

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 1 st March 2022
Application reference:	210377
Applicant:	Grace Baptist Charities Ltd
Location:	The Baptist Church Hall (Sunday School), Hainault Road, Leytonstone, E11 1EE
Proposed development:	Demolition of existing building and construction of a part-two, three-storey building comprising 6 self-contained flats (3 x 1 bed and 3 x 2 beds), with associated bicycle, refuse/recycle storages, and soft and hard landscaping.
Wards affected:	Grove Green
Appendices:	None

RECOMMENDATION

- 1.1 Recommendation **to REFUSE planning permission** for the reasons set out in section 13 of the report.

2 REASONS REFERRED TO COMMITTEE

- 2.1 Cllr Rasool has requested the application to be determined by planning committee.

3 SITE AND SURROUNDINGS:

- 4.1 The application site is the Baptist Sunday School located on the north side of Hainault Road. The building was built in 1933 and features a single storey structure with a flat roof design and stepped brick gable at the front. The Sunday school is set back from the road behind a low-level boundary fence. The building covers the majority of the plot and appears to have been extended by a single storey addition at the rear. There is an outdoor terrace at the back which is accessed via double patio doors.
- 4.2 To the south of the site lies the warehouse at No. 1A Hainault Road and a shared carpark is situated to the south-west. No. 1A Hainault Road had planning permission (171653, granted 02/08/2017) for the demolition of an existing warehouse and construction of a three-storey building with balconies at first and second-floor front elevation to provide six residential units (2 x 1 bedroom, 2 x 2 bedroom, and 2 x 3-bedroom flats). This permission has now expired.

- 4.3 To the north of the site lies No. 3 Hainault Road, a two-storey end-of terraced dwelling subdivided into flats (5a, 3, & 3a Hainault Road E11). The building has a two-storey, half width rear outrigger paired with the outrigger of No.5 Hainault Road. This building has not been extended previously. The flank wall of the application site extends approx. 25m along the northern boundary of No.3.
- 4.4 The site does not fall within a conservation area, is not listed nor is it subject to an Article 4 Direction other than the Borough-wide Direction that prevents the change of use of single-family dwelling houses (Use Class C3) to small houses in multiple occupations (Use Class C4).

5. PROPOSAL:

- 5.1 The application site is one of two linked sites located on Hainault Road and owned by Hainault Baptist Church.
- 5.2 Planning permission is sought for the demolition of the Sunday School and the erection of part one, part two, part three-storey development comprising of 6 flats (3 x one bedrooms and 3 x 2 bedrooms).
- 5.3 The relocation of Sunday School (F.1 (f))use to the other site is proposed under application reference 203649.
- 5.4 The proposed development the subject of this application aims to raise funds for the relocation of the Sunday School and refurbishment of the Baptist Church on the opposite side of the road, which is the subject of application ref 203649.

6. RELEVANT SITE HISTORY:

- 6.1 A) Planning:

Application ref: 203649

Description Construction of roof extension for religious purposes (Use Class F.1 (f)), together with internal refurbishment works and alterations to rear elevation fenestration.

Decision: Not yet determined

- 6.2 D) Pre-Application:

Application ref: 201111

Address: : Baptist Church, 10b Hainault Road, Leytonstone, London, E11 1EE

Description: Follow Up Pre-App relating to ref: 193680 for: Site 1. Roof extension to existing church to accommodate Sunday

School at first floor, together with internal refurbishment works and revised fenestration to rear.

Site 2. Demolition of Baptist Sunday School building, followed by erection of part 1, part 2, part 3 storey building to comprising 6 self-contained flats .

Officers Comments: Overall it is considered that the proposal has not addressed all concerns raised in the previous pre application submission. The remaining concerns are outlined below:

- The principle of the loss of a community use on site would need to be fully addressed in line with Policy DM17 of the Local Plan.
- On Site 1, the materials of the proposed roof addition.
- On Site 2 there are concerns in regard to the impact on the neighbouring sites 1a Hainault Road and 3 Hainault Road.

Application ref: 193680

Address: : Baptist Church, 10b Hainault Road, Leytonstone, London, E11 1EE

Description of work:

1. Roof extension to existing church to accommodate Sunday School at first floor, together with internal refurbishment works and revised fenestration to rear. 2. Demolition of Baptist Sunday School building, followed by erection of part 1, part 2, part storey building to comprising 6 self-contained flats (2 x 1 beds and 4 x 2 beds).

Officers' comments: Overall it is considered that the proposal would not be supported. The main concerns are outlined below:

- The principal loss of community use on site has not been fully addressed in line with Policy DM17
- There are concerns on site 1 that the proposed roof extension has not been sympathetically designed in terms of impact on the street scene and the impact on amenity of the neighbouring property.
- On-site 2 there are concerns in regard to the design within the street scene, impact

6.3 **B) Enforcement:**

There are no enforcement investigations associated with this site.

