

**LONDON BOROUGH OF WALTHAM FOREST**

Committee / Date:	Planning – 7 <sup>th</sup> November 2023
Application Reference:	214025
Applicant:	Mr J Hill (Curtis Medical Ltd)
Location:	Health Centre, 36a Hurst Road, Walthamstow, London, E17 3BL
Proposed Development:	Demolition of former health centre and the redevelopment of site to provide 37 residential units (Use Class C3) in a building ranging from 3 to 5 storeys with associated with associated vehicular access from Hurst Road, landscaping, refuse/recycling and cycle storage facilities, disabled persons' parking and service areas.
Wards Affected:	Hoe Street

**1. RECOMMENDATION**

- 1.1. That Planning Permission be **GRANTED** subject to conditions and informatives and completion of a Section 106 Legal Agreement (S106) with the following Heads of Terms:

**Affordable Housing Provision:**

- Delivery of 3 affordable units (16% by habitable room) - London Affordable Rent homes
- Viability Review Mechanism (both early and late stage review) to capture any surplus in profit generated from the development

**Wheelchair Housing:**

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

**Highways and Transportation:**

- Highway works under a S278 will be required upon completion of the development, prior to occupation. The works will be funded by the Developer and carried out by the Council:
  - Removal of the existing radius kerb access and construction of a dropped kerb to prioritise pedestrians along Hurst Road. This level change must be taken into consideration.
- A S106 contribution of £1,500.00 is required towards CLP monitoring.

- A S106 request of £25,000.00 is requested toward improving sustainable modes of transport including walking and cycling in the sites vicinity which will directly benefit new residents in this development. This contribution will go towards the improvements on Forest Road.
- A condition survey to ensure, if the public highway is damaged as a result of the construction works, that any damage would be reinstated by the Council and funded by the developer.

#### **Car Free Housing**

- The site will be car-free, residents will not be entitled to parking permits for any CPZ unless disabled/blue badge holder.
- Each new Residential Occupier of the development must be informed prior to occupying any residential unit that they shall not be entitled to a residents parking permit unless blue badge holder.

#### **Employment and Training Strategy:**

- Employment and Skills Plan to be sent over prior commencement on site
- Construction Jobs - Procure that 30% of all jobs available for the construction or fit-out of the Development during the Construction Phase are fulfilled by Local
- Residents. Local Residents defined as residents of Waltham Forest, Hackney and Newham.
- Local Labour – Apprenticeships - Provide a minimum of 2 Apprentice Posts in the construction trade during the Construction Phase of the Development with such posts being first offered to Local Residents through the Council's Employment, Business and Skills Service. Default Payments to be applied if fall short.
- Work Placements - To provide a minimum 1 Work Placements, paid at London Living Wage (LLW) in the construction trade during the Construction Phase of the Development with such posts being first offered to Local Residents through the Council's Employment, Business and Skills Service
- Default Payments – as set out in LBWF's adopted Planning Obligations SPD if obligations above are not met.

#### **Air Quality:**

- A financial contribution of **£3,700** towards implementation of the Air Quality Action Plan

#### **Carbon Offset Fund:**

- A financial contribution of up to **£79,061** towards the Carbon Offset Fund to address the shortfall in carbon emission reductions.

#### **Epping Forest Special Area of Conservation (SAC):**

- A financial contribution of £627 per new homes towards Strategic Access Management and Monitoring (SAMM) with a total of £23,199.

**Loss of social infrastructure:**

- A financial contribution of £60,000 towards the loss of social infrastructure and contribute to the funding of the continuation of a use that is a vital local community use for local residents.

**Retention of Architect**

- The applicant shall retain the architect during the build phase until completion unless otherwise agreed in writing by the Council.

**Legal Fees:**

- Payment of the Council's legal fees for the preparation and completion of the Legal Agreement.

**Monitoring and Implementation:**

- Payment of 5% of the total amount of S106 contributions towards monitoring, implementation and compliance of the legal agreement.

**Minor Amendments**

- 1.2. That authority to be given to the Assistant Director - Development Management and Building Control in consultation with the Council's Legal Services for the sealing of the S106 Agreement and to agree any minor amendments to the conditions or the legal agreement on the terms set out above.
- 1.3. In the event that the S106 Agreement is not completed within a reasonable timeframe following the date of Planning Committee, the Assistant Director - Development Management and Building Control is hereby authorised to refuse the application in consultation with the Chair of the Planning Committee. In the absence of this S106 Agreement, the proposed development would not be able to deliver the development on the site. The implication of this happening is that the opportunity for securing the provision of affordable housing would be lost. Additionally, other financial and non-financial commitments would be lost, which otherwise would be secured by the S106 Agreement.

**2. REASONS REFERRED TO COMMITTEE**

- Due to level of Public Interest
- The application is referred to planning committee at the request of Councillor Khan.

**3. SITE AND ITS SURROUNDINGS**

- 3.1. The application site sits to the rear of both Forest Road and Hurst Road, accessed by both vehicles and pedestrians from the east side of Hurst Road. The site hosts a former Heath Centre (Use Class E) leased to the NHS, which had been vacant however recently the site has hosted a Toy Library.
- 3.2. The site is occupied by a part two, part three storey flat roofed building that sits to the rear of the site with car parking along the outer edges.



- 3.3. To the south of the site is a bank which rises towards Fanshaw House and Trinity house which are 4 storey pitched roof flatted blocks. There are number of mature trees to the south of the site.
- 3.4. Immediately to the north and west, the site is bounded by the rear gardens of the two-storey dwellings fronting Forest Road (north) and Hurst Road (west).
- 3.5. Adjacent to the site on the eastern boundary is a footpath. This is currently fenced off and unused, connecting Forest Road (to the north) and The Drive (to the south). A large mature lime tree (TPO) sits on the boundary of the footpath. Brookscroft House (a Grade II listed building) sits also to the east which is part of the wider YMCA site, which also includes a nine-storey accommodation block. The area is predominately residential however there are a mix of uses in close proximity including civic, educational, health, offices and commercial uses.
- 3.6. The site is identified within the Forest Road Corridor Framework which sets out strategic aspirations for the sites along Forest Road.
- 3.7. The property is not located within a Conservation Area, is not listed and is not subject to an Article 4 direction.
- 3.8. The site has a PTAL of 3 on a scale of 0 to 6b, where 6b is the highest. This represents a medium public accessibility rating however the site is within reasonable walking distance of a wide range of amenities and services with regular bus services within 100m of the site and the Walthamstow Central station is a 14-minute walk or a 5-minute cycle ride away.
- 3.9. The site falls within the zone of influence of the identified Epping Forest Special Area of Conservation (EFSAC), under the EU Habitats Directive (92/43/EEC).
- 3.10. The site falls within the Borough-wide Air Quality Management Area (AQMA).
- 3.11. The site does not fall within an Archaeological Priority Zone.

#### **4. APPLICATION PROPOSAL**

- 4.1. The application seeks planning permission for the redevelopment of the site to provide a residential development comprising of 37 units and would include the demolition of the existing building.

- 4.2. The proposal would include an L-shaped block of part three, part four and part five storeys, with hard and soft landscaping surrounding the buildings and a communal garden located to the front gardens. The proposed building would be built in two different types of brick, a recessed top floor and balconies in matching Pigmento Green zinc cladding.
- 4.3. The scheme seeks to deliver 16% affordable housing by habitable room, equating to a total of 3 units. The units offered are 4 bed 7 persons. The proposed tenure is London Affordable Rent. The affordable units would be located to the eastern block and can be accessed directly from the pedestrian footway or via Hurst Road.
- 4.4. The overall housing mix would be:

Unit size	No. of Units	Mix
1 bed / 2 persons	6	16%
2 bed / 3 persons	20	54%
2 bed / 4 persons	8	22%
4 Bed / 7 persons	3	8%
<b>Total</b>	<b>37</b>	<b>100%</b>

- 4.5. Four wheelchair accessible units (WCH) are provided at ground floor level (1 x 1bed and 3 x 2bed 3 persons) equating to 10.8%.
- 4.6. There would be communal amenity area in the central courtyard as well as private balconies or courtyards for each unit.
- 4.7. The proposal includes a refuse storage to the north west corner of the site and a cycle storage area to the north. 74 long stay residential cycle parking spaces and 2 short stay are proposed, whereby residential provision is via a mixture of Sheffield stands and bike store (two-tier) and cargo.
- 4.8. A revised gated access would be created from Hurst Road giving ingress and egress to the site leading to a main courtyard which includes space for servicing and two disabled parking spaces. Dependant on future need an additional disabled bay has been designated to the north west corner of the site.
- 4.9. A landscape plan for the proposed development has been guided across the site to create high quality landscape and a visually attractive environment with planting, functional amenity space, facilitate free and easy movement between buildings and through the courtyard as well as a focal space to encourage social interaction. The scheme has an Urban Greening Factor (UGF) of 0.41.

## 5. RELEVANT SITE HISTORY

There is no relevant planning history record for this site.

### Pre-Application

- 5.1. 203002 - Demolition of the Health Care Centre and the construction of an apartment building and row of terrace properties, providing a total of 41 residential units.

Officer responses concluded that the principle of residential redevelopment required a robust justification highlighting other health centres in the area compared to that of the uplift in residential schemes in the area as well as identifying any demand for social infrastructure on site.

The scheme also presented several issues of concern, relating to:

- Impact on surrounding residential properties
- Improvements to layout and design – including height, massing/scale reduction
- Improvements to residential quality
- Affordable housing provision to meet policy requirements.

- 5.2. PRE\_21\_0187 - Follow up to Pre-app 203002 - Demolition of the Health Care Centre and the construction of an apartment building and row of terrace properties, providing a total of 41 residential units.

- Bulk and massing considered appropriate
- Further details required for highways, design and waste

### **Planning Enforcement**

- 5.3. None.

## **6. PUBLIC CONSULTATIONS**

- 6.1. Following the initial validation of this application, the Council sent notification letters to neighbouring addresses and consultees on 30<sup>th</sup> March 2022. Site Notices were displayed on the site, dated 1st April 2022 and Press Notice dated 31st March 2022.

- 6.2. Following the receipt of an amended scheme, the Council sent notification letters to neighbours on the 2<sup>nd</sup> October 2023.

- 6.3. The following properties have been consulted:

Flat 1-25 Brookscot House (All)  
Flat 1-14 558 Forest Road (All)  
642a Forest Road  
Flat 11-30 YMCA Hostel, 642 Forest Road (All)  
642 Forest Road, YMCA Hostel  
Flat 1-15 Marsham Court, 640 Forest Road (All)  
Flat 1-10, 600 Forest Road (All)  
550 - 600 Forest Road (Even)  
10-12 The Drive  
1-12 Bradwell House, 17 The Drive (All)  
1-12 Hancocke House, 23 The Drive (All)  
1-12 Trinity House, 21 The Drive (All)  
1-12 Fanshaw House, 19 The Drive  
1-12 Batten House, 15 The Drive (All)  
1-9 Hilltop House, The Drive (All)  
5-9 Hurst Road (All)  
Flat 1-4, 7 Hurst Road (All)  
10 - 48 Hurst Road (All)  
20- 60 Falmer Road (Even)

- 6.4. As a result of the initial round of public consultation, 19 objections were received from neighbouring properties in the consultation period in March 2022.
- 6.5. 19 responses were received during a re-consultation period following minor amendments to the plans as well as additional documentation in October 2023. Separately, a letter of objection with 36 signatures from residents on Hurst Road was received on the 19<sup>th</sup> October 2023. The table below summarises the issues raised in these letters:

Objection Received	Response
<p>Amenity Impact:</p> <ul style="list-style-type: none"> <li>• Loss of light</li> <li>• Noise</li> <li>• Overlooking/loss of privacy</li> </ul>	<p>Given the development site's reasonable separation distances away from neighbouring properties and it's proposed set back, it is considered that the proposal would not unreasonably result in loss of light, overshadowing or overlooking to existing occupiers.</p> <p>Furthermore, the application included a Sunlight and Daylight Assessment which assessed and concluded that the impact on neighbouring properties would not amount to an unreasonable harm, particularly for an urban location. Officers concur with the findings. This is further explained in Section 10[E] of this report</p> <p>With respect to noise and disturbance, conditions requiring noise mitigation measures and control of noise levels are recommended if granted. Council's Environmental Health raised no concerns with respect to noise.</p>
<p>Light Pollution</p>	<p>It is acknowledged, there would likely be an uplift in lighting and given this is an urban setting, it would be considered acceptable in this instance.</p> <p>Should the application be granted, a Lighting Scheme is requested by way of a planning condition (See Section 14)</p>
<p>Out of keeping</p> <ul style="list-style-type: none"> <li>• Bulky and dominant</li> <li>• Majority of development 2-3 storeys.</li> </ul>	<p>In terms of architectural design, officers are of the view that the proposal adequately responds to the urban form of the street scape, identifying the existing built form of the surrounding area and responding to the wider character.</p> <p>Please see Section 10[F] in the full assessment below.</p>

Objection Received	Response
Inappropriate height	<p>In terms of height, officers are of the view that the proposal adequately responds to existing context of the site, an urban location and surrounding buildings with in mind its separation distance.</p> <p>This is considered in Section 10[F] of this report.</p>
Position of bins to neighbour boundaries	<p>The proposed bin storage would be located adjacent to neighbouring boundaries however this would be within a secure and covered enclosure in order to mitigate any impact to neighbouring occupiers.</p> <p>Council's Waste Team have commented on the proposal and are in support of the location provided by the development. Further details would be required by condition if granted.</p>
Increase in traffic/lack of parking	<p>The principle of a car-free form of development is supported by Officer as well Council's Highways Team. The site is located within a Controlled Parking Zone (CPZ) and it's well served by transport infrastructure (local buses and Underground/Overground services at Walthamstow Central). Details of the provision of disabled car parking are assessed in Section 10[H] of the committee report.</p> <p>Officers note, the majority of concerns were raised with regards to increase traffic and congestion on local main road.</p> <p>Any development is likely to have an impact on traffic and congestion on main roads but would not be warranted a reasonable reason to refuse a planning application. It is however in the Council's interest to manage and control the impact of development on existing transport network and highways. This is assessed through the submission of a Detail Construction Logistic Plan and this would be secured by way of a planning condition. (See Section 14)</p>
Access unsuitable	<p>The proposal will be accessible from a pedestrian route from Forest Road and a vehicular/pedestrian route from Hurst Road. The proposed development would be accessed</p>



Objection Received	Response
	<p>via existing accesses and are considered suitable.</p> <p>Council's Highways Team have not raised any concerns with respect to these access points.</p>
Disruption during demolition and constructing	<p>Any development is likely to have an impact on traffic and congestion on main roads and on site but this would not be warranted a reasonable reason to refuse a planning application.</p> <p>In light of this, as advised by internal consultees, a construction environmental management plan (CEMP) as well as a Detailed Construction Logistic Plan are to be submitted by way of planning conditions to ensure disruption is minimised to neighbouring residents. (See Section 14)</p>
Impact on servicing and significant rise in deliveries	<p>The site is serviced within the site's red line boundary, allowing for vehicles to safely turn within the site. As such the proposal would not be considered to impact existing servicing arrangements. Further to this, it is considered that any residential development would increase deliveries, however the site has been built to incorporate delivery being taken within the site, so as not to impact the existing surrounding road network.</p> <p>This was taken in consideration, where by swept path analysis plans were submitted as part of this application and Council's Highways Team are in support of the provisions provided within the site.</p>
Impact on infrastructure provision	<p>The development would respond to the physical and environmental infrastructure capacity of the site and its surroundings. TfL raises no comments as such it is considered there is sufficient capacity to support the development and the residential units coming forward across the development. The surrounding area benefits from education facilities for all age groups. Moreover, the development is designed to maximise the potential for sustainable travel and would be in accordance with the current transport capacity</p>

Objection Received	Response
	within the site to meet future demand. The scheme would also be liable for CIL.
Overdevelopment	The proposed scheme would be in accordance with the strategic aim to intensify the site and make a more efficient use of the land, by reason of the position in the Forest Road Corridor.
Loss of Toy Library	The site was used by the Toy Library and its loss is considered in Section 10[A].
Security for surrounding residents.	The proposed development would be conditioned in case of approval to comply with Secure By Design standards, which would address any security and minimise the potential of antisocial activities. (See Section 14)
Lack of planting/Loss of mature trees	<p>The landscaping has been carefully considered with the retention of mature trees and a provision of a detailed proposed landscaping scheme.</p> <p>Council's Nature Conservation and Tree Officers have reviewed all submitted documents with respect to Landscape Strategy and Biodiversity Enhancement on site and raised no concerns in respect to the proposed scheme.</p>
Narrow Access	<p>Highways have not raised an objection to the access point.</p> <p>It has been shown to be accessible by a number of vehicle types (via swept path analysis plans) as well as a designated pavement for pedestrians.</p>
Opening of the pathway leading to crime	The proposed development would be conditioned in case of approval to comply with Secure By Design standards, which would address any security and minimise the potential of antisocial activities. (See Section 14)
Position of substation <ul style="list-style-type: none"> <li>• Heath effects</li> </ul>	The sub-station would be relocated to facilitate the scheme, however the change in position is not considered to cause any substantial impact.
Damage to surrounding properties	This is not a material consideration in respect to planning, however the works would be required

<b>Objection Received</b>	<b>Response</b>
	to comply with current Building Control standards and legislation.

