

**LONDON BOROUGH OF WALTHAM FOREST**

|                        |                                                                                                                                                                          |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Committee/Date:        | Planning – 8 <sup>th</sup> July 2025                                                                                                                                     |
| Application reference: | 250762                                                                                                                                                                   |
| Applicant:             | HPP Capital                                                                                                                                                              |
| Location:              | Land adj. 68 Davies Lane, Leytonstone, E11 3DR                                                                                                                           |
| Proposed development:  | Construction of a two storey dwellinghouse (1x2-bed) (Use Class C3). Associated works to include hard and soft landscaping, boundary treatment and refuse/cycle storage. |
| Wards affected:        | Leytonstone                                                                                                                                                              |
| Appendices:            | None                                                                                                                                                                     |

**1 RECOMMENDATION**

- 1.1 That planning permission is GRANTED subject to conditions and informatives and completion of a Section 106 legal agreement.

**Transport and highways**

- £1,000 financial contribution towards improving sustainable modes of transport (walking and cycling), which future occupiers would benefit from
- £250 contribution towards CLP monitoring
- Car-free status assigned to the new residential dwelling, ensuring that future occupiers are not entitled to on-street parking permits

**SAMMS**

- £650 towards Strategic Access Management and Monitoring

**Legal fees**

- Legal monitoring fee equivalent to 5% of the total financial contribution (£123.50)

**Monitoring and implementation**

- Payment of the Council's legal fees for the preparation and completion of the legal agreement

**Other**

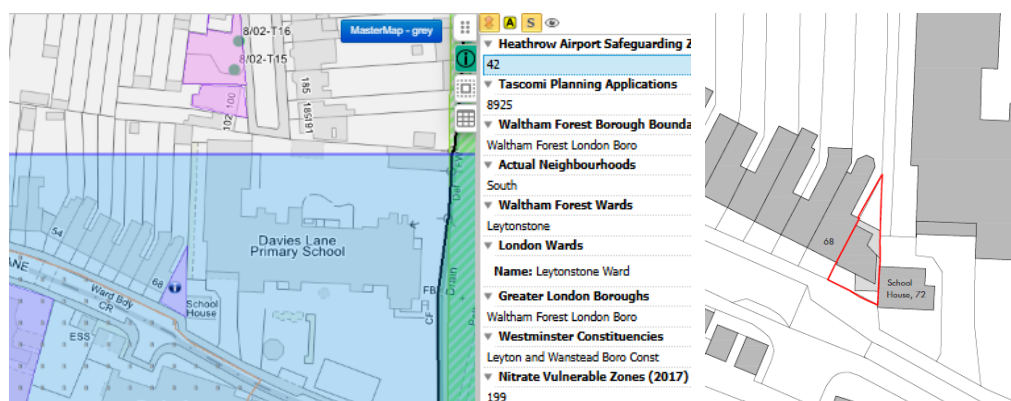
- Carriageway condition survey
- £570 contribution towards Carbon Offset Fund

**2 REASONS REFERRED TO COMMITTEE**

- 2.1 This application is referred to the Planning Committee due to the number and type of representations received which are contrary to the planning officer's recommendation of approval.

### 3 SITE AND SURROUNDINGS

- 3.1 The application site is a vacant piece of land currently used for the storage of materials. Historically it is likely to have formed part of the garden of no. 68 Davies Lane. It is enclosed with a makeshift fence at ca. 2m height, which is of no architectural merit.
- 3.2 The prevailing character of Davies Lane is a residential terrace row to the north and west and other educational and community buildings to the east and south. Where the street terminates to the east is an entrance to Wanstead Flats, ca. 110m from the site.
- 3.3 The application site is not located in a conservation area, is not within the curtilage of a listed building nor is it subject to an Article 4 direction.



Site location plan

### 4 APPLICATION PROPOSAL

- 4.1 The application seeks planning permission for construction of a 2-storey, 2-bedroom single-family dwellinghouse.
- 4.2 Its design would read as a modern extension of the terrace row, following the established heights set at nos. 68 and 72 Davies Lane. It would have a flat roof. The design includes an enclosed rear walled garden.
- 4.3 Other development ancillary to the dwellinghouse is proposed, includes refuse and cycle storage in the front garden.