6.4 **C) Adjacent Sites:**

Application ref: 171653.

Address: 1A Hainault Road planning permission for the demolition of an existing warehouse and construction of a three-storey building with balconies at first and second-floor front elevation to provide six residential units (2 x 1 bedroom, 2 x 2 bedroom, and 2 x 3 bedroom flats).

Decision: Approved (with Conditions & Informatives) on 02-08-2017. This permission has now expired.

7. PUBLIC CONSULTATION:

- 7.1 The Council sent out 206 consultation letters to local residents surrounding the site on (4/08/2021).
- 1-43 Belgrave Road
 - 2A Eve Road
 - Hainault Road
- 7.2 The application was also advertised via a site notice dated (4/08/2021).
- 7.3 The Council received three letters of objection from the public consultation. The objections and responses to the objections are outlined within the table below.

Objection Received	LPA Response
Loss of daylight, sunlight and privacy	Addressed in the report.
Structural damages	This is a building control matter and not a material planning consideration.
Parking and traffic concerns	If the development is approved, it would be subject to a Legal Agreement for a car-free development.
The Sunday School Building is Listed	The conservation officer has confirmed that the building has some heritage value, however, it is not listed.

- 6.4 The following internal and external consultees were consulted.

Consultees

	Response
Design	<p>Recommends refusal on the following grounds:</p> <ul style="list-style-type: none"> • Inadequate living arrangements for future occupiers in terms of loss of light and poor outlook with particular regard to ground floor middle unit and the overall size and quality of amenity areas.
Conservation officer	<p>No objection subject to further justification with respect to the historic value of the existing building.</p> <p>Recommends the conditions and informatives in the event of approval.</p>
Environmental Health	No representation received.
Highways Development	<p>No objection subject to the following conditions:</p> <p>S278 Works. Works will include but are not limited to:</p> <ul style="list-style-type: none"> • Renewal of the footway along the frontage of the site • Removal of pedestrian railings • Renewal of road markings • Condition Survey • Detail Construction Logistic Plan. • A S106 contribution of £6,000 is requested toward improving sustainable modes of transport • A S106 contribution of £500.00 would be requested towards monitoring of the Construction Logistics Plan.
Thames Water	<p>Recommends the following conditions and informatives in the event of approval</p> <ul style="list-style-type: none"> • a Piling method Statement as a condition • A Groundwater Risk Management Permit from Thames Water as an informative
Transport Policy	No representation received.
Waste	No representation received.

Strategy	
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7 DEVELOPMENT PLAN POLICIES

7.1 The policies considered relevant to this application are as follows:

National Planning Policy Framework (2021)

7.2 The National Planning Policy Framework was revised on 20 July 2021 and 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.

7.3 This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018, and updated in February 2019 and July 2021.

7.4 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".

7.5 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'

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

- Delivering a sufficient supply of homes
- Promoting sustainable transport
- Making effective use of land
- Achieve well-designed places
- Delivering a wide choice of high quality homes
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the historic environment

London Plan 2021

- 7.7 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.
- 7.8 The relevant policies within the London Plan 2021 are:
- 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
 - D12 Fire Safety
 - D14 Noise
 - H1 Increasing Housing Supply
 - H2 Small sites
 - SI1 Improving Air Quality
 - SI7 Reducing Waste and supporting the circular economy
 - SI13 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)

- 7.9 The Waltham Forest Local Plan Core Strategy (2012) was adopted on 1st 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.
- CS2: Improving Housing Quality and Choice
 - CS3: Providing Infrastructure

CS6: Promoting Sustainable Waste Management and Recycling

CS7: Developing Sustainable Transport

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)

- 7.10 The Local Plan Development Management Policies Document was adopted in November 2013. This sets out the borough-wide policies that implement the Core Strategy and delivering the long-term spatial vision and strategic place shaping objectives. There is an emphasis on collaboration and a positive proactive approach to reaching a balance agreement that solves problems rather than a compromise that fails to meet objectives. The following policies are relevant in this case:

DM2: Meeting Housing Targets

DM5: Housing Mix

DM7: External Amenity and Internal Space Standards

DM10 - Resource Efficiency and High Environmental Standards

DM13 - Co-ordinating Land use and Transport

DM14 - Sustainable Transport Network

DM15 - Managing Private Motorised Transport

DM16 - Parking

DM17 - Social and Physical Infrastructure

DM29 - Design Principles, Standards and Local Distinctiveness

DM30 - Inclusive Design and the Built Environment

DM32 - Managing Impact of Development on Occupiers and Neighbours

8. MATERIAL PLANNING CONSIDERATIONS

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

- 8.1 The Draft Local Plan underwent Regulation 18 public consultation between July 2019 and September 2019 and consultation on the proposed Submission Version between 26th October 2020 and 14th December 2020. It has now been submitted to the Secretary of State for examination. This is an early stage of the plan making process and less weight will be given to its policies.
- 8.2 The Draft new Local Plan proposes to be a “combined” document comprising 12 thematic policies and a revised spatial strategy, splitting the borough into North, South and Central Waltham Forest.