## 7. OTHER CONSULTATIONS

### Internal and External Representations Received

- 7.1. LBWF Consultation Responses' below lists the responses received from Waltham Forest Council consultees.

<b>Consultees</b>	<b>Response</b>
<b>Highways</b>	<p>No highway concerns raised and if the application is approved, this is subject to the following:</p> <ul style="list-style-type: none"> <li>• Conditions involving the submission of a Detailed Construction Logistics Plan, details of drainage, highways condition survey and Car Park Management Plan.</li> <li>• Financial contributions towards monitoring the Construction Logistics Plan and improving sustainable modes of transport</li> <li>• S278 agreement for highways works</li> </ul>
<b>Environmental Health</b>	No objections subject to conditions (CEMP and Noise)
<b>Design</b>	Officers raised no concerns of the proposed scheme in respect to height, massing and design and were involved with its enhancement during the application assessment. Officer support the proposal subject to planning condition in respect to materials, boundary treatment and additional details. (See Section 14)
<b>Nature Conservation Officer</b>	Officers raised no concerns to the proposed scheme with respect to landscaping, planting and were involved with the biodiversity enhancement on site during the application assessment. Officer support

<b>Consultees</b>	<b>Response</b>
	the proposal subject to planning conditions in respect to landscaping details, planting schedule and other recommendations. (See Section 14)
<b>Conservation Officer</b>	Officers raised no concerns and considered that the proposal would have less than substantial harm to the nearby Grade II listed building.
<b>Secured by Design</b>	Conditions requiring Secured by Design Accreditation. (See Section 14)
<b>Sustainability</b>	Officers raised no concerns subject to conditions involving CO2 reduction targets, sustainable design standards and water use calculations and where the development does not achieve required carbon reduction standard a financial contribution would be paid towards a carbon offset fund.
<b>Thames Water</b>	No concerns were raised
<b>London Fire Brigade</b>	No concerns raised in respect to the proposed development and have no further observations to make.
<b>UK Power Networks</b>	No comments were received

## 8. DEVELOPMENT PLAN

- 8.1. Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:
- a) the provisions of the development plan, so far as material to the application;
  - b) any local finance considerations, so far as material to the application; and
  - c) any other material considerations.
- 8.2. Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Waltham Forest comprises the Core Strategy, the Development Management Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.
- London Plan (2021)

- 8.3. The London Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital from 2019 to 2041.
- 8.4. The policies relevant to this application are considered to include and not limited to:
- GG1 Building Strong and Inclusive Communities
  - GG2 Making Best Use of Land
  - GG4 Delivering Homes Londoners Need
  - D1 London's form, character and capacity for growth
  - D2 Infrastructure requirement 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
  - D8 Public realm
  - D10 Basement development
  - D14 Noise
  - H1 Increasing housing supply
  - H4 Delivering Affordable Housing
  - H10 Housing size mix
  - G1Green Infrastructure
  - G6 Biodiversity and access to nature
  - G7 Trees and woodlands
  - S11 Improving Air Quality
  - S17 Reducing Waste and supporting the circular economy
  - S113 Sustainable Drainage
  - T5 Cycling
  - T6 Car Parking
  - T7 Deliveries, Servicing and Construction
  - DF1 Delivering of the Plan and Planning Obligations

Waltham Forest Local Plan Core Strategy (2012)

- 8.5. The Waltham Forest Core Strategy (2012) was adopted on the 1<sup>st</sup> March 2012. 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.
- 8.6. The policies considered relevant to this application are as follows:
- CS1: Location and Management Growth
  - CS2: Improving Housing Quality and Choice
  - CS3: Providing Infrastructure
  - CS4: Climate Change
  - CS5: Enhancing Green Infrastructure and Biodiversity
  - CS6: Promoting Sustainable Waste Management and Recycling
  - CS7: Developing Sustainable Transport
  - CS10: Creating More Jobs and Reducing Worklessness
  - CS13: Promoting Health and Well Being
  - CS15: Well Designed Buildings, Places and Spaces

- CS16: Making Waltham Forest Safer

Waltham Forest Local Plan Development Management Policies (2013)

- 8.7. 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.
- 8.8. The following policies are relevant in this case:
- DM1- Sustainable Development and Mixed Use Development
  - DM2- Meeting Housing Targets
  - DM3 - Affordable Housing Provision
  - DM4 - Residential Extensions and Alterations
  - DM5 - Housing Mix
  - DM7 - External Amenity and Internal Space Standards
  - DM10 - Resource Efficiency and High Environmental Standards
  - DM11 - Decentralised and Renewable Energy
  - DM14 - Sustainable Transport Network
  - DM15 - Managing Private Motorised Transport
  - DM16 - Parking
  - DM17 - Social and Physical Infrastructure
  - DM20 - Non-Designated Employment Areas
  - DM21 - Improving Job Access and Training
  - DM23 - Health and Well Being
  - DM24 - Environmental Protection
  - DM29 - Design Principles, Standards and Local Distinctiveness
  - DM30 - Inclusive Design and the Built Environment
  - DM32 - Managing Impact of Development on Occupiers and Neighbours
  - DM33 - Improving Community Safety
  - DM34 - Water
  - DM35 - Biodiversity and Geodiversity

## **9. MATERIAL PLANNING CONSIDERATIONS**

National Planning Policy Framework (2023)

- 9.1. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as at the heart of the framework.
- 9.2. 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*".
- 9.3. 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'.

- 9.4. 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
  - Building a strong, competitive economy
  - Promoting healthy and safe communities
  - Promoting sustainable transport
  - Making effective use of land
  - Achieve well-designed places
  - Delivering a wide choice of high quality homes
  - Meeting the challenge of climate change, flooding and coastal change
  - Conserving and enhancing the natural environment

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

- 9.5. This standard relates to the internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal Area (GIA) of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home including bedrooms and storage.

The London Plan Housing SPG (2016)

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

London Plan Affordable Housing and Viability SPG (2017)

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

Waltham Forest Local Plan Urban Design SPD (2010)

- 9.8. 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.

Inclusive Housing Design SPD (2011)

- 9.9. The core principles underlying the advice in the SPD are Inclusive Design and the social model of disability.

Waltham Forest Affordable Housing and Viability SPD (2018)

- 9.10. This supplementary planning document (SPD) has been prepared to provide further detailed guidance on affordable housing and viability. The document provides further guidance on how the Council will take viability into account when considering planning applications and what supporting information applicants will be required to produce. The Council does not intend to apply this guidance retrospectively to any planning applications being processed or determined.

Waltham Forest Planning Obligations SPD (2017)

- 9.11. This document seeks to provide transparent, clear and consistent information for the negotiation of planning contributions.

Draft Waltham Forest Local Plan (LP1) 2020-2035 (Proposed Submission Document) (2020)

- 9.12. Waltham Forest Local Plan (LP1) is intended to replace the current Waltham Forest Local Plan Core Strategy and Development Management Policies. It has undergone consultation and was subject to an Examination in Public in March 2022. The Council consulted on a schedule of Main Modifications from 21st July 2023 to 21st September 2023.

- 9.13. In line with the NPPF, Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 9.14. 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 floorspace over the next plan period. The draft policies relating to housing type and mix are reflective of the London Plan (2021).

Shaping the Borough – London Borough Waltham Forest Draft Local Plan Part Two Site Allocations (Regulation 19 Draft November 2021)

- 9.15. The Site Allocations Document (draft WFLP Part 2: Site Allocations Document (2021 - Reg 19)) seeks to ensure The London Borough of Waltham Forest promotes the right development in the right places at the right scale, creating attractive sustainable neighbourhoods as well as new economic opportunities. It underwent consultation from November 2021 until January 2022. When adopted, the Site Allocations Document will represent Part 2 of the Council's Local Plan. It complements the Draft Local Plan.

Forest Road Corridor Framework (2021)

- 9.16. This document is intended to identify development proposals as they emerge, co-ordinate and manage growth and ensure that it is supported by necessary infrastructure.
- Local Finance Considerations



- 9.17. 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 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 does expect to receive income from LBWF CIL in relation to this development.
  - iii. The Council has not received but does expect to receive income from Mayoral CIL in relation to this development.

## **10. ASSESSMENT**

- 10.1. The main issues which will be addressed in this report are:

- A. Principle of Development
- B. Market and affordable housing and viability
- C. Housing – tenure and mix
- D. Standard of residential accommodation
- E. Impact on Neighbouring Amenity
- F. Urban Design
- G. Impact on Heritage Asset
- H. Impact on Highways and Parking
- I. Waste Management
- J. Trees, Landscaping and Ecology
- K. Sustainable Design and Energy Efficiency
- L. Environmental Impact
- M. Safety and Security

### **A. PRINCIPLE OF DEVELOPMENT**

- 10.2. The current proposal relates to the redevelopment of the site to provide 37 residential flats and would constitute the change of use of land from Heath Centre (Use Class E) to residential (Use Class C3). The proposed development would not re-provide the existing Heath Centre use or any other social infrastructure use on site.
- 10.3. National, London and Local plan policies all seek to encourage sustainable housing development on appropriate sites in urban areas. In particular, The London Plan (2021) identifies the urgent need to increase housing supply in London to address the substantial population increase in the capital and requires Waltham Forest to deliver 1264 new homes per year. Core Strategy - Local Plan (2012) Policy CS2 identifies the need to prioritise development on previously developed or underused land and optimise housing densities.
- 10.4. Although the above-mentioned policies clearly indicate and promote the need of new housing in London and more specifically in Waltham Forest; the loss of Social Infrastructure is generally resisted, unless certain circumstances are met.
- 10.5. Policy DM17 of the Development Management Plan (2013) sets out that the Council will resist the loss of an existing community, leisure or educational facility unless;
- i) No shortfall in provision will be created by the loss;
  - ii) Adequate alternative facilities are already within walking distance in the area;

- iii) A replacement facility secures enhanced re-provision on the site, or on another site which improves accessibility, closer to town centres, with good transport links via a planning obligation according to Policy DM36.
- iv) The specific facility is no longer required in its current use. Where this is the case, evidence will be required to show that the loss would not create, or add to, a shortfall in provision for the specific infrastructure type and demonstrate that there is no demand for any other suitable community use on the site.
- v) The redevelopment of the site would secure an over-riding public benefit;
- vi) The activities carried on are inconsistent and cannot be made consistent with acceptable living conditions for nearby residents; and;
- vii) Where population change reduces demand, managing its loss by reference to the quality of community facilities provided, its ability to meet modern requirements (such as sound proofing, disabled access and external smoking areas) according to details of Policy DM29 and Policy CS3 (A).

- 10.6. The application site has been identified in the Forest Road Corridor Framework (2021) with an aspiration to develop for new homes and identified that mitigation would be required against the loss of the community facility, such as financial contributions will be sought.
- 10.7. The planning statement addresses that the site has been vacant and not used as a Heath Centre for over 15 years although there is no planning for a change of use of the site into administration offices. The site was being used as a Toy Library until recently which was noted on an officer's site visit when the application was submitted.
- 10.8. The Health Centre use on site stopped approximately 15 years ago with the building more recently in use as administration offices for the NHS however the NHS moved out 2 years ago into newer nearby facilities. Given the substantial length of time that the building has not been in use as a health centre (as the facility was no longer required) the change of use of the site would not create a shortfall in provision. Officers also note that the site is in close proximity to a number of health services including Jane Atkinson Health and Well-being Centre, Wood Street Health Centre, Forest Road Medical Centre, Forest Surgery, Queens Road Medical Centre and the recently approved centralised Health Care Hub in the Walthamstow Town Centre (Ref: 192899).
- 10.9. The Forest Road Corridor Framework sets out that the Waltham Forest Clinical Commissioning Group's (CCG) vision for the future of care in the area, which includes the long term retention of Forest Surgery and enhanced provisions at the Forest Road Medical Centre. These nearby alternative facilities will continue to meet the day-to-day needs of residents that are within walking distance and accessible via available public transport.
- 10.10. Officers note, the site was later used as a Toy Library, although it has recently relocated, and the site is currently vacant. In line with the Forest Road Corridor Framework, to mitigate against the loss of a social infrastructure, a financial contribution of £60,000 has been agreed by the applicant. This contribution would contribute to the funding of the continuation of a use that is a vital local community use for local residents.
- 10.11. In summary, the site has not been in use as a health centre for a number of years and there are a number of identified facilities within close proximity, along with the financial contribution towards a replacement social infrastructure use off site, it is therefore considered that the principle of the development with respect to the loss of a social infrastructure and the proposed residential use contributing to the borough's housing delivery targets within a strategic and sustainable location satisfies the requirements of the London Plan (2021) Policies D2, H1, H4 and SD6; Waltham Forest Local Plan Policies CS1, CS2 (of the Core

Strategy (2012), and DM1, DM17 (of the Development Management Policies (2013)); the Emerging Local Plan LP1 policies 1, 4, 5, 6, 10 and 48. The proposal is considered to be acceptable in principle and remains to be assessed against other material planning issues, including design and character, housing mix, standard of accommodation and impact on neighbouring amenity. These issues, amongst other relevant planning considerations, shall be considered below.