### 5 RELEVANT SITE HISTORY

#### 5.1 Planning:

- 213087 – Sub-division of site/garden from 68 Davies Lane, and construction of a two storey, 2-bedroom dwellinghouse with a first-floor rear terrace. Associated work to include cycle/ refuse & recycling storage. (Refusal: Loss of visual amenity, loss of privacy as a result of a terrace, space standards not met, lack of refuse/cycle storage, no legal agreement)
- 210963 - Lawful Development Certificate (Existing) – Use of the site as a builder's yard and storage facility (Use Class B8). (Refusal: Insufficient evidence)
- 201386 – Subdivision of site/garden and construction of a two storey, 2-bedroom, single dwellinghouse with a roof terrace.

Associated work to include cycle/ refuse & recycling storage.  
(Invalid application)

- 152614 – Construction of 1 x two storey, 2-bedroom dwellinghouse. (Refusal: Visual amenity, space standards not met, lack of refuse/cycle storage, no legal agreement)
- 152557 – Proposed new house. (Refusal, decision notice not found)
- 000734 – Erection of a two storey one-bed house. Provision for off-street parking. (Refusal: Site considered too small)
- 980348 – Erection of a two-storey dwellinghouse. (Refusal: Site considered too small – Appeal dismissed; appeal decision not found)
- 970639 – Erection of a two-storey dwellinghouse. (Refusal: Site considered too small, out of character, loss of amenity)

5.2 Pre-application:

- 121804 – Erection of dwelling. (Response not found)

5.3 Enforcement:

5.3.1 Enforcement investigations:

- ENF/210649 – Unauthorised builder's yard. (Case closed)
- IN\_387426 – Untidy land and use of land as a builder's yard. (Case closed, complaint passed to environmental health team)

5.3.2 Enforcement notices:

None

5.4 Adjacent/neighbouring sites:

None relevant

## 6 **CONSULTATION**

6.1 Public Consultation:

The application was advertised by site notice, dated 4<sup>th</sup> April 2025. The following addresses were also consulted by individual letter notification:

- 15 Davies Lane
- Addresses at 15A Davies Lane
- 46 Davies Lane
- Flats at 48 Davies Lane
- 50 Davies Lane
- 52 Davies Lane
- 56 Davies Lane
- Flats at 58 Davies Lane
- 60 Davies Lane
- 62 Davies Lane
- 64 Davies Lane
- 66 Davies Lane
- 68 Davies Lane
- School House, 72 Davies Lane

- Davies Lane Primary School
- Davies Nursery School
- Davies Lane Children's Centre
- 100 Mornington Road
- 102 Mornington Road

The Council received a total of **8** objections, which are summarised below.

| <b>Objection Received</b>                                                                                                                                                                                                            | <b>Officer Response</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Design not in-keeping with the character of Davies Lane, principle supported                                                                                                                                                         | The design approach is modern and adds interest to the street scene.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Design projects forward of the established building line, concern relating to access to parking permits and construction disturbance                                                                                                 | <p>The design approach is modern, rather than a pastiche of its surroundings. In accordance with the Local Plan, the new dwelling will be considered car-free.</p> <p>Construction disturbance, whilst not strictly a material consideration under Planning Law, would be managed at least partially through a detailed construction logistics plan.</p>                                                                                                                                                                                                                                                        |
| Site too small to support a dwelling, concern relating to overlooking and access to natural light, noise concern relating to ASHP, design out of character, other concerns relating to construction disturbance and boundary matters | <p>Small sites are crucial to unlocking potential for creative approaches to housing delivery across the borough. Overlooking and noise are considered to remain within the levels expected of a residential area. The design approach is modern, which helpfully distinguishes it from its neighbours and clearly defines the new in-fill development.</p> <p>Boundary disputes are not material considerations under Planning Law. This is a civil matter to be resolved between neighbours. Construction disturbance would be managed at least partially through a detailed construction logistics plan.</p> |
| Incorrect boundary shown                                                                                                                                                                                                             | Boundary disputes are not material considerations under Planning Law.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Claims inaccuracies in the application documents relating to existing use and emissions, concern relating to construction disturbance, parking pressures, out of                                                                     | Officers have assessed the application documents and have conducted a site inspection. It is not considered that there is any inaccuracy in the documents. The new dwelling is considered car-free. Amenity impacts are considered to remain within the levels expected of a residential area.                                                                                                                                                                                                                                                                                                                  |

