests of the sustainability and energy efficiency of the development and to meet the requirements of policy 5.2 of the London Plan (2015). In the interest of sustainability, energy efficiency and to provide a high quality development in accordance with Policy CS4 of the Waltham Forest Local Plan Core Strategy (2012) Policy DM10 of the Waltham Forest Local Plan Development Management Policies (2013).

13. Prior to the commencement of development on site (excluding site investigation and demolition and site clearance works, a scheme detailing measures to reduce water use within the development, to meet a target water use of 105 litres or less per person, per day, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved scheme and thereafter retained, as such for the lifetime of the development.

Reason: To minimise the water use of the development, in accordance with the requirements of Policy 5.15 of the London Plan (2015).

14. Works of demolition and construction shall be carried out during normal working hours, i.e. 08:00 to 18:00 hours Monday to Friday, and 08:00 to 13:00 hours on Saturdays, with no noisy working audible at the site boundary being permitted on Sundays or Bank Holidays.

Reason: To ensure considerate construction and to protect the amenities of the nearby residents from excessive noise and dust and to comply with Policies CS7 and CS13 of the adopted Waltham Forest Core Strategy (2012) and Policies DM14, DM15, DM24 and DM32 of the adopted

Waltham Forest Local Plan – Development Management Policies (2013)) and comply with Policy 7.14 of the London Plan and the GLA NRMM LEZ.

15. No building hereby permitted shall be occupied until the sustainable drainage system for the site has been completed in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan for the lifetime of the development.

Reason: To prevent the increased risk of flooding, both on- and off-site ensure that adequate drainage facilities are provided in accordance with Policies CS4 and CS15 of the adopted Waltham Forest Local Plan - Core Strategy (2012) and Policy DM34 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

16. The lower ground floor level hereby permitted shall be retained as a void and shall not be used as habitable space for the life of the development.

Reason: To preserve the amenities of the occupiers of the property and the adjoining and nearby properties, in accordance with Policies CS13 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM29 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

17. The development hereby permitted must not be commenced until such times as a scheme to ensure maintenance of the proposed voids has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained in accordance with the scheme's timing/phasing arrangements or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To ensure that there are no detrimental impacts to flood storage or flood flow routes in line with national and local planning policy.

18. The development hereby approved 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 provide accessible residential units which can be adapted to residents' changing needs throughout their lifetime in accordance with Policies CS2 and CS15 of the adopted Waltham Forest Local Plan Core Strategy (2012) and Policies DM29 and DM30 of the adopted Waltham Forest Local Plan – Development Management Policies (2013) and Policy 3.8 of the adopted London Plan (consolidated with alterations from 2011).

Informatives:

1. To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which offers a pre planning application advice service. The scheme was submitted in accordance with guidance.
2. A legal agreement has been entered into with the London Borough of Waltham Forest in conjunction with this grant of planning permission to ensure that the development is acceptable.
3. The application subject to both the Mayoral Community Infrastructure Levy (CIL) and Waltham Forest Council CIL.
4. Construction activities must not affect traffic flows on the highway. No materials can be stored on the highway and no construction related activities can take place on the highway. It is an offence to place scaffolding, skip or hoarding on the highway without permission. Early contact with the Council's Network Operations is advisable, as it may affect the construction programme.
5. It is an offence to place scaffolding, skip or hoarding on the highway without permission. Early contact with the Council's Network Operations is advisable, as it may affect the construction programme.
6. It is developer's responsibility to ensure all signage associated with the proposed development i.e. street nameplates, building names and door numbers are erected prior to occupation, as agreed with the Council's Street Naming/Numbering Officer.
7. This determination does not constitute permission to build under the building regulations 2010. Works should not commence until any appropriate building regulation applications have been submitted and where necessary approved.
8. This notice is without prejudice to your responsibilities under any other legislation.
9. **IMPORTANT:** Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences
 - You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
 - Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
 - Beginning development in breach of a planning condition will invalidate your planning permission.
 - If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a Certificate of Lawfulness.

10. Prior to the occupation of the dwelling, an evacuation plan shall be submitted to the Council for records. The Councils Civil Protection officer: Pierre Rossouw-Senior Civil- Protection Officer-Civil Protection Service- Phone: 020 8496 4418-Mobile: 07896 119 407 - pierre.rossouw@lbbd.gov.uk , should be consulted at an early stage as to whether a flood evacuation strategy would be required for the development
11. Flood Risk Activity Permit: The Environmental Permitted (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
 - on or within 16 metres a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.