## **B. MARKET AND AFFORDABLE HOUSING AND VIABILITY**

- 10.12. Policy H4 of the London Plan (2021) seeks to maximise affordable housing provision to ensure an average of at least 43,500 additional affordable homes per year across London. London Plan Policy H4 sets out a strategic target for the provision of 50% of new homes as affordable, listing specific measures intended to achieve this aim, including threshold approach and the use of grant to increase provision beyond normally achievable levels. London Plan Policy H5 states that planning applications for proposals following the viability tested route should include detailed supporting viability evidence, which should be scrutinised to ensure the delivery of the maximum level affordable housing. It also sets out the requirement for early-stage, late-stage, and mid-term stage (for larger phased developments) viability reviews post planning permission for viability tested schemes. The Affordable Housing and Viability SPG sets out additional guidance on the implementation of these policies.
- 10.13. The London Plan (2021) Policy H6 sets out the requirements for affordable housing tenure; a minimum of 30% low cost rented homes and 30% intermediate products, with the remaining 40% to be determined by the local planning authority. housing provision along with any preference of applicants to propose a particular tenure. Policy DM3 of the Development Management Policies (2013) states that the Council will seek affordable-housing tenure split of 60% social/affordable rented and 40% intermediate. Emerging Local Plan Policy 14 states that the Council would expect a tenure split of 70% low-cost affordable rent and 30% intermediate on schemes of 10 or more units.
- 10.14. Policy CS2 of the Waltham Forest Local Plan (2012) seeks to maximise the number of quality affordable homes in the borough by aiming to provide at least 50% affordable housing over the Plan period. Furthermore, Policy CS2 provides flexibility in assessing the level of affordable housing on a site-by-site basis to achieve the maximum available. In addition, as the land is publicly owned, the maximum reasonable level of affordable housing should be considered on-site.
- 10.15. Policy DM3 of the Development Management Policies (2013) requires that developments are “tenure blind”, meaning that homes across different tenures should not be easily distinguishable based on their external appearance. London Plan (2021) Policy D6 has similar requirements, and Policy S4 of the same document states that play space should not be segregated by tenure.
- 10.16. The application originally came forward with no affordable housing on site. As such a financial viability assessment was required. BPS Chartered Surveyors (Council’s Independent Viability Assessors), was instructed by the Council to review the FVA prepared by the Applicant’s viability consultants (Montague Evans - ME).
- 10.17. The FVA concluded that the proposed scheme generated a deficit of -£1,087,120 and therefore no affordable housing could be viably offered. By contrast, in August 2022 through the review of the FVA, BPS identified a surplus of £734,714 and thus concluded that the scheme could viably contribute towards affordable housing. In respect to the submitted FVA,

notably, it was identified by ME that the Benchmark Land Value (BLV) as being £4.3m however BPS did not agree with this position. BPS, based on their calculation considered the BLV to be £2.6million.

- 10.18. An addendum report was prepared and submitted by ME and this was further reviewed by BPS in March 2023. Although ME maintained their original position of a deficit level of approximately £1.1million, it was found that although BPS reached an agreement on majority of the significant inputs, the only remaining point of difference was the BLV. It was concluded that the proposed scheme showed a surplus of £1,337,278 as opposed to the earlier £734,714 surplus figure.
- 10.19. In light of the above, through extensive discussions between the viability consultants, an affordable housing offer was made and agreed between parties. The applicant has made this offer on the understanding that the current day viability position may change as a result of growth and inflationary measures, which will be captured by a carefully worded early-stage and late-stage viability review mechanisms.
- 10.20. The affordable housing offer comprises 16% on-site affordable housing provision by habitable rooms and 8% by unit. This provides 3 units at London Affordable Rent (available to people on the Council's Housing Register). The remaining 34 units would market for sale. The affordable units are large 4-bed 7-person family units, which is particularly welcomed as this is a priority need for the Council.
- 10.21. As such, given the level of affordable housing being offered at 16% by habitable room, it is considered by BPS as justifiable and acceptable in this instance. As advised by BPS, officers conclude that the scheme would not be able to provide additional affordable housing in viability terms over and above the existing offer. As the offer falls below the threshold, an early and late-stage review mechanisms will be required to capture any future uplift in viability.
- 10.22. Positively, a key benefit is that the proposal reads as one block and are therefore tenure blind. In essence, it would not be noticeable which units are which, ensuring one would be unable to establish one form of tenure from another. More importantly, by providing a mixed tenure development, it would create more diverse, socially cohesive and integrated communities and would help to improve social mobility. Thereby, promoting mixed and balanced communities within the scheme and tenure neutral.
- 10.23. All affordable housing secured through planning as low cost rented at London Affordable Rent must be affordable in perpetuity in line with the requirements of the NPPF (2021). As such, this scheme is designed to enable the 3 affordable units to be retained as affordable units in perpetuity secured by s.106 legal agreement.
- 10.24. As such, following FVA scrutiny, officers consider that the provision of affordable housing offered by the applicant is acceptable in this instance and accords with the Mayor's Affordable Housing and Viability SPG (2017), National Planning Practice Guidance (2021), the Waltham Forest Local Plan Affordable Housing and Viability SPD (2018), Policy DM3 of the Waltham Forest Local Plan Development Management Policies (2013) and Policies H4, H5 and H6 of the London Plan (2021)

## **C. HOUSING – TENURE AND MIX**

- 10.25. The NPPF (2021) states that, '*sustainable development involves seeking positive improvements in the quality of the built environment, including widening the choice of high quality homes*'. The NPPF (2021) recognises that in order to create sustainable, inclusive and diverse communities, a mix of housing types, which is based on demographic trends, market trends and the needs of different groups, should be provided.
- 10.26. It should be noted that the Secretary of State in his letter to the Mayor (dated 13<sup>th</sup> March 2020) directed an amendment to the wording of the London Plan (2021) Policy H10 (A9) to state: "*The need for additional family housing and the role of one and two bed units in freeing up existing family housing.*"
- 10.27. The London Plan (2021) Policy H10 requires schemes to generally consist of a range of unit sizes, having regard to robust local evidence of need and the nature and location of the site.
- 10.28. Policy CS2 of the Waltham Forest Local Plan Core Strategy (2012) requires mixed and balanced communities and sets out the Council's priority for larger homes (3 bedrooms or more) in new developments. Policy DM5 of the Waltham Forest Local Plan Development Management Policies (2013) sets out the Council's preferred housing mix for mainstream market housing schemes which states that, '*there should be a varied mix of units across the development*'. Policy DM5 reiterates Policy CS2 and sets out the Council's preferred housing mix with the preferred percentage being as follows: 20% one bed units, 30% two-bed units, 40% three-bed units and 10% four-bed units.
- 10.29. Policy DM5 of the Waltham Forest Local Plan Development Management Policies (2013) sets out the Council's preferred mix as follows:

	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
<b>Market</b>	20%	30%	40%	10%
<b>Intermediate</b>	20%	40%	30%	10%
<b>Social/Affordable Rented Housing</b>	20%	30%	40%	10%

- 10.30. The proposal for 37 residential units (including 3 affordable units) would provide the following combined housing mix:
- 6 one-bedroom units (16%);
  - 28 two-bedroom units (75%); and
  - 3 four-bedroom units (8%).
- 10.31. Although the percentage of family units is not consistent with the requirements set out by policy DM5 of the WFLP Development Management Policies (2013), by reason of an uplift of two-bed units including both 3 and 4 person, policy H10 of the London Plan (2021) and the Mayor's Housing SPG (2016) accept a level of flexibility in terms of housing mix on higher density developments within accessible locations by supporting a higher proportion of one and two bed units which are close to a town centres or stations.
- 10.32. The provision of an increased number of smaller units is therefore accepted and considered consistent with the requirements of policy H10, by virtue of the site's position close to Walthamstow Central and an acceptable access to transport links. The variation of units to be delivered would help create a mixed and balanced community and contribute to identified local needs in accordance with the objectives of Policy CS2 of the Waltham Forest Local

Plan Core Strategy (2012) and Policy DM5 of the Waltham Forest Local Plan Development Management Policies (2013) and London Plan (2021) Policy H11.

- 10.33. As such the proposal with respect to housing mix would therefore be consistent with the objectives of London Plan Policy H10 (2021), WFLP Core Strategy Policy CS2 (2012) and WFLP Development Management Policy DM5 (2013).

#### **D. STANDARD OF RESIDENTIAL ACCOMMODATION**

##### *Internal Space Standards*

- 10.34. The 'Technical Housing Standards – nationally described space standard' (2015) stipulate the minimum gross internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected for the proposed units. The policy seeks for high quality internal and external design, which should consider the sense of 'arrival' at the building and the 'home as a place of retreat', with acceptable size of rooms and functional room layouts, that meet the minimum spatial requirements.
- 10.35. Policy D6 of the London Plan (2021) sets out the housing quality and standard design specifications for new developments. Including internal rooms sizes, dual aspect, built in storage.
- 10.36. Policy CS2 of the Core Strategy (2012) requires high quality design for new housing development that has the ability to adapt to changing needs of residents and therefore aims to create healthy and sustainable communities with appropriate spatial standards and adequate levels of residential amenity.
- 10.37. Policy DM7 of the Waltham Forest Local Plan Development Management Policies (2013) requires all new residential development to meet minimum internal and external amenity spaces outlined in Tables 8.1, 8.2 and 8.3 within the Plan and the GLA's Housing SPG (2016).
- 10.38. Proposed Standard of Accommodation:

<b>Dwelling Type</b>	<b>Minimum Policy Requirement (sqm)</b>	<b>Proposed Dwelling Size (sqm)</b>
1bed 2person (6 units)	50	50 to 65
2bed 3person (20 units)	61	60 to 85
2bed 4person (8 units)	70	70 to 75.5
4bed 7person (3 units)	115	120.5 to 121.5

- 10.39. All of the proposed residential units would either meet or exceed the minimum internal space standards contained within the 'Technical Housing Standards - nationally described space standard' (2015) and Standard 24 of the Mayor's Housing SPG (2016) with the exception of

one unit (a 2bed 3person located on the fourth floor) which falls short by 1sqm. All units would however offer a good layout with usable space with access to private amenity space.

- 10.40. The habitable rooms within each unit would also meet the minimum spatial requirements in that double bedrooms would meet or exceed 11.50 sqm and single bedrooms would meet or exceed 7.50 sqm. The proposed floor to ceiling height of each unit would exceed 2.50 metres in height and the 1 and 2 bedroom flats would also have open-plan living areas with integrated kitchen and dining areas with built-in storage and the 4 bedroom units would have separate living/dining and kitchen areas that would exceed the minimum standards, as required by policy D6 of the London Plan (2021).

*Internal Sunlight and Daylight for the occupiers:*

- 10.41. Policy D6 of the London Plan (2021) states that housing developments should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect units. A single aspect dwelling should only be provided when it can be demonstrated that all habitable rooms contain adequate passive ventilation, privacy, acceptable levels of daylight and appropriate orientation.
- 10.42. 33 units would be dual aspect, which would result in a large percentage (89.2%) of dual aspect units, which is welcomed. There would be no north-facing single aspect units within the proposed scheme. Although four units would be single aspect, these would be south-facing and Officers noted that these units would still have eastward facing windows which overlook an enclosed recessed balcony which these units have access to.
- 10.43. As such, it is considered that the quality of the environment of future homes is acceptable due to careful design consideration which would make efficient use of the layout thereby providing good standard of accommodation and living environment for future occupants.

*Accessible Units*

- 10.44. Policy D5 of the London Plan (2021) state that 10% of new housing must meets Building Regulation requirement Part M4 (3) 'wheelchair user dwellings', i.e., is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. Policy D5 also requires an inclusive design statement to be submitted as part of the DAS.
- 10.45. Policy CS2 of the Waltham Forest Local Plan Core Strategy (2012) requires high quality design from new housing development. Policy CS2 further states that new homes should be accessible to all members of the community and be able to adapt to the changing needs of residents throughout their lives. Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012) sets out that the Council aims to create and develop healthy and sustainable places and communities. New developments are required to meet appropriate standards that ensuring satisfactory amenity is provided for future occupiers.
- 10.46. The proposed development would provide a total of 4 wheelchair accessible units equating to 10.8% exceeding the policy requirement. Access to the wheelchair user dwellings would be provided directly from the ground floor, which would have level access into each unit.
- 10.47. A suitably worded condition would ensure that the proposed homes would be suitable for the benefit of the M4(3) users, including communal entrances and circulation areas per the proposed Building Regulation accessibility requirements. Planning obligations would ensure that the M4(3) homes have suitable sale marketing exercises.

- 10.48. The proposed site plan shows small topography and level changes between parts of the site. The landscaping submitted shows suitable level access to buildings, amenity spaces, and blue-badge car parking spaces. The proposed landscaping conditions would allow the Council to secure said level access.
- 10.49. In light of the above, and subject to the recommended planning obligations and conditions, the proposed development would be acceptable in terms of the accessibility of the residential accommodation. As such, the proposal would be in accordance with Policies CS2 and DM30, Emerging LP1 Policy 16 and London Plan (2021) Policies D5 and D7.

*External Amenity and Children Play Space*

- 10.50. Standard C10 GLA's Housing Design standards LPG (2023) requires a minimum of 5sqm of private outdoor space for 1-2 person units and an extra 1sqm for each additional occupant. The minimum depth and width for all balconies and other private external spaces to be 1.5m.
- 10.51. Policy DM7 of the Waltham Forest Local Plan Development Management Policies (2013) requires proposals to meet the minimum external space standards set in the document. For flatted developments, the document states a requirement for a minimum of 10sqm of amenity space per bedroom. It states that each flat should provide an element of private amenity space, however, the overall provision can be provided in the form of both private amenity space and communal amenity space.
- 10.52. Based on the proposed housing mix, the proposed development is required to provide 740sqm of amenity space to accord with Policy DM7 of the Waltham Forest Local Plan Development Management Policies (2013).
- 10.53. Proposed External Amenity Provision:

<b>Dwelling Type</b>	<b>Proposed Private Amenity (sqm)</b>
1bed 2person (6 units)	5.2 to 13.7
2bed 3person (20 units)	6.2 to 19.8
2bed 4person (8 units)	7.0 to 16.3
4bed 7person (3 units)	16.4 to 16.7
External Communal Area	670
<b>Total Amenity Provision</b>	<b>1016.8</b>

- 10.54. In total, the proposed development would provide 1016.8 square metres of external amenity space, of which 346.8 square metres would be provided by private balconies of varying sizes and 670 square metres by communal amenity space at ground floor level.
- 10.55. It should be noted the external communal area would also be accessible to all wheelchair users. The landscape, ground floor levels and pedestrians routes all fall within the existing topography to achieve accessible homes and external amenity.
- 10.56. It is proposed that all the new flats would have policy compliant sized private amenity spaces in the form of recessed or projecting balconies and private courtyard style garden ground floor units as per the above minimum standards in accordance with the London Plan LPG and Policy DM7 of the Local Plan (2013).



- 10.57. In terms of children's play space, most relevant is London Plan (2021) Policy S4 which seeks to ensure that development proposals include suitable provision for play and recreation and incorporate good-quality accessible play provision for all ages, of at least 10sqm per child.
- 10.58. The GLA population yield calculator estimates a total of 8.6 children would be expected within the proposed development which require 86.8 sqm.
- 10.59. The development would meet this requirement, by introducing 170 sqm for children play space within the proposed communal amenity area. The decision notice would include a landscaping condition requiring the final design for the play space meeting the requirements of Policy S4 of London Plan (2021), and DM12 of the Development Management Policies (2013), and the Waltham Forest Urban Design SPD (2010).

#### **E. IMPACT ON NEIGHBOURING AMENITY**

- 10.60. Policy DM32 seeks to ensure that the impact of new development on neighbouring amenity would be acceptable in terms of outlook and privacy, as well as in relation to daylight, sunlight, and overshadowing.
- 10.61. Emerging Local Plan LP1 Policy 59 states that new development should respect the amenity of existing and future occupiers, neighbours and the surrounding area by avoiding harmful impacts from overlooking, enclosure and/or the loss of privacy, outlook and daylight/sunlight to adjacent residential properties.
- 10.62. The London Plan (2021) Policy D6 states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context.

##### *Outlook and Privacy*

- 10.63. A separation distance of 18 metres is seen acceptable in urban environments, allowing suitable outlook and privacy. Officers are satisfied that the design would generally ensure protection to neighbouring outlook and privacy, as detailed below.
- 10.64. The proposal has been carefully designed to protect privacy and overlooking to future and existing residents.
- 10.65. Officers have assessed the established separation distances from the proposed windows and the existing neighbouring properties along Hurst Road and Forest Road. Paragraph 2.3.36 of the Mayor's Housing SPG express that a guideline of 18-21m between facing homes should be maintained.
- 10.66. With respect to properties fronting Forest Road to the north of the application site, the proposal sits closest to No. 584 – 588 Forest Road. The bulk of the 3 storey element of the proposal would be located a minimum of 20m – 22m away from the rear of the properties which would be considered an appropriate distance. The 4<sup>th</sup> storey stepped further away would be set 30m (and 44m respectively). The cycle storage is located adjoining the common boundary shared with Nos. 584 – 588. However this would have a height of 2.85m and as a single storey structure this would be considered acceptable in terms of outlook of neighbouring units. Windows to the flank wall have been kept to a minimum and are secondary windows maintaining a good level of privacy to the neighbouring properties. No.