| <b>Objection Received</b>                                                                                                                                                      | <b>Officer Response</b>                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| character design, garden size, noise from ASHP, loss of privacy                                                                                                                | Construction disturbance would be managed at least partially through a detailed construction logistics plan.                                                                                                                                                                                |
| Design not in-keeping with the street, concern relating to overlooking to school                                                                                               | The design approach is modern, which distinguishes it from its neighbours. Good design mustn't constitute a copy of its surroundings, especially in areas with diverse forms and finishes. Amenity impacts are considered minimal.                                                          |
| Design not in-keeping with the street                                                                                                                                          | See above                                                                                                                                                                                                                                                                                   |
| Design not in-keeping with the street, concern relating to garden size, noise resulting from ASHP, construction disturbance, considers the quality of accommodation to be poor | <p>Amenity impacts are considered to remain within the levels expected of a residential area. The accommodation meets all of the relevant internal space standards.</p> <p>Construction disturbance would be managed at least partially through a detailed construction logistics plan.</p> |

## 6.2 Statutory Consultation:

| <b>Consultees</b>       | <b>Response</b>                                                                                                                                                                                                                                                                                                      |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Highways                | Requests S278 agreement for renewal of the footway, street furniture and road markings, detailed comments in response to the outline CLP, requests condition survey and car-free clause, requests financial contributions of £1,000 towards improving sustainable modes of transport and £250 towards CLP monitoring |
| Transport Policy        | No comments received                                                                                                                                                                                                                                                                                                 |
| Sustainability & Energy | Confirms carbon requirements are achieved with 85% reduction over Part L                                                                                                                                                                                                                                             |
| Waste & Recycling       | No objection                                                                                                                                                                                                                                                                                                         |
| Environmental Health    | No comments received                                                                                                                                                                                                                                                                                                 |
| Tree Officer            | Agrees with the applicant's claim that BNG does not apply, though biodiversity improvements are expected under Policy 79                                                                                                                                                                                             |
| Place & Design          | Supports the design approach, suggests rationalising window design                                                                                                                                                                                                                                                   |

| Consultees          | Response             |
|---------------------|----------------------|
| Thames Water        | No comments received |
| London Fire Brigade | No comments received |
| Natural England     | No comments received |

## 7 DEVELOPMENT PLAN

### The London Plan (2021)

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

- GG2: Making best use of land
- D1: London's form, character and capacity for growth
- D4: Delivering good design

### Waltham Forest Local Plan LP1 (2024)

- 7.2 The draft version of the Local Plan underwent Regulation 18 public consultation between July 2019 and September 2019 and consultation on the proposed submission version between 26 October and 14 December 2020. It underwent examination and consultation on proposed modifications concluded on 21 September 2023. The Waltham Forest Local Plan (LP1) was subsequently adopted 29 February 2024 and therefore now forms a key part of the development plan in determining all planning applications. The previous Core Strategy (2012) and Development Management Policies (2013) are superseded by LP1. The relevant policies are:

- 1: Presumption in Favour of Sustainable Development
- 5: Management of Growth
- 19: Small Sites
- 53: Delivering High Quality Design
- 56: Residential Space Standards
- 57: Amenity
- 60: Promoting Sustainable Transport
- 61: Active Travel
- 66: Managing Vehicle Traffic
- 85: A Zero Carbon Borough
- 89: Water Quality and Water Resources
- 91: Managing Flood Risk
- 93: Waste Management

## 8 OTHER MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework (2023)

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

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."

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."

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

- Achieving well-designed and beautiful places

#### Local Finance Considerations

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

- i. There are no grants which have been or will or could be received from central government in relation to this development.
- ii. The Council has not received but 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.