582 – 574 Forest Road would sit opposite the 5 storey element however this would be set a minimum separation distance of approximately 46m which is considered acceptable.

- 10.67. With respect to properties fronting Hurst Road to the west of the application site, the proposal sits closest to Nos. 35-36 Hurst Road. However, the development would be sited a minimum distance of 25m. Given the sufficient separation distance it is considered the proposal would ensure any impact would not be significant or have an unreasonable impact with respect to outlook. Further to this, windows on the flank elevation have not been included from the 3<sup>rd</sup> to the 5<sup>th</sup> storey, further maintaining the privacy of existing residents fronting Hurst Road.
- 10.68. To the south, the proposed development would be sited a minimum distance of approximately 32m from Fanshaw House, The Drive (a four storey residential building) and approximately 19.5m from Trinity House (a three storey residential building). Officers also note that due to land level changes, the scheme would maintain a similar height to Fanshaw House. There is also a series of mature vegetation located between these two sites. Given these reasonable separation distances together with mature trees and vegetation between, there would be limited impact to both privacy and outlook to existing residents at Fanshaw and Trinity House.
- 10.69. Brookscroft House (a two storey residential building) sits north east to the application site however is separated by an existing public footpath and is set forward away from the proposed development's building line. The proposal would be set at its closest point approximately 12.7m away and would not directly face Brookscroft House. Given the juxtaposition of the proposed building and Brookscroft House with a public footpath between, it is considered that the impact would not have an unreasonable harmful impact to existing occupants in this neighbouring building.
- 10.70. Located directly to the east of the site, sits the YMCA site and located close to the boundary are a two storey block of shipping containers which are used as single occupancy residential units known as mYPad's. There are no windows located on the elevation facing the application site and the building line of the proposal has been set back. Given this reasonable separation distance and no windows overlooking the development site, it is considered there would be no unreasonable impact to the existing occupiers of these units.
- 10.71. It should be noted that, careful consideration was given in respect to the proposed scheme with modifications and alterations at pre-application and application stage incorporating setbacks, reduced heights and integrating design cues (for instance recessed balconies and quality materials) to achieve an appropriate scale and massing within the existing context of the site whilst maximising reasonable separation distances from neighbouring properties to reduce the visual impact of the development and maintain privacy and outlook for existing occupants.

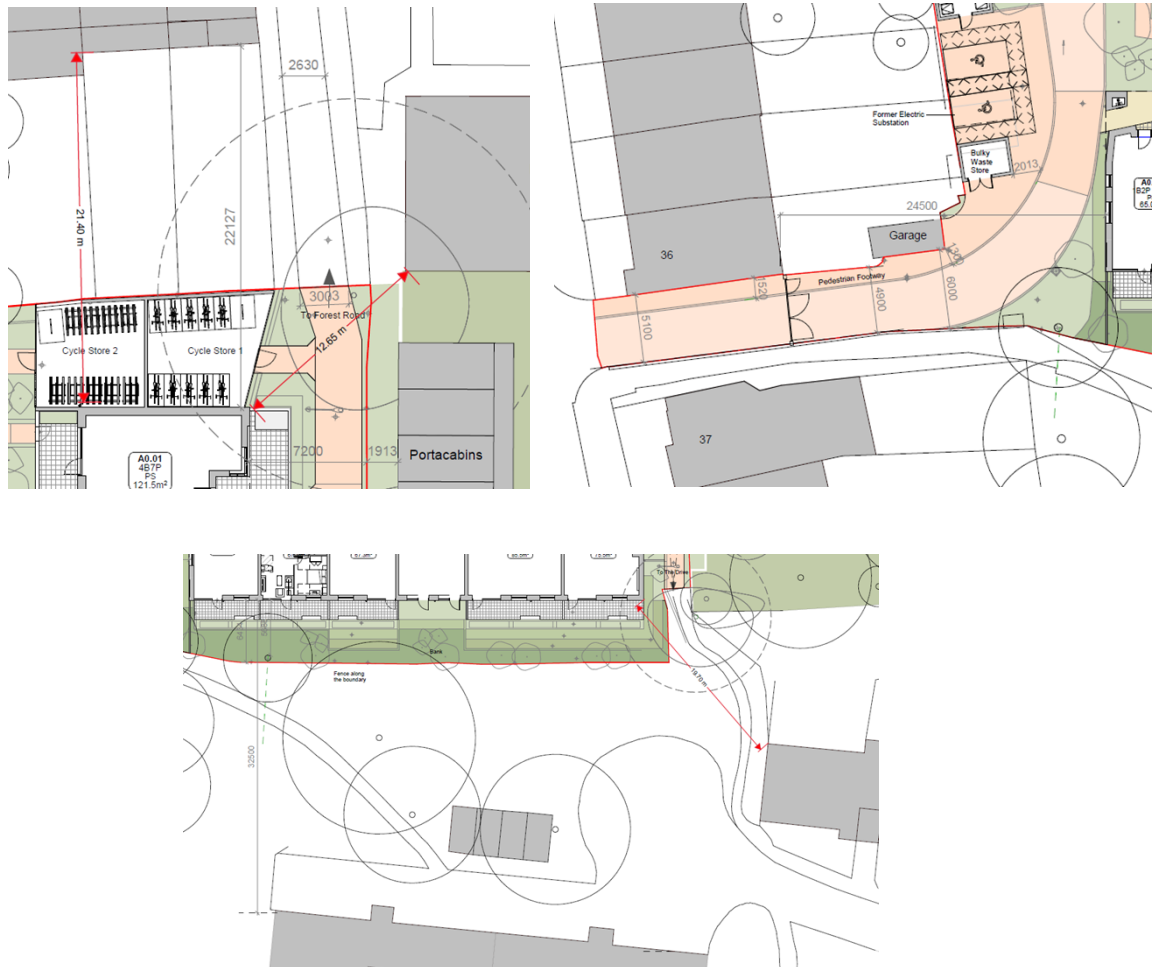


Figure 1: Top Left (distance from 584 – 588 Forest Road & Brookscroft House); Top Right (distance from 35 & 36 Hurst Road) and Bottom (distance from Fanshaw House and Trinity House)

### *Balconies and Roof Terrace*

- 10.72. Careful consideration was given to the positioning of balconies and roof terraces whereby majority of the proposed balconies particularly those across the south elevation of the proposed building (facing Fanshaw House and Trinity House) would be recessed in (from first to fourth floor levels). As such limited overlooking opportunities would be achieved by future occupants. Further, the roof top terrace on the three storey element (facing the rear of 584 – 588 Forest Road) would be set back approximately 2.5m away from the northern and eastern flank elevations (approximately 9m away from the northern and eastern site boundaries). As such, these distances mitigate opportunities of direct overlooking into neighbouring gardens.

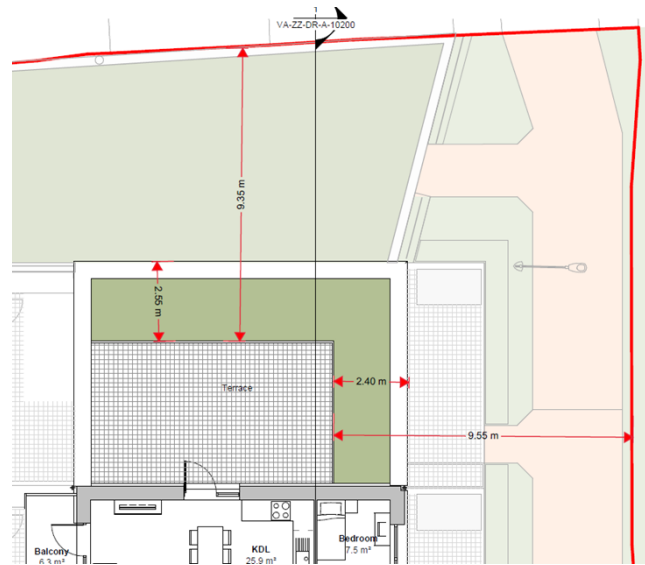


Figure 2: Rooftop terrace separation distances from flank elevations and site boundaries

### *Daylight, sunlight, and overshadowing*

- 10.73. A Daylight and Sunlight Report was submitted to ensure that the impact on daylight and sunlight on neighbouring properties is minimised. The report provides a detailed daylight and sunlight technical study of the development and considers the height being proposed.
- 10.74. The submitted daylight and sunlight assessment concluded that the proposal would give rise to limited harm in terms of loss of daylight and sunlight to existing neighbouring residential properties.
- 10.75. In summary:
- The development achieves an overall pass rate of 100% based on No Skyline (NSL).
  - The development achieves an overall pass rate of 100% based on Virtual Sky Component (VSC).
- 10.76. In respect of overshadowing to the neighbouring gardens, the report identifies that the rear gardens to 576-588 Forest Road and 32-36A Hurst Road will meet the BRE recommendations.
- 10.77. In light of the above, it is considered the proposed development due to its reasonable separation distances, overall bulk and massing would not result in an adverse harm to the amenities of neighbouring properties in terms of outlook and privacy. Further, having due consideration for the nature of an urban development within this location, it is encouraging that this scheme would cause minimal impact on existing surrounding dwellings meeting all BRE recommendations with respect to sunlight and daylight to their internal and external areas. Accordingly, the proposed development would accord with local plan planning policies.

## **F. DESIGN OF THE DEVELOPMENT**

- 10.78. The NPPF (2023) states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect

of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 10.79. Policies D4 and D6 of the London Plan (2021) states that development should be of a high quality of design and placemaking. Policy D8 states that development encourage and explore opportunities to create new public realm and maximise the contribution that the public realm makes to encourage active travel.
- 10.80. Policies CS2 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) require development to be of a high standard and design quality that responds to the local context and the character of the surrounding area, while improving the way places function by promoting local distinctiveness and a strong sense of place.
- 10.81. Policies DM29 and DM30 of the Waltham Forest Local Plan Development Management Policies (2013) seeks for high standard of urban and architectural design principles for all new forms of development.
- 10.82. The Emerging Local Plan LP1 Policy 56, states that development proposals should reinforce or enhance local character, taking in account existing patterns of development, townscape, skyline, urban forms, building typologies, architecture, materials, and other features of local and historical significance. It adds that developments should respond appropriately to their context in terms of scale, height and massing.
- 10.83. The key considerations when assessing the design aspects of the development are addressed as follows:

*Form and Layout*

- 10.84. The proposed development provides a spatial layout that delivers a contemporary, high quality, residential development that adheres to good urban design principles in terms of responding well to the existing urban structure, urban grain and spatial constraints.
- 10.85. The site is constrained due to its back land location and land levels and so, is particularly challenging to achieve a development that sits conformably within its surroundings. An 'L-Shape' typology has been created, positioned to the south-eastern part of the site. The existing vehicular/pedestrian access from Hurst Road has been maintained which opens up to the communal space. Officers are of the view that the layout has been designed conservatively to enhance connectivity and permeability of the site. An existing pedestrian pathway to the side of the site has been opened up, with the creation of natural surveillance from street facing units creating an increased connectivity around the site and a street feel to this elevation which is currently inactive.

*Height and massing*

- 10.86. The proposed development involves the creation of a part 3, part 4 and part 5 storey building with the tallest element located to the south end of the site opposite to the buildings across The Drive. This would step down to four storey and then 3 storeys. The lowest element being located towards Forest Road (the northern part of the application site).
- 10.87. Careful consideration was given in respect to the proposed scheme with modifications and alterations at pre-application and application stage incorporating setbacks, reduced heights and integrating design cues (for instance recessed balconies and quality materials). The

proposed scheme underwent design alterations with input made by the Council's Urban Design Team who are in support of the proposed scheme.

- 10.88. The height of the proposal is contextualised by surrounding developments including the YMCA of 9 storeys, Fanshaw House of 4 storeys and the two storey residential properties fronting Hurst Road and Forest Road. The 5 storey element responds to the changing height of the land levels situated to the rear (southern area) with Fanshaw House and this steps down approaching the northern part of the site to the lower two storey properties fronting Forest Road. The proposal is considered to represent the most efficient use of land in development terms and to be the most effective in design terms.



Figure 3: Cross Section (North to South of Application Site)

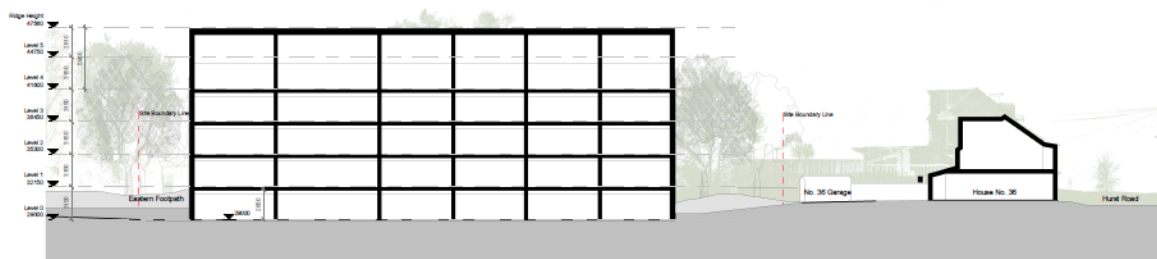


Figure 4: Cross Section (West to East of Application Site)

- 10.89. The proposed development would be acceptable under design, visual and massing terms, in that it would respond to the forms of development that are considered appropriate within the context and designation of the site.
- 10.90. The development increases in height with the land levels in order to minimise impact from the taller elements which are set further away from the lower land levels of Forest Road.
- 10.91. Furthermore, the setback back of the top storey, the proposed light tone of the brickwork and integrated recessed balconies would seek to reduce the sense of massing and visual impact of the proposed building across all elevations.

#### *Detailing and materials*

- 10.92. In terms of fenestration and façade articulation, the building would contain vertical grouping of windows and balconies that would blend in with the proposed vertical proportions of the building. The proposed window alignment would seek to break down the scale and massing of the building and would therefore reduce any form of prominence.

- 10.93. Officers support the contemporary approach to architecture in the development, noting the predominance of high-quality brick finishes in the choice of materials which in general is considered to respond well to the location.
- 10.94. Differing brick tones are intended to respond to the varying brick colours of the surrounding built context, which is predominantly from red and brown stock brick. Green Zinc is proposed to the 5<sup>th</sup> storey (across the southern element) and 4<sup>th</sup> storey (across the eastern element), which was carefully considered in relation to the window and balcony treatments.
- 10.95. Different bricks as well as careful detailing will add interest and texture to the building.



Figure 5: South Elevation



Figure 6: East Elevation

- 10.96. The proposed elevations would incorporate a range of design features which would serve both a practical and aesthetic purpose. The reasonably well considered windows sizes and generous balconies would provide a high level of residential amenity for future occupiers, whilst the integrated nature of these features would not detract from the overall visual balance of the building within the wider area.
- 10.97. Overall, the proposal is considered to provide a balanced form of design with the use of appropriate materials that are sympathetic and compatible with the surrounding built form. The proposed design would offer a good presence of the new development as part of the Forest Road Corridor Framework and create vibrancy.
- 10.98. In light of this, the proposed development, given the design, layout, height, scale and materials would be acceptable within the existing urban form in the vicinity and the wider locality in accordance with policies D4, D8 and D9 of the London Plan (2021), Policies DM29,



DM31, DM32 of the WFLP Development Management Policies (2013) and Policies CS2 and CS15 of the WFLP Core Strategy (2012).

### **G. Impact on heritage asset**

- 10.99. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be, irrespective of the level of harm to the asset significance. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset from its alteration or destruction, or from development within its setting should require clear and convincing justification.
- 10.100. Paragraph 201 states that substantial harm to the significance of a designated heritage asset should lead to a refused consent unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 202 states that less than substantial to the significance of a designated heritage asset should be weighed against the public benefits of the proposal including securing its optimum viable use.
- 10.101. Paragraph 203 of the NPPF states that the effect on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement required to have regard to the scale of any harm or loss and the significance of the heritage asset. Paragraph 205 states that Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.
- 10.102. The 1990 Planning (Listed Buildings and Conservation Areas) Act requires the Council to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess.
- 10.103. The application site sits southwest to a Grade II listed building known as Brookcroft House which fronts Forest Road.



Figure 7: Grade II Listed Building (Brookcroft House)

- 10.104. The proposal would be sited behind Brookcroft House, however due to the breaks in the street scene, this would be partially visible between buildings. The heights of the proposal were reduced to ensure that it would not stand tall above the Grade II Listed building.



- 10.105. The Conservation Officer raised no concerns to the proposed height and massing. It was considered that whilst the proposed building may still appear in some views across the site of the listed building, these would most likely be in the existing gap or slightly above the modern extension to Brookscroft House, and therefore would not cause any substantial harm to the designated heritage asset. In line with paragraph 202 of the Framework, the less than substantial harm is outweighed by public benefits of the proposal, including the delivery of housing and affordable housing, bringing forward development on an underused brownfield site and financial contributions towards social infrastructure, transport, air quality and carbon reduction.
- 10.106. Within the wider vicinity there are a number of Grade II listed buildings and structures on the Town Hall campus site, including the main gates opposite the alley way leading to the application site. However, it is not considered the proposed development would have any detrimental impact on their significance or setting given the position behind existing houses.

### *Archaeology*

- 10.107. Policy HC1 of the London Plan (2021) states that development proposals affecting heritage assets and their setting should be sympathetic to the assets' significance and appreciation within their surroundings. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations in the design process. In addition, Policy DM22 of the WFLP Development Management Policies (2013) states that the Council will ensure the preservation, protection and where possible, the enhancement of the archaeological heritage of the Borough.
- 10.108. The site does not fall within an Archaeological Priority Zone (APZ) and given the size of the site below 0.31 hectares, an Archaeological Desk Based Assessment was not considered as part of the application. In the absence of archaeological interest and considering that any impact on archaeological remains below ground level would be negligible, the development would not be contrary to Policy HC1 of the London Plan (2021) and Policy DM22 of the WFLP Development Management Policies (2013) in terms of any impact on significant archaeological remains on site.

## **H. TRANSPORT AND HIGHWAYS**

- 10.109. The NPPF (2023) states that development should take opportunities to promote walking, cycling and public transport use.
- 10.110. Policy T1 of the London Plan (2021) states that proposals should support the delivery of the Mayor's strategic target of 80% of all trips in London to be made by foot, cycle or public transport by 2041 and requires developments to make the most effective use of land, reflecting its connectivity and accessibility by existing and future transport, walking and cycling routes and ensure that any impacts on London's transport networks and supporting infrastructure is mitigated.
- 10.111. Policy T5 of the London Plan (2021) seeks proposals to help remove barriers to cycling and create a healthy environment in which people choose to cycle by securing the provision of appropriate levels of cycle parking, which should be fit for purpose, secure and well located. Policy T6 of the London Plan (2021) states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity and requires appropriate disabled persons parking for Blue Badge holders to be provided as set out in Policy T6.1 of the London Plan (2021).

- 10.112. Policy CS7 of the Waltham Forest Local Plan Core Strategy (2012) sets out that the Council will promote sustainable travel by guiding development to accessible locations, to reduce the need to travel by car and to encourage walking, cycling and the use of public transport.
- 10.113. Policy DM13 of the Waltham Forest Local Plan Development Management Policies (2013) states that the Council will ensure that development is properly integrated with the transport network and is supported by appropriate walking, cycling and public transport links.
- 10.114. Policy DM14 of the Waltham Forest Local Plan Development Management Policies (2013) encourages sustainable travel.
- 10.115. Policy DM16 of the Waltham Forest Local Plan Development Management Policies (2013) seeks to effectively manage parking and to ensure the provision of safe and attractive parking facilities by encouraging car-free and car-capped development in locations that are highly accessible by public transport and require proposals to provide for well designed, high quality facilities in accordance with the Council's maximum car parking standards and minimum cycle parking standards.

### *Car Parking*

- 10.116. Policy T6.1 (criterion G) of the London Plan (2021) states 3% disabled parking should be provided from the outset, and provision for remaining 7% marked out on a plan. Paragraph 10.6.10 of the London Plan also states that these spaces should not at any point be used for general parking.
- 10.117. Policy DM17 of the Local Plan (2013) Development Management Policies (2013) states that one disabled parking space should be provided for each wheelchair unit within a development (10% of units). The proposed provision of wheelchair accessible bays would meet this policy requirement. The wheelchair bays would be located close to the residential lift cores.
- 10.118. Emerging Waltham Forest Local Plan (2020) Appendix 1 Table 1.3 sets out the Council's preferred car parking standards. As a general principle, the Council will seek to encourage parking provision below the maximum figures stated. However, the minimum number of off-street disabled parking spaces is to be provided at 5% of the total number of dwellings in the development with a 2% passive provision to be made, making it 7% in total to be brought into use at such time as the additional spaces are required in the future.
- 10.119. Two disabled parking spaces would be provided complying with London Plan Policy T6.1 with 1 additional space shown that could be put in place for future demand. In terms of general parking, the scheme is considered car free.

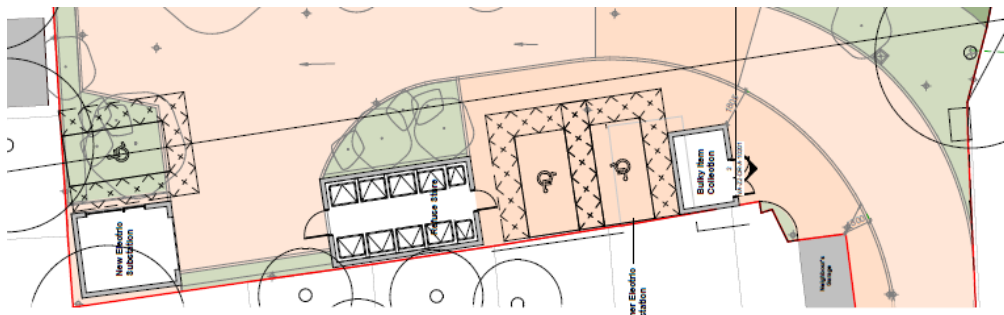


Figure 8: Two disabled parking spaces and one additional space for future demand

- 10.120. Overarching objectives as laid out in London Plan Policy T1, and the emerging Plan Policy found in paragraphs 1.24, 15.33 and 15.6, do not underplay the importance of meeting the Mayor's strategic target of 80% of all trips in London to be made by foot, cycle or public transport by 2041. The proposed scheme seeks to deliver on this firm objective and promote sustainable transport modes. Car free development are front and centre of meeting this target and the Council is committed to achieving this ambition in promoting active travel initiatives across this mini-Holland borough. To this end, the Council will secure car free and **£25,000** towards active travel infrastructure by s.106 legal agreement to further mitigate any potential parking.
- 10.121. On this basis, subject to the recommended planning obligations and conditions, officers are supportive of the car-free nature of the proposed development, and the proposed approach to providing disabled persons car parking, which would be in general accordance with Policies DM16, the Emerging LP1 Policy 68, and London Plan Policies T6 and T6.1.

#### *Cycle Parking*

- 10.122. London Plan (2021) Policy T5 and Table 10.2 set out the minimum standards for new development cycle parking provision.
- 10.123. Appendix 4 of the Local Plan (2013) sets out the Council's cycle parking standards. The minimum cycle parking provision for the residential element is 74 long stay cycles spaces. According to the emerging plan Local Plan in Appendix 1, the provision would be 74 long stay spaces and 2 short stay with a ratio is 65% two-tier, and 30% Sheffield and 5% cargo. There would be a ratio of 32 two-tier (50%), 32 Sheffield (50%), of which 4 can accommodate cargo bicycles (5%), with an additional 6 spaces within individual sheds.
- 10.124. The overall level of provision meets London Plan standards and whilst the ratio does not quite align with emerging standards for sheffield and two tier stands, it is not considered significant. As is standard practice, the proposed cycle parking provision and details will be secured by way of condition subject to planning approval.
- 10.125. As such, the proposed cycle stores would be safe, accessible and secure and would benefit from passive surveillance. The level of cycle provision, stand type ratios are on balance acceptable subject to conditions requiring details as to how the scheme meets the LCDS guidance as far as reasonably possible.

#### *Electric Vehicle Charging Points (EVCP)*

- 10.126. London Plan (2021) Policy T6.1 set outs the EVCP requirements and that 20% of spaces should have active charging facilities. Based on the proposed provision of 2no. disabled spaces for this development, the 2no. parking bays on-site would have active charging facilities as shown on plan and would be secured by condition. This exceeds the requirement and therefore accords with policy T6 London Plan (2021).

#### *Servicing and Access*

- 10.127. The submitted Delivery and Servicing Management Plan prepared by Aval Consulting Group confirms that the delivery and servicing requirements of the proposed development have been considered and integrated into the design. The access road into the site is from Hurst Road. Servicing would take place within the site and is not considered to obstruct access giving the assessment of the swept path analysis.

- 10.128. Notwithstanding this, a detailed Delivery and Servicing Management Plan will be secured by condition subject to planning approval to include the detailed design and waste collection arrangements for waste collection associated with the other uses.
- 10.129. As such, subject to conditions, it is considered that the proposal is in accordance with Policy DM32 of the Local Plan (2013) and Policy T7 of the London Plan (2021).

#### *Highway Works*

- 10.130. The Council's Highways Team raised no objections to the proposal. The Highways Team subject to approval, recommend S278 works, and S106 contributions, which are outlined in Section 1 of the committee report, be secured for the following extent of works which include but are not limited to:
- Removal of the existing radius kerb access and construction of a dropped kerb to prioritise pedestrians along Hurst Road. This level change must be taken into consideration.
- 10.131. The above works should be carried out prior to occupation and an application for Highways Works will be required to regularise the above detail of works. Section 59 of the Highways Act allows the recovery of expenses in the event of extraordinary traffic. A highways condition survey is therefore recommended by condition, to assess whether there is any deterioration of the highway as a result of the construction works, so these are repaired as part of the construction works.

#### *Construction Logistics Plan*

- 10.132. Policy T7 of the London Plan (2021) set out the policy for assessing the effects of development on transport capacity.
- 10.133. Policy DM13 of the Local Plan (2013) states that the Council will ensure that development is properly integrated with the transport network by requiring development proposals to submit Construction Logistics Plans, Delivery and Servicing Plans and the uptake of the Freight Operators Recognition Scheme where appropriate in accordance with the London Freight Plan and coordinated with travel plans.
- 10.134. Policy DM15 of the Local Plan (2013) states that the Council will ensure the most efficient use of the borough's available highway network by requiring development to connect to the highway network in a way that encourages road users to use the most appropriate road in accordance with Waltham Forest's road hierarchy and discouraging through-traffic from using local roads and avoiding individual access direct to the Transport for London Road Network, Strategic Road Network and district distributor roads.
- 10.135. The Council's Highways development requested a number of changes and clarifications to the submitted Outline Construction Logistics Plan (OCLP). The changes were made and the report was updated and considered acceptable by the Highways Team. A Detailed Construction Logistics Plan (CLP) will be secured by condition in line with Policy T7 of the London Plan (2021).

### **I. WASTE MANAGEMENT**

- 10.136. Policy SI7 of the London Plan (2021) seeks to reduce waste and support the circular economy.

- 10.137. Policy CS6 of the Core Strategy (2012) promotes the prevention and reduction of waste and requires new developments to provide adequate and well-designed internal and external storage facilities for residual waste and recycling.
- 10.138. Policy DM32 of the Local Plan (2013) states that new developments should ensure that the provision of adequate facilities for the storage, collection and disposal of refuse is well secured.
- 10.139. The applicant has adhered to the Council's 'Waste and Recycling Guidance for Developers, Storage and Collection Requirements' (2017).
- 10.140. The proposed refuse and recycling storage would be provided at ground floor and this would include ten bins and an area for large bulky items. 4 bins for refuse, 4 for recycling and 2 for food waste.
- 10.141. The store would be located to the western boundary of the site neighbouring the rear boundaries of properties 32 and 33 Hurst Road. It would be fully enclosed accessible by doors to either side. Given the enclosed nature of the store, a condition would be recommended for full details of the design of the store as well as details on ventilation and security. As such the proposed location adjacent to the neighbouring garden boundaries would not in this case raise concerns of impact to Nos. 32 or 33 Hurst Road.
- 10.142. Although the proposed refuse and recycling provision is sufficient for the development, a condition is recommended, in order to review a detailed refuse strategy for the physical operation of the site to be reviewed in compliance with the requirements of Policy DM32 of the WFLP Development Management Policies (2013). These details should include specifications of ventilation, security, accessibility and should also include arrangements of collection in compliance with the Council's 'Waste and Recycling Guidance for Developers, Storage and Collection Requirements' (2017).
- 10.143. As such, it is considered that any waste management/servicing and detailed design of the store could be secured by condition in accordance with Policy DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

## **J. TREES, LANDSCAPING AND ECOLOGY**

- 10.144. The NPPF (2023) consultation draft highlights the important contribution that trees make to the character and quality of urban environments as well as mitigating and adapting to climate change. The Framework seeks to ensure that new streets are treelined and opportunities are taken to incorporate trees elsewhere in developments and that existing trees are retained.
- 10.145. Policy D8 of the London Plan (2021) requires development proposals to encourage and explore opportunities to create new public realm where appropriate. Proposals should ensure the public realm is well-designed, safe, accessible, inclusive, attractive, well-connected, related to the local and historic context, and easy to understand, service and maintain. Landscape treatment, planting, street furniture and surface materials should be of good quality, fit-for-purpose, durable and sustainable. Lighting, including for advertisements, should be carefully considered and well-designed in order to minimise intrusive lighting infrastructure and reduce light pollution.
- 10.146. Policy 81 of the emerging Local Plan states that proposal should seek to protect and enhance biodiversity. Development proposals will not normally be granted planning permission where

they pose adverse direct or indirect effects on any land or area within the identified Sites of Importance to Nature Conservation (SINC).

- 10.147. Policy CS5 of the Core Strategy (2012) seeks to protect existing healthy trees and encouraging the planting of new trees as well as protecting and enhancing biodiversity.
- 10.148. Policy DM35 of the Local Plan (2013) states that the loss or damage of trees should be avoided where possible; and where this cannot be achieved mitigation and compensation measures should be outlined and implemented.
- 10.149. Policy DM12 of the Local Plan Policies (2013) states that development proposals should optimise physical and visual access between the built environment and open space. The policy also seeks to enhance green infrastructure and maximise access to open spaces within the borough by improving connectivity within the green infrastructure network.

#### *Trees and Landscaping*

- 10.150. There are protected trees located within the red line boundary adjacent to a public footpath that runs along the side of the development.
- 10.151. The application is supported by an Arboricultural Report which identifies removal of 3 low quality (Category C) trees, 1 low quality (Category C) group and 1 tree which is unsuitable for retention (Category U) within the context of the development.
- 10.152. The proposed development provides a comprehensive landscaping strategy to mitigate the loss of the trees which is considered to be appropriate although details regarding further habitat inclusions and more native species would be included with the provision of a condition.
- 10.153. In terms of the overall landscaping of the proposal, the overall commitment to greening in the development is welcomed and it is accepted that the proposal achieves an Urban Greening Factor score of 0.41 which is acceptable in terms of the development.
- 10.154. The Council's Nature and Tree Preservation Officer has reviewed the proposal and the submitted Arboricultural Impact Assessment and raises no concerns to the proposed scheme including the close proximity to the adjacent TPO.