#### Other Planning Guidance

- 8.3 Technical housing standards - nationally described space standard (2015)
- 8.4 Supplementary Planning Document - Revised Planning Obligations (2017)

## **9 ASSESSMENT**

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

- A. Principle of development
- B. Urban design

- C. Amenity (future occupiers)
- D. Amenity (existing occupiers)
- E. Trees and biodiversity
- F. Highways
- G. Waste Management
- H. Sustainability
- I. Legal matters

**A. Principle of development**

- 9.2 Development plan policy at both a national and local level seeks to encourage sustainable housing on suitable urban sites. Policy 5 seeks to accommodate growth through effective use of previously developed land to maximise the number of quality homes. Additionally, Policy 19 states that residential-led proposals for well-designed homes on small sites will be supported. Proposals will be supported where they seek to in-fill, intensify and re-model areas of existing housing.
- 9.3 The application site is within an established residential area of the borough and would in-fill open space between two residential dwellings. Such development can therefore be supported in principle, provided that it is compliant with the relevant development plan policies.

**B. Urban design**

- 9.4 Policy 53 seeks to ensure that development responds appropriately to its context in terms of scale, height and massing, enhancing local character in relation to the architectural integrity of the area.
- 9.5 The new dwelling would sit below the heights set by the two direct neighbours, nos. 68 and 72 Davies Lane. Its footprint is guided by the constrained site, resulting in a wider front elevation than the rear to suitably fill the plot extents. It would not project beyond the established building line at ground-floor level, though references the abutting design of no. 72 through a forward projection at first-floor level.
- 9.6 The design approach is modern, making use of pale and contemporary patterned bricks, green roofs and larger window openings. The design would be distinct from its surroundings but provide a contemporary addition that suits the area to which it relates. Good design does not necessarily need to constitute something which is a copy of its surroundings, especially in areas which are already provided with diverse forms and finishes. The existing site is also noted to be in poor condition and has deteriorated over time. The proposal, in respect to its scale, layout and design complies with the objectives of Policy 53 of the Local Plan and would represent an improvement to the appearance of this area of Davies Lane.
- 9.7 It is recommended that a schedule of materials is submitted by way of a pre-commencement condition.
- 9.8 With regard to the previously refused planning application(s), these have taken a pastiche approach to in-fill development and aimed to copy the terrace row, whilst the live application proposes a modern addition to Davies Lane. Although previous proposals have been refused on visual



amenity grounds and for closing the remaining open space, this has been assessed in the context of a superseded development plan. In light of the ongoing housing crisis, LP1 (2024) places a stronger emphasis on the delivery of 27,000 new homes and the importance of small sites in contributing to this metric. The previous refusal reasons in relation to design are considered to either be overcome or no longer relevant to this proposal. In-fill development is encouraged and is considered suitable in urban, residential areas.



9.9

Proposed street elevation

### **C. Amenity (future occupiers)**

- 9.10 To ensure that good quality homes are built, to create a suitable and sustainable living environment for present and future generations and to mitigate against the adverse effects of overcrowding, Policy 56 of the Local Plan and the Technical Housing Standards – nationally described space standard (2015) set out the required minimum internal standards for new residential units.

| <b>2-storey, 2-bed, 4-person unit</b> | <b>Policy target</b> | <b>Actual proposed</b> |
|---------------------------------------|----------------------|------------------------|
| <b>Overall</b>                        | 79 sqm               | 81 sqm                 |
| <b>Bedroom 1</b>                      | 11.5 sqm             | 12.3 sqm               |
| <b>Bedroom 2</b>                      | 11.5 sqm             | 12 sqm                 |
| <b>Ceiling height</b>                 | 2.3m / 2.5m          | 2.3m-2.5m              |
| <b>Storage</b>                        | 2 sqm                | 2 sqm                  |
| <b>Amenity space</b>                  | 50 sqm               | 17 sqm                 |

- 9.11 Officers have assessed the drawings to determine whether space standards are complied with. The above table demonstrates that all of the relevant internal standards are met.

- 9.12 In terms of internal head height, the nationally described space standard sets a minimum ceiling height of 2.3 metres for at least 75% of the gross internal area of the dwelling. To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. The proposed section drawings demonstrate an internal ceiling height of 2.5m is achieved for all habitable rooms and at least 75% of the gross internal area. The projecting area in the front bedroom is 2.3m height, though this is only a small area of the first floor.
- 9.13 For the provision of external amenity space, the target for houses is 50sqm. An enclosed rear garden of 17sqm is proposed. Although the proposed amenity space is less than the policy target, a flexible approach can be applied based on the site context and proximity to other local amenities and transport links. Given the site's proximity to Wanstead Flats, a large public park, on balance 17sqm is acceptable as future occupiers would be provided with a good level of amenity within the local area. This approach is generally supported by the LPA for sites which are unable achieve the policy target but are in close proximity to other green spaces.
- 9.14 With this in mind, on balance the proposal would comply with the relevant space standards in accordance with Policy 56 of the of the Local Plan, ensuring a good quality of accommodation for future occupiers.
- 9.15 Turning to the level of outlook, daylight and privacy afforded to the dwelling, an acceptable number of windows would be provided in locations conducive to providing outlook and maintaining internal privacy.

#### **D. Amenity (existing occupiers)**

- 9.16 Policy 57 seeks to maintain the amenity of current and future occupiers in terms of overlooking, enclosure and/or the loss of daylight, sunlight, outlook and privacy.
- 9.17 In terms of the built form and height, this would read as an extension of the terrace as the heights of existing properties are not exceeded. It is acknowledged that there would be some overshadowing created to the side garden of no. 68, though given that the plots are north-facing and that the side is already enclosed by fencing, this would not be at a level that warrants refusal of the application and is a common feature of terraced properties.
- 9.18 Therefore, given the orientation of the site and that windows would face either the street or the rear garden, in response to comments received by representation, officers consider that the proposal would not introduce overshadowing, outlook or privacy concerns which are above the levels expected of a residential area.

#### **E. Trees and biodiversity**

##### **Biodiversity net gain**

- 9.19 The application is not required to meet the statutory Biodiversity Net Gain (BNG) condition, as it constitutes a de-minimis exemption. The majority of the site is noted to be hardsurfaced, associated with its existing use for building material storage. This conclusion is supported by tree officers.
- 9.20 Tree officers have provided comments as to how the site has potential to provide a much-needed improvement to urban greening through a mixture of hard and soft landscaping. A hard/soft landscaping condition is therefore recommended to ensure that this is successfully managed. Any hardstanding must be permeable or provided with adequate drainage. Green roofs are also proposed, which would provide a contribution towards biodiversity. A habitat box condition for 2 bird boxes is also proposed to improve local biodiversity at the site.
- 9.21 The above detail would ensure that local biodiversity is enhanced, in accordance with Policy 79 of the Local Plan.

Epping Forest Special Area of Conservation Appropriate Assessment

- 9.22 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.
- 9.23 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.
- 9.24 A contribution of £650 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.

- 9.25 As such, the proposed development would accord with Policy 81 of the Local Plan.

#### **F. Highways**

- 9.26 Policy 60 states that the Council actively encourages sustainable travel. Development should not have a harmful impact on the walking and cycling environment.
- 9.27 Policy 66 outlines that the Council looks to manage parking by encouraging car-free development, particularly in locations with high levels of parking stress. The Council aims to limit car parking for developments to spaces designed for disabled people and to meet operational and service needs. The site is located within a controlled parking zone (CPZ), as such the proposal should be considered car-free. To ensure the proposal remains car-free, permission would be subject to a legal agreement ensuring future occupiers are not entitled to on-street vehicle parking permits.
- 9.28 In summary, officers are satisfied that any proposed conditions and S106 agreement would provide sufficient mitigation against any potential car parking pressure generated by the proposal. This conclusion is supported by highway officers and would ensure compliance with the objectives of Policy 66.
- 9.29 Local Plan Policy 61 and Appendix 1 sets the minimum requirements for cycle parking for new developments at 2 cycle-space per 2-bedroom dwelling. Accordingly, the proposal would be required to provide a minimum of 2 cycle spaces for future residents of the development, which is indicated in the proposed plans and would be incorporated within the front garden of the property.
- 9.30 Highway officers were consulted and raised no objection to the principle of development. Comments were provided in response to the applicant's outline CLP, which can be taken on board prior to submission of a detailed CLP. A CLP must follow CLOCS guidance and further information including templates is available online. The planning officer should be contacted to request the full highways consultee response to inform a future submission. The applicant/agent is also advised to make use of the highway advice service to develop an acceptable CLP.
- 9.31 It was requested that a highway condition survey is included in the legal agreement.
- 9.32 Additionally highway officers requested financial contributions of £250 towards CLP monitoring and £1,000 towards improving sustainable modes of transport (walking and cycling) in the local area, which would benefit future occupiers.
- 9.33 A request was made for a S278 agreement for renewal of the footway, road marking and street furniture, though it was noted during the site inspection to be in good condition. This area of Davies Lane has undergone alterations in recent years to renew the road and install