Figure 9: Illustrative Landscape Plan

- 10.155. The landscape strategy for the proposed development has been guided across the site to create high quality landscape and a visually attractive environment with planting, functional amenity space, facilitate free and easy movement between buildings and through the courtyard as well as a focal space to encourage social interaction.
- 10.156. As such, it is considered that the proposed landscaping would be of a high-quality, with suitable levels of greening, subject to the recommended conditions, in accordance with Policies CS5, and DM29, the Emerging LP1 Policy 79 and London Plan Policies D8, G1, and G5.

*Epping Forest SAC*

- 10.157. 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 ZOI based on the distance most 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 an LSE (Likely Significant Effect) on the sensitive interest features of the SAC through increased recreational pressure, either when considered 'alone' or 'in combination'. The Council as Local Planning Authority is obliged to ensure that any grant of planning permission would have sufficient mitigation measures in place to ensure that there would be no harmful impact on the Epping Forest SAC arising from LSE. 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.
- 10.158. The Council and Natural England have agreed an approach to address the impact of residential development on the SAC, including seeking contributions towards the Strategic Access Management Measures (SAMMS) and a Suitable Alternative Natural Greenspace (SANGS) strategy, which has been published as part of the Local Plan process. A Habitat Regulations Assessment Screening and Appropriate Assessment has been prepared by Simple Planning which confirms that SAMMS contributions are appropriate for the impact of the development on the integrity of any European designated sites, such as the Epping Forest SAC and SSSI either considered alone or in combination with other plans or projects. A contribution of £627/unit £23,199 in total) towards SAMMS is sought and secured through the Section 106 agreement. Financial contributions towards the SANGS would be secured via the Community Infrastructure Levy (CIL) and would be allocated to projects within the relevant catchment area as identified in the strategy.
- 10.159. On the basis of the above, it is considered that the proposed development would have an acceptable impact on ecology. As such, the proposed development would accord with Policies CS5, DM12, and DM35, and London Plan Policies G1 and G6.

*Urban Greening Factor*

- 10.160. Policies GG1, G1 and G5 of the London Plan (2021) require new development to incorporate urban greening features such as street trees, green roofs, green walls, raingardens and nature-based sustainable drainage.
- 10.161. The proposed development takes a very well-considered approach to integrating green infrastructure within the proposed development, and designing for biodiversity, which is strongly supported.

- 10.162. The proposed development would deliver a greening factor of 0.41 meeting the target of 0.4 set by the London Plan.
- 10.163. As such, subject to contributions, it is considered that the proposals accord with Policies GG1, G1 and G5 of the London Plan (2021) and is therefore considered acceptable.

## **K. SUSTAINABLE DESIGN AND ENERGY EFFICIENCY**

### *Carbon Emissions*

- 10.164. London Plan Policy SI2 (2021) states that major forms of development should be net zero carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:
- Be lean: use less energy and manage demand during operation.
  - Be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly.
  - Be green: maximise opportunities for renewable energy by producing, storing, and using renewable energy on-site.
  - Be seen: monitor, verify and report on energy performance.
- 10.165. Development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target would be met within the framework of the energy hierarchy.
- 10.166. The submitted Energy Statement was revised and updated, the development predicts to achieve a reduction of 40% in regulated emissions, site wide. This exceeds the London Plan target of 35%.
- 10.167. At a local level, Policy DM10 of the WFLP Development Management Policies (2013) requires developments of one or more units or greater than 100 square metres to be designed with regards to sustainable development principles and to achieve the Council's stepped targets towards zero carbon by 2016 for residential development and by 2019 for non-residential developments. Policy DM10 requires an on-site emissions reduction of 35% for non-residential developments. As noted, the non-residential floor space would achieve an on-site reduction of 40% and would therefore be compliant with the requirements set out by local policies under the WFLP Development Management Policies (2013).
- 10.168. The Council's Energy and Sustainability Consultant confirmed an offset carbon contribution of **£79,061** is therefore required, which would be secured in the legal agreement.

### *Energy Reduction and Overheating:*

- 10.169. Policy SI4 of the London Plan (2021) states that development proposals should minimise adverse impacts on the urban heat island through design, layout, orientation, materials, and the introduction of green infrastructure. Development should demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems.
- 10.170. The submitted Energy Statement confirms that the demand reduction measures would deliver a 10% saving against the baseline for the entire development, as indicated by the submitted SAP10 figures. As such, the residential elements exceeds the 10% target.



- 10.171. With regards to air permeability, the development proposes 4.0m<sup>3</sup>/m<sup>2</sup>/hr. As advised by the Council's Energy and Sustainability officer, the air permeability values are acceptable. In addition, the proposed U-values are considered acceptable as is the proposed lighting and lighting controls.
- 10.172. The applicant has sought to address the cooling hierarchy, with shade, passive ventilation, thermal mass and active ventilation. A GHA overheating risk tool has been completed showing an acceptable risk at this stage of the design. TM59 thermal modelling has been undertaken for the residential element. All the assumptions underlying the modelling are considered to be reasonable. Results show at highest medium risk of overheating. Subject to conditions to secure the strategy set out in the report, the Council's Sustainability Officer is broadly satisfied with the strategy.
- 10.173. As such, subject to conditions, the proposed development is consistent with Policy SI4 of the London Plan (2021) and Policy DM10 of the Local Plan (2013).

*Low Carbon Energy Supply*

- 10.174. London Plan Policy SI3 (2021) states that development proposals within a Heat Network Priority Area should have a communal low-temperature heating system and that the heat source for the communal heating system should be selected in accordance with the following heating hierarchy:
- Connect to local existing or planned heat networks.
  - use zero-emission or local secondary heat sources.
  - use low-emission combined heat and power (CHP) and,
  - use ultra-low NO<sub>x</sub> gas boilers.
- 10.175. The Energy report confirms that it is not feasible to connect to an existing District Heating Network (DHN)
- 10.176. The development will be provided with heating and hot water via a communal ambient loop heat network, served by air source heat pumps. This is considered an appropriate approach.

*Renewable Energy*

- 10.177. Policy DM11 of the WFLP Development Management Policies (2013) states that major forms of development should seek to reduce the site's carbon emissions through on-site renewable energy, to ensure that the proposed renewable system is appropriate to the location and does not have an adverse impact on the development, local amenity of neighbourhoods or the environment, including air quality.
- 10.178. A solar PV installation of outputs 11kWp and Air source heat pumps (ASHPs) are proposed for the development. The PV is projected to generate approximately 10,065 Wh/yr. Roof drawings are included showing the number of panels is maximised. The ambient loop proposed is fed by ASHPs which are considered renewable energy. The approach is therefore consistent with Policy DM11 of the WFLP Development Management Policies (2013).

**L. ENVIRONMENTAL IMPACT**

- 10.179. Policy DM24 of the WFLP Development Management Policies (2013) seeks to control and mitigate pollution in all its forms, including noise, vibration, light, smell as well as land, water, and air-based considerations. The Council's Environmental Health Team reviewed the

proposed development and considered that the development would be acceptable subject to mitigation measures to reduce any detrimental impact on amenity and to deliver an acceptable living environment for future residents. These issues are reviewed as follows:

*Noise*

- 10.180. Policy D14 of the London Plan (2021) requires mitigation measures on existing and potential adverse impacts in terms of noise as a result of new development to enhance the acoustic environment of a site and its surroundings.
- 10.181. Policy DM24 of the WFLP Development Management Policies (2013) states that all major forms of development should aim to minimise the adverse impacts of noise through sensitive design, management, and operation.
- 10.182. The Council's Environmental Health Team raises no objections against the development, subject to conditions requiring the submission of a Construction Environmental Management Plan (CEMP) and Noise levels to be controlled from on site plants and machinery.
- 10.183. Subject to conditions, the development would be acceptable in terms of noise and vibration and consistent with Policy D14 of the London Plan (2021) and Policy DM24 of the WFLP Development Management Policies (2013).

*Air Quality*

- 10.184. Policy SI1 of the London Plan (2021) sets out the requirements for new development to address poor air quality. All forms of development must be at least air quality neutral. At a local level, Policy DM24 of the WFLP Development Management Policies (2013) states that new developments should neither contribute nor suffer from unacceptable levels of air pollution. All major applications should demonstrate appropriate mitigation measures through an Air Quality Assessment.
- 10.185. The site is located within an air quality management area (AQMA) to reduce the level of nitrogen dioxide and other particulate matter emissions. A Construction and Dust Control Statement has been submitted with the application. It considered that, subject to a financial contribution of £3,700 (£100 per dwelling) towards the implementation of the Air Quality Action Plan, which shall ensure maintenance of the Air Quality monitoring network and Air Quality modelling. In addition, conditions requiring compliance with the non-road mobile machinery (NRMM) Low Emission Zone and the submission of an Air Quality and Dust Management Plan (AQDMP) are recommended. The AQDMP will be captured as part of the CEMP condition as requested by Environmental Health Team.
- 10.186. Due to the above considerations, the development would be consistent with Policy SI1 of the London Plan (2021) and Policy DM24 of the WFLP Development Management Policies (2013), subject to conditions and a financial contribution that would ensure that the development protects the amenity and health of neighbouring properties in terms of air quality and pollution.

*Contaminated Land*

- 10.187. Policy CS13 of the WFLP Core Strategy (2012) sets out that the Council will aim to create and develop healthy and sustainable places and communities. Development proposals are required to meet appropriate standards that address the risks arising from contaminated land and hazardous substances. In addition, Policy DM24 of the WFLP Development Management

Policies (2013) states that sites which are potentially contaminated should identify risks to water quality posed by the development and agree on a strategy to overcome any risk.

- 10.188. The Council's Contamination Officer has recommended conditions, which should provide details of the results of the investigations and remediation measures that should form part of a remediation strategy together with a verification report to demonstrate that the works set out in the remediation strategy are complete.
- 10.189. The officer also commented on the proposal with regard to the potential for asbestos contamination on the site and the attachment of a suitable condition is recommended.
- 10.190. Given that the Council's Land Contamination Officer has not raised any concerns to the proposal, subject to a condition requiring details that ensure that the development would not pose a risk on contamination. The development would therefore be consistent with Policy SD1 of the London Plan (2021), Policy CS13 of the WFLP Core Strategy (2012) and Policy DM24 of the WFLP Development Management Policies (2013)

#### *Flood Risk*

- 10.191. The site is not located within a Flood Zone and therefore there is a low probability of surface water flooding. Policy SI12 of the London Plan (2021) requires development proposals to ensure that appropriate measures are incorporated to minimise and mitigate any flood risk.
- 10.192. The development would be conditioned in case of approval for the implementation of flood mitigation solutions prior to first occupation, so that development does not create any flooding or surface water run off issues in the wider area.
- 10.193. The development would therefore be consistent with the requirements of Policy SI12 of the London Plan (2021) and Policy CS5 of the WFLP Core Strategy (2012) in that it would not pose a risk of flooding by incorporating acceptable mitigation measures.

#### *Sustainable Urban Drainage*

- 10.194. All new schemes need to be designed to ensure redevelopment will be safe on sites, without the increasing flood risk. It would need to be designed to sufficiently manage run off, as directed by both London Plan and Local Plan. London Plan Policy SI13 (2021) requires new forms of development 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.
- 10.195. Local Plan Policy DM34 objective is to ensure that flood risk is properly managed, including beyond an application site. It sets out a number of measures that should be taken, and clearly indicates that the main issue with residential and other built form is the rate of water run-off.
- 10.196. Although the application site is not within a flood zone and is therefore at very low risk of alluvial flooding, the development would be conditioned in case of approval for the implementation of flood mitigation solutions, so that development does not create any flooding or surface water run off issues in the wider area.
- 10.197. On any forthcoming consent, a drainage condition would be required, detailing potential SuDS features for the site, which should include permeable paving, raingardens, soakaways, and specifications of infiltration test results together with recommended soakage rates where

soil conditions are suitable for infiltration, to ensure compliance with Policy SI13 of the London Plan (2021), and Local Plan Policies CS5 and DM34.

#### *Water Efficiency*

- 10.198. Policy SI5 of the London Plan (2021) states that development should minimise the use of mains water in line with the Operational Requirements of the Building Regulations to achieve mains water consumption of 105 litres or less per head per day. In addition, Policy DM34 of the WFLP Development Management Policies (2013) states that every form of development should implement water efficiency measures to achieve usage of less than or equal to 105 litres per person per day for residential use and to incorporate measures for saving water for any new development involving more than 100 square metres, as required by the London Plan.
- 10.199. The sustainability statement confirms the domestic water use of 105 l/p/d will be targeted and includes an example specification that complies with this. As such, a condition requiring details of measures to reduce water use within the development is recommended, to meet the requirements of Policy DM34 of the WFLP Development Management Policies (2013) and Policy SI5 of the London Plan (2021).

### **M. SAFETY AND SECURITY**

#### *Fire Safety*

- 10.200. The application submission included a Fire Statement in support of the proposed development. This statement demonstrated that fire safety formed part of the early stage of the design process, and that the development meeting the buildings regulations would secure the necessary fire safety measures. The London Fire Brigade (LFB) confirmed that they had no further observations to make and requested notification of any material amendments to the application.
- 10.201. In light of the above it is considered that the proposed development would overall comply with London Plan (2021) Policies D5, D11, and D12 in respect of fire safety, including by providing means of escape for people requiring level access.

#### *Crime Prevention*

- 10.202. Policy D11 of the London Plan (2021) set out policy which requires all new developments to design out crime and incorporate an acceptable level of safety and security measures and ensure development is resilient to emergency.
- 10.203. Policy CS16 of the Core Strategy “Making Waltham Forest Safer” set out the Council’s aspirations to improve community safety and cohesion by working on minimising opportunities for criminal behaviour.
- 10.204. Policy DM33 of the Local Plan (2013) seeks a safe environment with appropriate levels of natural surveillance.
- 10.205. The DAS includes some of the recommendations discussed in the pre-application meeting with respect to Secured by Design (SBD) that informed the submitted scheme. In consultation with the Met Police and Designing Out Crime Officers, they have set out a number of mitigations to further reduce opportunities for criminal activities and anti-social behaviour which the Applicant’s team have considered. The Met Police have raised concerns, and the

applicant have responded positively with mitigation made and provide justification relating to concerns and security proposals.

- 10.206. In order to secure compliance, a relevant Secure by Design Guide condition will be imposed subject to planning approval to mitigate and secure necessary mitigations and deliver a secure, safe environment for all users of the proposed development. The safety and security measures relating to active and passive surveillance, lighting, external CCTV, secure access points, and other measures. These are outlined in the supporting assessments and subject to conditions to secure appropriate measures and mitigations in accordance with Policy D11 of the London Plan (2021) and Policy DM33 of the Local Plan (2013).

## **11. PLANNING OBLIGATION**

- 11.1. Section 106 Legal 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 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.

- 11.2. In terms of the S106 Agreement, the required Heads of Terms, having regard to planning policy, the Waltham Forest Local Plan Revised Planning Obligations SPD (2017) and the Waltham Forest Local Plan Affordable Housing and Viability SPD (2018), for this development relate to the following Heads of Terms which are also outlined in Section 1 of this report.