bollards near to the school entrances. For this reason, it is not considered that, without this, the development would be unacceptable.

- 9.34 The development should utilise SUDS and all opportunities must be explored. Potential SUDS features for this site include water butts, rain gardens, green roofs and soakaways, and these should be designed together with infiltration test results and recommended soakage rates where soil conditions may be suitable for infiltration. The inclusion of rainwater harvesting, and greywater recycling systems should be assessed and used if feasible. SUDS features included within the drainage design should be fully justified by adopting techniques in a hierarchical manner, maximising the use of those techniques higher up the hierarchy and those that deliver multi-functional benefits (refer to 3.4.14 and 3.4.15 of the GLA's Sustainable Design and Construction SPG). The developer should demonstrate that the requirements of table 3.1 of the SPG documents have been considered. A condition is therefore recommended for a SUDS strategy for the site.

### **G. Waste management**

- 9.35 In accordance with Policy 93 of the Local Plan, development should ensure that waste is managed in the most environmentally friendly way to protect human health and the environment from pests and other environmentally damaging effects. For households the Council operates a three-colour bin system with weekly collections: black 140L wheeled bin for refuse, green 140/240L wheeled bin for recycling and a brown 140/240L wheeled bin for organic waste. It is at the developer's discretion to choose the size of the bins required for recycling dependent on the size of the house, though Waste Management Guidance (2014) recommends that a 240L bins are used for households of 2+ bedrooms.
- 9.36 It is confirmed by Council's waste team that the proposed arrangements are acceptable. This includes 3 wheeled bins each for refuse, recycling and organic waste, which would be located within a purpose-built waste store within the front garden to improve the appearance of unsightly wheeled bins. Drag distances are acceptable for positioning bins on collection day(s). The proposal would therefore comply with Policy 93 of the Local Plan.

### **H. Sustainability**

- 9.37 Policies 85 and 89 require development to ensure sustainable resource management and efficiency to support the long-term sustainability of our environment and respond to climate change in a practical and effective way.
- 9.38 The proposal would be required to incorporate measures to limit carbon dioxide emissions and provide resilience to climate change, going beyond the minimum Building Regulations requirements. The London Plan sets out a CO2 reduction target, for regulated emissions only, of 35% against Building Regulations. The Local Plan is in line with this and therefore applies to this application. A condition requiring the development to submit details of the measures adopted to achieve at least a 35% reduction in carbon emissions over Building Regulations is

therefore recommended. Similarly, a condition is recommended to ensure that the proposed development incorporates measures to achieve a target of 105L water use per person per day for each dwelling. Both conditions are considered standard for this type of development.

### **I. Legal matters**

9.39 The conditions set out in the draft S106 heads of terms ensures 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 implementation. The following heads of terms have been agreed in writing with the applicant/agent:

- £1,000 financial contribution towards improving sustainable modes of transport (walking and cycling), which future occupiers would benefit from
- £250 financial contribution towards CLP monitoring
- £650 financial contribution towards Strategic Access Management and Monitoring (SAMM)
- Car-free status assigned to the new dwelling, ensuring that future occupiers are not entitled to on-street vehicle parking permits
- Legal monitoring fee equivalent to 5% of the total financial contribution (£95)
- Carbon Offset Fund, in the event that the development does not meet sustainability targets
- Payment of the Council's legal fees

## **10 CONCLUSIONS**

10.1 In summary the proposed development, by virtue of its scale, siting and overall design would be an acceptable form of development, subject to compliance with the relevant pre-commencement and pre-occupation conditions. The overall scheme is considered a sensible and attractive intensification of the site which respects the character of the local area in terms of both visual amenity and continued amenity protection for nearby residents. It represents a modern addition to Davies Lane, which adds interest to the street scene, overcoming previous reason(s) for refusal.

10.2 The proposed legal agreement would provide adequate mitigation from the development in terms of sustainable transport, parking and the Epping Forest Special Area of Conservation. Taking into account the consistency of the scheme with the Local Plan and considering all material planning considerations, the proposal is acceptable. It is therefore recommended to committee members that planning permission is granted subject to conditions, informatives and completion of a Section 106 legal agreement.

## **11 ADDITIONAL CONSIDERATIONS**

### **Public Sector Equality Duty**

10.1 In making your decision you must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that

the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
  - B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
  - C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 11.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 11.3 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered and may be balanced against other relevant factors.
- 11.4 It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

#### Human Rights

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

## **12 RECOMMENDATION**

- 12.1 It is recommended to committee members that planning permission is granted subject to the following conditions and informatives.
- 12.2 Condition(s):

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and thereafter maintained as such for the lifetime of the development: - drawing numbers 449-PL-02 Rev A, 449-PL-04 Rev A, 449-PL-05 Rev A and 449-PL-06 Rev A, dated March 2025.

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

3. Prior to the commencement of development on site, notwithstanding site investigation work, clearance, demolition and construction to slab level, a schedule of materials to be used for the external faces of the building, including bricks, doors and fenestration, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out solely in accordance with the approved details and thereafter retained as such.

**Reason:** To safeguard the visual amenities of the area in accordance with Policy 53 of the adopted Waltham Forest Local Plan LP1 (2024).

4. Prior to the commencement of any development whatsoever, a detailed construction logistics plan shall be submitted to and approved in writing by the Local Planning Authority. The logistics plan shall include details of site access, journey planning, access routes, hours of delivery, temporary traffic arrangements or restrictions, site operation times, loading and unloading locations and material storage, amongst other matters. All works shall be carried out in accordance with the approved details throughout all demolition and construction stages.

**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 Policy 65 of the adopted Waltham Forest Local Plan LP1 (2024).

5. Prior to the commencement of development hereby permitted, notwithstanding site investigation and clearance works, demolition and construction to slab level, details relating to the design and location of two habitat bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out fully in accordance with the approved details prior to first occupation of the development and shall be thereafter maintained as such for the lifetime of the development.

**Reason:** In the interest of biodiversity, in accordance with Policy 79 of the adopted Waltham Forest Local Plan LP1 (2024).

6. Prior to first occupation of the development hereby approved, details relating to the siting, design, 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. 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 the amenity of neighbouring occupants, in accordance with Policies 53 and 57 of the adopted Waltham Forest Local Plan LP1 (2024).

**7.** Prior to the commencement of development on site, notwithstanding site investigation work, clearance, demolition and construction to slab level, 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 any proposed planting around the site(s), along with the requirement to demonstrate that all hardstanding areas are permeable. 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 53 and 79 of the adopted Waltham Forest Local Plan LP1 (2024).

**8.** Prior to the commencement of development on site, notwithstanding site investigation work, clearance, demolition and construction to slab level, full details relating to the proposed cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed design, materials and capacity of the cycle store. The development shall be carried out fully in accordance with the approved details prior to occupation of the development and shall be thereafter maintained as such for the lifetime of the development.

**Reason:** To promote sustainable modes of transport, in accordance with Policies 53 and 61 of the adopted Waltham Forest Local Plan LP1 (2024).

**9.** The development shall be carried out in accordance with the approved details for refuse storage and the areas identified as refuse storage shall be retained as such for the lifetime of the development.

**Reason:** To ensure that waste management has no undue visual or amenity impacts, in accordance with Policy 93 of the adopted Waltham Forest Local Plan LP1 (2024).