- Affordable Housing Provision
- Wheelchair Housing
- Highways and Transportation
- Car Free Housing
- Employment and Training Strategy
- Air Quality
- Carbon Offset Fund
- Epping Forest Special Area of Conservation
- Loss of Social Infrastructure
- Retention of Architect
- Legal Fees
- Monitoring and Implementation

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

### Human Rights

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

## **13. CONCLUSION**

- 13.1. The report provides officer's comprehensive consideration of the planning application and its supporting documentation, including the additional information submitted and any representations received.
- 13.2. The conditions set out in the agreed s.106 Heads of Terms (set out in paragraph 1.1 of this committee report) would ensure that any adverse impact of the scheme is mitigated against and the positive aspects of the proposal advanced by the applicant are carried out through the implementation.
- 13.3. The report has considered the proposals in light of the adopted and emerging development plan policies and other material considerations or representations relevant to the environment effects of the proposals.
- 13.4. The application, if approved, would deliver significant urban regeneration and public benefits, not least including:
  - 37 new residential units (16% of which are affordable by habitable room at London Affordable Rent) which contribute towards local housing targets;
  - Car-free development except for the provision of wheelchair accessible spaces;

- Promoting sustainable modes of transport with less reliance on the private car;
- Enhanced cycle facilities;
- Urban Greening Factor of 0.41
- Incorporate the highest environmental standards and would be sustainable;
- Deliver acceptable energy reduction measures and meet the required carbon dioxide reduction targets through air quality, noise and renewable energy considerations; and
- Valuable CIL contributions.

- 13.5. The proposed development would result in making better use of land and achieve optimisation of an underused brownfield site for existing and future generations in an urban location. The principle of the development with respect to the loss of a social infrastructure and proposed residential land use have been carefully reviewed and considered acceptable in this instance by officers in accordance with local and regional planning policies.
- 13.6. The development would deliver 16% affordable housing London Affordable Rent.
- 13.7. The height, scale, massing and design of the development would be acceptable and result in high quality architecture which is considered appropriate for the location within this urban location.
- 13.8. The scheme would directly deliver important walking and cycling improvements and would enhance public space, walking and cycling improvements outside of the site through S106 contributions.
- 13.9. The proposal would make significant CIL contributions, as well as significant social infrastructure. Identified concerns would be appropriately mitigated through the inclusion of conditions and obligations within the legal agreement.
- 13.10. Overall, officers have given careful consideration to the material considerations and where impacts are forecast to arise from the proposed development, adequate mitigation measures have been introduced to make the proposed development acceptable in planning terms.

#### **14. RECOMMENDATION**

- 14.1. 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 Legal Agreement and to agree any minor amendments to the conditions or the Legal Agreement on the terms set out above.
- 14.2. In the event that the Section 106 legal agreement is not completed within a reasonable timeframe following the date of Planning Committee, the Assistant Director of Development Management and Building Control is hereby authorised to refuse the application in consultation with the Chair. In the absence of this Legal Agreement, the proposed development would not be able to deliver the residential development on the site. The implication of this happening is that the opportunity for securing the provision of affordable housing would be lost. Additionally, financial and non-financial contributions would be lost, which otherwise would be secured by s.106 legal agreement.

## PLANNING CONDITIONS

### Time Limit

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

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

### Approved Plans and Documents

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:

#### Drawings References:

- *Site Location Plan*

WHR- PTE- VA-ZZ-DR-A-10106 Rev C2 [dated 16/12/2021]

WHR- PTE- VA-ZZ-DR-A-10107 Rev C2 [dated 16/12/2021]

- *Existing Plans*

WHR- PTE- VA-00-DR-A-10120 Rev C3 [dated 22/12/2021]

WHR- PTE- VA-00-DR-A-10121 Rev C3 [dated 22/12/2021]

WHR- PTE- VA-00-DR-A-10122 Rev C2 [dated 16/12/2021]

WHR- PTE- VA-ZZ-DR-A-10304 Rev C2 [dated 16/12/2021]

WHR- PTE- VA-ZZ-DR-A-10305 Rev C2 [dated 16/12/2021]

- *Proposed Elevations*

WHR- PTE- VA-ZZ-DR-A-10300 Rev C2 [dated 16/12/2021]

WHR- PTE- VA-ZZ-DR-A-10301 Rev C2 [dated 16/12/2021]

- *Proposed Floor Plans*

WHR- PTE- VA-01-DR-A-10101 Rev C3 [dated 19/07/2023]

WHR- PTE- VA-02-DR-A-10102 Rev C3 [dated 19/07/2023]

WHR- PTE- VA-02-DR-A-10103 Rev C3 [dated 19/07/2023]

WHR- PTE- VA-04-DR-A-10104 Rev C3 [dated 19/07/2023]

WHR- PTE- VA-04-DR-A-10105 Rev C3 [dated 19/07/2023]

WHR- PTE- VA-00-DR-A-10100 Rev C5 [dated 27/09/2023]

WHR- PTE- VA-00-DR-A-10110 Rev C4 [dated 19/07/2023]

WHR- PTE- VA-01-DR-A-10111 Rev C3 [dated 19/07/2023]

WHR- PTE- VA-02-DR-A-10112 Rev C3 [dated 19/07/2023]

WHR- PTE- VA-03-DR-A-10113 Rev C3 [dated 19/07/2023]

WHR- PTE- VA-04-DR-A-10114 Rev C3 [dated 19/07/2023]

WHR- PTE- VA-05-DR-A-10115 Rev C3 [dated 19/07/2023]



- *Proposed Site Sections*

WHR- PTE- VA-ZZ-DR-A-10201 Rev C2 [dated 16/12/2021]  
WHR- PTE- VA-ZZ-DR-A-10200 Rev C2 [dated 16/12/2021]  
WHR- PTE- VA-ZZ-DR-A-10202 Rev C1 [dated 19/07/2023]

- *Other Plans:*

D8697.001 Rev 03 - Illustrative Landscape Plan [dated 24/03/2023]  
D8697.002 Rev 05 - Landscape GA Plan [dated 22/09/2023].  
D8697.004 Rev 03 - Urban Greening Factor Plan [dated 24/03/2023]  
D8697.004 Rev 02 - Ecological Enhancement Plan [dated 24/03/2023]  
D8697.005 Rev B - Parking and Access Plan [dated 24/03/2023]  
D8697.101 Rev 04 - Hardworks Plans [dated 26/07/2021].  
D8697.200 Rev 03 - Planting Schedule [dated 24/03/2023]  
D8697.201 Rev 03 – Planting Plan [dated 24/03/2023]  
D8697.301 Rev 05 – Landscape sections: Sheet 1 [dated 22/09/2023]  
D8697.302 Rev 05 – Landscape sections: Sheet 2 [dated 22/09/2023]  
D8697.401 Rev 03 – Tree Pit Details [dated 13/12/2021]  
D8697.402 Rev 01 – Step Details [dated 13/12/2021]  
D8697.403 Rev 01 – Landscape Details [dated 13/12/2021]  
D8697.411 Rev 01 – Furniture Details [dated 13/12/2021]  
D8697.412 Rev 01 – Play Equipment [dated 13/12/2021]  
22-030-SP-001 Rev E – Swept Path Analysis [dated 23/03/2023]  
22-030-SP-002 Rev E – Swept Path Analysis [dated 23/03/2023]  
22-030-SP-003 Rev E – Swept Path Analysis [dated 23/03/2023]  
22-030-SP-004 Rev E – Swept Path Analysis [dated 23/03/2023]  
22-030-SP-005 Rev E – Swept Path Analysis [dated 23/03/2023]  
22-030-SP-006 Rev E – Swept Path Analysis [dated 23/03/2023]  
22-030-SP-007 Rev E – Swept Path Analysis [dated 23/03/2023]  
22-030-SP-008 Rev E – Swept Path Analysis [dated 23/03/2023]  
210114-CON-HR-00-DR-C-1000 Rev P3 – Drainage Layout [dated 16/12/2021].  
210114-CON-HR-00-DR-C-1300 Rev P1 – Drainage Details [dated 13/08/2021].

Supporting Documents:

Design and Access Statement [dated March 2022].  
Design and Access Statement - Addendum v3 [dated September 2023].  
External Finishes Materials Schedule [dated 15/08/2023]  
Planning Statement [dated March 2022].  
Heritage Statement [dated February 2022].  
Outline Construction Logistic Plan [dated July 2023].  
Energy Assessment [dated December 2021].  
Sustainability Statement [dated December 2021].  
Sustainability - Addendum to the Energy Statement [dated April 2022]  
Sustainability - Appendix E: Base TER [dated April 2022]  
Sustainability - Appendix F: Be Lean DER [dated April 2022]  
Sustainability - Appendix G: Be Clean DER [dated April 2022]  
Sustainability - Appendix H: Be Green DER [dated April 2022]  
Sustainability - Appendix J: SAP 10 Input & Compliance Report [dated April 2022]  
Sustainability - Appendix J: Overheating/EPC/Compliance Report [dated December 2021].

Draft Residential Travel Plan (No. D002) V.02 [dated March 2022].  
Transport Statement (No. D001) V.02 [dated March 2022].  
Arboricultural Impact Assessment [dated March 2023].  
Flood Risk Assessment and Surface Water Drainage Strategy [dated 21/12/2021].  
Ecological Assessment [dated September 2021].  
Fire Strategy Statement [dated 08/12/2021].  
Landscape Statement [dated December 2021].  
Daylight and Sunlight Report – L210241/PS/G8 [dated November 2021].  
Construction and Dust Control Statement [dated December 2021].

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

### **Materials**

3. Prior to the commencement of development, notwithstanding site clearance and investigation works, demolition and construction to slab level, samples and a schedule of materials to be used in the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the development.

REASON: To ensure a satisfactory appearance in accordance with Policies CS12 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) and policies DM28 of the Waltham Forest Local Plan – Development Management Policies (2013)

### **Contamination**

4. Prior to the commencement of development, notwithstanding site clearance and investigation works, the developer must carry out a pre-demolition and refurbishment asbestos survey and submit to the Local Planning Authority to be approved in writing. This shall be carried out in accordance with HSG264. The submitted details shall include a mitigation scheme to eliminate risks to future occupiers and the surrounding local environment from asbestos contamination. The details shall be prepared by a suitable qualified person and the development shall be carried out in accordance with the details approved under the terms of this condition. In the event that Asbestos is found in the surveys carried out as part of this condition, no part of the development hereby approved shall be occupied until a verification report has been submitted to and approved in writing by the local planning authority demonstrating that sources of asbestos contamination have been eliminated.

REASON: To ensure the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS13 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM34 of the adopted Waltham Forest Local Plan – Development Management Policies (2013)

5. Prior to commencement of construction works, a scheme including the following components (where applicable) to address the risk associated with site contamination shall be submitted to and approved in writing by the Local Planning Authority (LPA).

- A) A Desk Study report including a preliminary risk assessment and conceptual site model.
- B) A ground investigation based on the findings of the Desk Study Report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- C) The results of the investigation and revised risk assessment and based on these, in the event that remediation measures are identified necessary a remediation strategy shall be submitted giving full details of the remediation measures required and how they will be undertaken.
- D) A verification report providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete.

Any investigation and risk assessment must be undertaken in accordance with the Environment Agency's Model Procedures for the Management of Contaminated Land (CLR11). In the event that additional significant contamination is found at any time when carryout the approved development it must be reported immediately to the LPA.

*(For the avoidance of doubt, this condition can be discharged on a section by section basis.)*

REASON: To ensure the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS13 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM34 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

### **Construction Management Plan**

- 6. Prior to the commencement of any part of the development, including demolition and site clearance, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of the following:
  - 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
  - Construction Vehicle Access Strategy
  - Likely noise levels to be generated from plant
  - Details of any noise screening measures
  - Proposals for monitoring noise and procedures to be put in place where agreed noise levels are exceeded
  - Where works are likely to lead to vibration impacts on surrounding residential properties, proposals for monitoring vibration and procedures to be put in place if agreed vibration levels are exceeded. Note: it is expected that vibration over 1mm/s measured as a peak particle velocity would constitute unreasonable vibration.
  - The method statement shall make reference to and comply with The Mayor of London's supplementary planning guidance (SPG) 'The control of dust and emissions from construction and demolition' <https://www.london.gov.uk/what->

[wehttps://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/control-dust-anddo/planning/implementing-londonplan/supplementary-planning-guidance/control-dust-and](https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/control-dust-and-do/planning/implementing-londonplan/supplementary-planning-guidance/control-dust-and)

In particular the applicant shall:

- Submit for approval an Air Quality (dust) risk assessment
- Submit for approval an Air Quality & Dust management Plan (AQDMP)
- Equipment and plant used on site shall comply with the requirements for 'Non-Road
- Mobile Machinery' (NRMM)
- Submit a for approval Dust monitoring programme
- All the above submissions shall have regard to the Mayor's SPG

Reference shall be made to:

- BRE four part Pollution Control Guides 'Controlling particles and noise pollution from construction sites'.
- BS 5228: Noise and vibration on construction and open sites Unexploded Ordnance Desktop Survey

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 the Policy SI1 of the London Plan and the GLA NRMM LEZ.

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

REASON: To ensure that air quality is not adversely affected by the development in line with the Mayor's SPG: The Control of Dust and Emissions during Construction and Demolition, to comply with Policy SI1 of the London Plan (2021).

### **Construction Logistic Plan**

8. Prior to the commencement of the development, a detailed Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the local planning authority. The Construction and Logistics Plan and Delivery and Servicing Plan must be submitted using the TfL template and guidance found here: [www.constructionlogistics.org.uk](http://www.constructionlogistics.org.uk). The logistics plan shall include details of site access, journey planning, access routes, hours of deliveries, 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 and the Construction and Logistics Plan should be implemented 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 WFLP Core Strategy (2012) and Policies DM14 DM15, DM24 and DM32 of the adopted

Waltham Forest Local Plan– Development Management Policies (2013) and Policy T7 of the London Plan (2021)

9. Prior to the commencement of any development on the site including demolition and site clearance, but excluding site preparation and enabling works, a specification for a highway site condition survey to assess the condition of highway before and after construction works shall be submitted to and approved in writing by the local planning authority. The highway condition survey shall then be carried out in accordance with the approved timescales contained within the approved specification and it shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied. Any damage to the highway incurred as a result of the construction works, will have to be re-instated by the Council but funded by the developer, in accordance with the timescales and details agreed as part of the survey.

REASON: In the interest of pedestrian and highway safety, to comply with Policy CS7 of the Waltham Forest Local Plan – Core Strategy (2012) and Policy DM14, DM15 and DM32 of the Waltham Forest Local Plan – Development Management Policies (2013).

### **Car Parking Management Plan**

10. Prior to first occupation of the residential development hereby approved a Car Parking Management Plan for that component shall be submitted to and approved in writing by the Local Planning Authority. The Car Parking Management Plan for each component shall include but not be limited to the following:

- Outline the process for allocating bays to blue badge holders (including passive bays should they be required);
- Details on how enforcement will manage the authorised bays;
- Details on how enforcement will manage unauthorised parking and loading;
- Details on how loading will be managed, including what happens if any parked vehicles become blocked in; and
- Details on how residents will be charged for the use of the electric vehicle charge points, which should be an individual charge for each use of the charge point, in line with other public network charges.

The blue badge car parking spaces shall be laid out and allocated in accordance with the approved Management Plan(s) and shall be made available for the purposes of parking vehicles in association with the development and for no other purpose. The development shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.

REASON: In the interests of highway and pedestrian safety in accordance with Policies CS7 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policies T6, T6.1, T6.2, T6.3 and T6.5 of the London Plan (2021).

### **New building Services Plant**

11. Noise from all new building services plant for the lifetime of the development shall be controlled to a level not exceeding 10dB(A) below the typical underlying background noise level (LA90) during the time of plant operation at a position one metre external to the nearest noise sensitive premises. The underlying background LA90 shall be determined in the absence of the new plant noise. This assessment shall be completed

in accordance with BS4142:2014+A1:2019 'Method for Rating and Assessing Industrial and Commercial Sound'.

Reason: To protect the amenities of adjoining occupiers and the surrounding area in order to comply with Policy CS13 of the Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM32 of the Waltham Forest Local Plan – Development Management Policies (2013).

### **Electric Vehicle Charging Points**

12. Prior to the commencement of development on site, notwithstanding site investigation work, clearance and demolition, and notwithstanding any indication on the submitted drawings, details of electric vehicle charging point locations and technical specifications shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained as such thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of effective provision of safe and well designed parking facilities in accordance with Policies CS7, CS15 and CS16 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM16 of the Waltham Forest Local Plan Development Management Policies (2013).