**10.** The SUDS (Sustainable Urban Drainage System) to deal with surface water drainage from the site, including details of proposed rainwater harvesting systems, green roofs and proposed soakaway designs shall be carried out in accordance with the Flood Risk Assessment 1627-FRA-250110 dated 14<sup>th</sup> March 2025. It shall be fully

implemented prior to first occupation of the development and thereafter maintained for the lifetime of the development.

**Reason:** To prevent the increased risk of flooding, both on- and off-site, to ensure that adequate drainage facilities are provided in accordance with Policies 89 and 91 of the Waltham Forest Local Plan LP1 (2024).

**11.** Prior to the commencement of development on site, notwithstanding site investigation work, clearance and demolition, an enhanced SUDS (Sustainable Urban Drainage System) strategy that demonstrates a maximum run-off rate in the region of 2L/s shall be submitted to and approved in writing by the Local Planning Authority. The detail shall include calculations and/or hydraulic model outputs. The approved SUDS shall be fully implemented prior to first occupation of any building and thereafter maintained in accordance with the approved details for the lifetime of the development.

**Reason:** To prevent the increased risk of flooding, both on- and off-site, to ensure that adequate drainage facilities are provided in accordance with Policies 89 and 91 of the Waltham Forest Local Plan LP1 (2024).

**12.** The scheme to reduce the carbon emissions of the development by at least 35% compared to Building Regulations shall be carried out in accordance with the Energy Statement for Planning Issue 3 dated 4<sup>th</sup> March 2025. The development and energy efficiency measures shall be fully implemented prior to first occupation of the development and thereafter maintained for the lifetime of the development.

**Reason:** In the interests of the sustainability and energy efficiency of the development, to meet the requirements of Policy 85 of the adopted Waltham Forest Local Plan LP1 (2024) and Policy SI 2 of the London Plan (2021).

**13.** Prior to first occupation of the development hereby permitted, a scheme detailing measures to reduce water use within the development to meet a target water use of 105 litres or less per person per day shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved scheme and thereafter retained, as such for the lifetime of the development.

**Reason:** To minimise the water use of the development in accordance with Policy 89 of the adopted Waltham Forest Local Plan LP1 (2024) and Policy SI 5 of the London Plan (2021).

**14.** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order amending, revoking or re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Classes A, AA, B and E of that Order unless planning permission has been granted on an application relating thereto.

**Reason:** In the opinion of the Local Planning Authority, the nature and density of the site layout requires strict control over the form of any additional development that may be proposed in the interests of both

visual and residential amenity, in accordance with Policies 53 and 57 of the adopted Waltham Forest Local Plan LP1 (2024).**15.** The dwellinghouse hereby approved shall be constructed 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. Prior to occupation the dwellings shall be provided to the standard set down in at M4(2) of the Building Regulations and thereafter retained as such for the lifetime of the development.

**Reason:** To provide accessible residential units which can be adapted to residents' changing needs throughout their lifetime, in accordance with Policy 16 of the adopted Waltham Forest Local Plan LP1 (2024) and Policy D7 of the London Plan (2021).

**16.** The flat roof area of the development hereby approved shall be accessed for the purpose of maintenance only and shall not be used as a terrace/balcony nor access provided over for use as amenity space at any time.

**Reason:** To preserve the privacy and amenities of the adjacent property occupiers, in accordance with Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

### 12.3 Informative(s)

**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 have been followed in this instance, and offers a pre-planning application advice service.

**2.** The applicant is reminded that this permission relates to planning permission only and does not constitute approval under any other legislation including Building Regulations.

**3.** Construction and demolition works audible beyond the boundary of the site should only be carried out between the hours of 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturdays and not at all on Sundays or on Public/Bank Holidays.

**4.** Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and eaves overhang, will encroach on, under or over adjoining land. The applicant's attention is also drawn to the terms of the Party Wall Act 1996.

**5.** Unless otherwise agreed, hardstanding levels within the red line boundary and threshold levels shall be designed to tie into existing public highway back of path levels. Discharge of surface water onto public highway is not permitted.

**6.** It is an offence to place scaffolding, skip or hoarding on the highway without permission. Early contact with the Council's network operations is advisable as it may affect the construction programme.

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, will be erected prior to occupation as agreed with the Council's street naming/numbering officer.