### **Cycle Parking**

13. Prior to the commencement of the development on site, notwithstanding site investigation works, clearance and demolition, detailed drawings of the cycle storage facilities, including enclosures, access and security, must be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the areas identified cycle storage shall be retained as such for the lifetime of the development.

REASON: To comply with London Cycle Design Standards, Policy CS7 of the Waltham Forest Local Plan – WFLP Core Strategy (2012), Policy DM14, DM15 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013), and Policy T5 of the London Plan (2021).

### **Delivery and Servicing Plan**

14. A Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The DSP shall make reference to safety measures that will be in place to reduce conflicts between service vehicles manoeuvring in the private car park and other users (cycle stores, disabled parking and any other pedestrians) and shall also include details on how delivery vehicles are restricted during peak periods. The development shall be managed thereafter in accordance with the details approved under the terms of this condition.

REASON: In the interests of pedestrian and highway safety, in compliance with Policies CS6, CS15 and CS16 of the Waltham Forest Local Plan Core Strategy (2012), Policies DM13, DM14, DM23 of the Waltham Forest Local Plan Development Management Policies (2013) and Policy T5 of the London Plan (2021).

## Lighting Scheme

15. Prior to the commencement of the development, notwithstanding site investigation and clearance works, demolition and groundworks to slab level, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority, which must clarify the access and management arrangements for the public access routes through the site and shall incorporate measures to ensure that light from the luminaires would not exceed 10 EV(lux) when measured at any residential or light sensitive window overlooking the development. All luminaires shall be oriented and designed in such a way to minimise light spillage beyond the site boundary and prevent glare to the windows of residential or light sensitive properties identified. The lighting scheme shall be implemented in accordance with the agreed details and thereafter maintained as such for the lifetime of the development.

REASON: To protect the amenities of adjoining occupiers and the surrounding area, to comply with Policies CS13 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

## Safety and Security

16. Prior to the commencement of development on site, notwithstanding site investigation work, clearance and demolition, full details of measures to be incorporated into the development, demonstrating how site security would be achieved and include details of CCTV and entry control systems on site, along with how the development can achieve the principles of Secure by Design Certification and this shall be submitted to, and approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out of Crime Officers. The development shall be carried out in accordance with the agreed details and maintained as such thereafter.

REASON: In the interest of security and to protect the living conditions of existing and future residents in the locality in accordance with Policy D11 of the London Plan (2021) Policy CS16 of the adopted Waltham Forest Local Plan Core Strategy (2012) and Policy DM33 of the of the Waltham Forest Local Plan Development Management Policies (2013)

## Residential

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

REASON: To ensure inclusive development in accordance with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012), DM Policies DM7 and DM9 of the Development Management Plan (2013 and Policy D7 of the London Plan (2021).

18. Four of the private units hereby permitted shall be built shall be built to The Building Regulations (2010) Access to and use of Buildings, Approved Document M (2015 as amended), Volume 1: Dwellings, M4(3): Wheelchair user adaptable dwellings. Circulation areas in blocks with M4(3) dwellings will be built in full accordance with Part M4(3), as referred to in London Plan para 3.7.2. This includes the entrance and circulation area doors which will have to be fully compliant with the relevant sections of Approved Document M.

REASON: To ensure inclusive development in accordance with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM7 and DM9 of the Waltham Forest Local Plan Development Management Policies (2013) and Policy D7 of the London Plan (2021).

19. Notwithstanding approved drawings, the development hereby permitted shall have the following mix of accommodation:
- 6 x one-bedroom units
  - 28 x two-bedroom units
  - 3 x four-bedroom units

REASON: To ensure the agreed mix is delivered and in the interest of the creation of mixed and balanced communities in accordance with policy CS2 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM5 of the Waltham Forest Local Plan Development Management Policies (2013) and Policy H10 of the London Plan (2021).

### **Balconies & Amenity Spaces**

20. Prior to the commencement of development on site, notwithstanding site investigation work, clearance and demolition and notwithstanding any indication on the submitted drawing, details relating to the siting, design finish of all balconies and roof terrace and details of privacy screens shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out solely in accordance with the approved details, and thereafter shall be fully retained and maintained accordingly for the lifetime of the development.

REASON: In the interest of general visual amenity, and avoid overlooking of neighbouring properties so as to preserve the amenity of existing and future residents, 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).

21. All private and communal amenity spaces shall be laid out and implemented in accordance with the approved plans and shall not be used for any other purpose. The balconies and communal amenity spaces shall be retained for the use of the occupiers of the development for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the amenities of adjoining occupiers and the surrounding area in order to comply with Policy CS13 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM29 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

### **Children's play**

22. Prior to occupation of the development details of the proposed children's play equipment in relation to play areas shown on the approved plans will be submitted to and approved in writing by the local planning authority. The details must demonstrate that playspace and equipment within the development is available to all and is not segregated by tenure. All



children's play equipment will be installed in accordance with the information approved and retained and maintained in perpetuity for the lifetime of the development.

REASON: In order to ensure adequate and appropriate children's play equipment is provided in accordance Policy S4 of the London Plan (March 2021).

### **Hard and Soft landscaping**

23. Prior to the commencement of development on site excluding ground works, 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 any permeable areas. 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).

### **Landscape Management Plan.**

24. Prior to the commencement of the development on site, notwithstanding site investigation and clearance works, demolition and construction to slab level, a Landscape Management Plan, which includes long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The approved Landscape Management Plan shall be implemented prior to the first occupation of the development hereby approved and thereafter maintained for the lifetime of the development.

REASON: To ensure the well-being of the trees and in the interest of 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).

### **Arboricultural Method Statement. (AMS) - Tree protection**

25. No site clearance, preparatory work or development shall take place (excluding erection of site hoarding) until a scheme for the protection of any retained trees (the Tree Protection Plan) on and close to the site, and the appropriate working methods (the Arboricultural Method Statement) in accordance with British Standard BS5837 – 2012. Trees in Relation to design, demolition, and construction – Recommendations has been agreed in writing by the local planning authority.

REASON: To ensure the well-being of the trees and in the interest of biodiversity, in accordance with policy CS5 of the Waltham Forest Local Plan – Core Strategy (2012) and Policy DM35 of the Waltham Forest Local Plan – Development Management Policies (2013).

### **Arboricultural Impact Assessment (AIA)**

26. The development shall fully conform with the recommendations of the Arboricultural Impact Assessment, submitted with this application dated [March 2023]. The development shall be carried out solely in accordance with the approved details, and all works shall comply with BS 3998:2010(Tree Work - Recommendations) and shall be supervised by a suitably qualified Arboriculturalist and any post-construction mitigation measures shall thereafter be maintained for the lifetime of the development.

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).

### **Replacement of damaged trees, hedges, and soft landscaping**

27. If within a period of 5 years from the date of planting trees, hedges, and soft landscaping or any replacement planting, is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree, hedge or associated soft landscaping with the scheme, of the same size and species as that originally planted shall be planted at the same place within the first available planting season, 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).

28. 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).

### **Habitat boxes**

29. Prior to the commencement of development on site, notwithstanding site investigation and clearance works, demolition and constructions to slab level, details of the bat/bird/ habitat boxes shall be submitted to and approved in writing by the local planning authority. The bat/bird/ habitat boxes shall be installed prior to first occupation of the development

hereby approved and shall thereafter be maintained in accordance with the approved details 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).

### **Boundary Treatment**

30. Prior to the commencement of development on site, notwithstanding site investigation and clearance works, demolition and constructions to slab level, details relating to the siting, design and height and finish of all new walls, gates, fencing, railings, and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. In line with the LBWF Biodiversity Action Plan, new boundary fences should be permeable at multiple points for ground based wildlife where appropriate. The development shall be carried out solely in accordance with the approved details, prior to the first occupation of the use hereby approved and thereafter shall be fully retained and maintained accordingly for the lifetime of the development.

REASON: In the interest of general visual amenity, and amenity of neighbouring occupants, in accordance with 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).

### **Energy and Sustainability**

31. Prior to the first occupation of any part of the development hereby permitted, a report demonstrating how the scheme reduces the carbon dioxide emissions of the development by at least 35% compared to the 2021 Building Regulations shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall reference the measures set out in the Energy Statement accompanying the planning application, but shall explain what measures have been implemented in the construction of the development. The development and energy efficiency measures shall thereafter be retained.

REASON: In the interests of the sustainability and energy efficiency of the development and to meet the requirements of policy SI2 of the London Plan and Waltham Forest Policy DM10 and Policy CS4 of the Waltham Forest Local Plan Core Strategy.

### **Water Reduction**

32. Prior to the commencement of development on site, notwithstanding site investigation and clearance works, demolition and constructions to slab level, 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.

REASON: To minimise the water use of the development, in accordance with the requirements of Policy SI5 of the London Plan (2021).

### **Waste Management**

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

REASON: In the interests of highway and pedestrian safety in accordance with policies CS7 and CS15 of the Waltham Forest Local Plan Core Strategy (2012).

34. Prior to the commencement of development on site, notwithstanding site investigation and clearance works, demolition and constructions to slab level, details relating to the siting, design and finish of the waste storage enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out solely in accordance with the approved details, prior to the first occupation of the use hereby approved and thereafter shall be fully retained and maintained accordingly for the lifetime of the development.

REASON: In the interest of general visual amenity, and amenity of neighbouring occupants, in accordance with 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).

### **Surface Water Drainage**

35. Prior to the commencement of development on site, notwithstanding site investigation, clearance works and demolition, specifications of a surface water drainage system based on sustainable drainage principles to include details of design, implementation, adoption, maintenance and management shall be submitted to and approved in writing by the Local Planning Authority. 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 Waltham Forest Local Plan - WFLP Core Strategy (2012) and Policy DM34 of the Waltham Forest Local Plan – Development Management Policies (2013).

### **Infiltration of Surface Water**

36. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework, in accordance with London Plan (2021), Policy SI12; WFLP Core Strategy (2012) Policy CS4 and WFLP DMP (2013) Policy DM34.

### Thames Water Conditions

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

REASON: 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 Waltham Forest Local Plan - WFLP Core Strategy (2012) and Policy DM34 of the Waltham Forest Local Plan – Development Management Policies (2013).

### Informatives

1. To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which offers a pre planning application advice service. The scheme was submitted in accordance with guidance following pre application discussions and the decision was delivered in a timely manner.
2. A legal agreement will be entered into with the London Borough of Waltham Forest in conjunction with this grant of planning permission.
3. "Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development may be liable to pay the London Borough of Waltham Forest Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Waltham Forest CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties may now need to assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at [CIL@walthamforest.gov.uk](mailto:CIL@walthamforest.gov.uk). The Council will then issue a Liability

Notice setting out the amount of CIL payable on commencement of the development.

Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window.

Further information and all CIL forms are available on the Planning Portal at [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) and the Waltham Forest Council website at <https://walthamforest.gov.uk/content/community-infrastructure-levy>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>.

Note: The Mayoral CIL Charging Schedule (MCIL1) (adopted 2012) will be superseded by MCIL2 Charging Schedule; and will take effect from 1 April 2019. The London Borough of Waltham Forest has been moved from Band 3 to band 2, increasing the MCIL2 rate from £20 to £60 per sq m h(excluding indexation)."

4. **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.
5. Construction and demolition works audible beyond the boundary of the site should only be carried out between the hours of 0800 and 1800 hours Mondays to Fridays and 0800 and 1300 hours on Saturdays, and not at all on Sundays or Public/Bank Holidays.
6. The submitted Construction Environmental Management Plan shall include details of:  
Site hoarding  
Wheel washing  
Dust suppression methods and kit to be used  
Bonfire policy  
Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999  
Confirmation if a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation  
Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors  
Copy of an asbestos survey. Unexploded Ordnance Survey
7. It is the developer's responsibility to ensure all signage associated with the proposed development i.e. street nameplates, building names and door numbers are erected prior to occupation, as agreed with the Councils Street Naming/Numbering Officer.
8. The verification plan should include proposals for a groundwater-monitoring programme to encompass regular monitoring for a period before, during and after ground works. E.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9month period. The verification report should be undertaken in accordance with guidance Verification of Remediation of Land Contamination: <http://publications.environment-agency.gov.uk/pdf/SCHO0210BRXF-e-e.pdf>
9. Piling works: With respect to any proposals for piling through made ground, the EA refer the applicant to the EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. Approval of piling methodology should be further

discussed with the EA when the guidance has been utilised to design appropriate piling regimes at the site. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters. Considering the site sensitivity, a groundwater monitoring/ sampling program should be implemented prior/ during and after piling works.

10. For information on the NRMM Low Emission Zone requirements and to register NRMM, please visit <http://nrmm.london/>.
11. The AQDMP can form part of the Construction Environmental Management Plan (CEMP). The AQDMP shall include the following for each relevant phase of work (demolition, earthworks, construction and trackout):
  - i. A summary of work to be carried out;
  - ii. Proposed haul routes, location of site equipment including supply of water for damping down, source of water, drainage and enclosed areas to prevent contaminated water leaving the site;
  - iii. Inventory and timetable of all dust and NOx air pollutant generating activities;
  - iv. List of all dust and emission control methods to be employed and how they relate to the Air Quality (Dust) Risk Assessment;
  - v. Details of any fuel stored on-site;
  - vi. Details of a trained and responsible person on-site for air quality (with knowledge of pollution monitoring and control methods, and vehicle emissions);
  - vii. Summary of monitoring protocols and agreed procedure of notification to the local authority; and
  - viii. A log book for action taken in response to incidents or dust-causing episodes and the mitigation measure taken to remedy any harm caused, and measures employed to prevent a similar incident reoccurring. Developments assessed to be medium risk or greater for any of the steps required in an Air Quality and Dust Risk Assessment (AQDRA) regular or continuous PM10 monitoring should be carried out on site. Baseline monitoring should commence 3 months before the commencement of works and continue throughout all construction phases. Details of the equipment to be used, its positioning, additional mitigation to be employed during high pollution episodes and a proposed alert system should be submitted to the Council for approval. No demolition or development shall commence until all necessary precommencement measures described in the AQDMP have been put in place and set out on site. The demolition and development shall thereafter be carried out and monitored in accordance with the details and measures approved in the AQDMP. The IAQM "Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites" details appropriate monitoring for the scale of the site or project.
12. Air Quality ADMS-Roads input data and output files must be provided to LB of Waltham Forest on validation of the planning application. AQ modelling must be based on transport related inputs which have been approved by LB of Waltham Forest Transport Assessment team. It is essential that junctions and heavily congested roads are modelled accurately, and this is reflected in the choice of relevant node spacing and vehicle speed inputs – clearly showing the node distance with speed reduction as the vehicle approaches the area of congestion/junction. This also applies to pedestrian crossings, roundabouts and any street layout which causes congestion such as single lanes with a bus stop. Where under predictions occur nodes must be scrutinised and where necessary vehicle speeds adjusted to reflect queuing. It is the responsibility of the applicant to ensure that their appointed consultants' modelling verification is robust and adjustment factors clearly explained and justified, calculations and graphs must be

provided at validation. Margin of error must not exceed 4 (refer to LAQM guidance as best practice). Contrary to the values given in the EPUK guidance a magnitude of change greater than 0.5 µg/m<sup>3</sup> is considered significant in areas where present concentrations are approaching / breaching limit values and shall be assessed as such. Any other scenarios should be considered which are relevant to this site.

13. The applicant must seek the advice of the Metropolitan Police Service Designing Out Crime Officers (DOCOs). The services of MPS DOCOs are available free of charge and can be contacted via [docomailbox.ne@met.police.uk](mailto:docomailbox.ne@met.police.uk) or 0208 217 3813.
14. 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.
15. This notice is without prejudice to your responsibilities under any other legislation.