- 8.3 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).

Policy 1 - Presumption in Favour of Sustainable Development

Policy 56 - Delivering High Quality Design

Policy 59 - Amenity

Policy 68 - Managing Vehicle Traffic

Policy 100 - Infrastructure and Developer Contributions

Epping Forest Special Area of Conservation

- 8.4 Natural England issued an Interim Advice Letter on 6th March 2019, in relation to the Epping Forest SAC (Special Area of Conservation), which is based on updated research on the impacts on the SAC and proposed measures to mitigate those impacts with particular reference to those understood to arise from the recreational impact generated by occupiers of new development. The Local Planning Authority is a "competent authority" under the Habitat Regulations and is legally obliged to take Natural England's advice into account in decision making and attach great weight to it.
- 8.5 Waltham Forest shares a boundary with the Epping Forest Special Area of Conservation and following research in the form of a visitor survey by Footprint Ecology, has been found to fall within a wider Zone of Influence (ZOI) based on the distance the majority of visitors will travel to visit Epping Forest SAC. This report identified that 75% of visitors travelled up to 6.2Km to the SAC and as result of the whole of the London Borough of Waltham Forest falls within this ZOI for recreational pressure. It is anticipated that new residential development within this ZOI constitutes an LSE (Likely Significant Effect) on the sensitive interest features of the SAC through increased recreational pressure, either when considered 'alone' or 'in combination'.
- 8.6 The Council as Local Planning Authority is obliged to ensure that any grant of planning permission would have sufficient mitigation measures in place so as to ensure that there would be no harmful impact on the Epping Forest SAC arising from LSE.
- 8.7 Natural England's Interim Guidance assumes that all new residential development within Waltham Forest will create an impact on the Epping Forest SAC which will need to be mitigated. The Interim Guidance suggests that mitigation measures should take a threshold approach whereby development of 100 dwellings or more is treated differently to schemes of 99 dwellings or less.
- 8.8 For schemes of 99 units or less, an initial draft of costed Strategic Access Management Measures (SAMM) has been prepared by the City of London Conservators of Epping Forest. This package of measures is to be used in the interim period until the full Mitigation Strategy has

been agreed and adopted. However, as an indication under the interim Strategic Access Management Measures, Waltham Forest is expected to contribute circa £1m towards the mitigation works which equates to 37% of the total.

- 8.9 For applications received after 1st April 2019 a SAMM levy is requested for all new residential developments of 10 units or more to contribute towards the Epping Forest mitigation. This is calculated at £100 per unit. The SAMM levy is not being sought for schemes of less than 10 units as the administrative costs are greater than the amount collected. Natural England is supportive of this approach, provided the total expected contribution is delivered.

Other Material Considerations

- Supplementary Planning Document Urban Design (2010)
- Supplementary Planning Document Revised Planning Obligations (2017)

Local Finance Considerations

- 8.10 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 the Community Infrastructure Levy (CIL).
- There are no grants which have been or will or could be received from the central government in relation to this development.
 - The Council has not received but expects to receive an income from LBWF CIL in relation to this development.
 - The Council has not received but expects to receive an income from Mayoral CIL in relation to this development.

9 ASSESSMENT

- 9.1 The main areas which shall be addressed within this report relate to the following:

- A. Principle of Development
- B. Urban Design
- C. Living Conditions - Existing Occupiers
- D. Living conditions – future occupiers
- E. Highways, Traffic Management and Parking

F. Waste Management

G. Sustainability

A. Principle of Development

Loss of community infrastructure

- 9.2 This application is linked to the site on the other side of the road, which is the subject of application ref 203649. This site currently provides social infrastructure in the form of a community building used for community facilities and a Sunday School in association with the Baptist Church. Application reference 203649 proposes the relocation of the community building facilities on the Baptist Church site, to enable the demolition of the existing building on this site and the proposed residential development.
- 9.3 Policy DM17 of the Local Plan seeks to resist the loss of social infrastructure 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. (For proposals involving the loss of a public house, evidence of suitable marketing activity will be required or evidence that the public house is no longer financially viable, through the submission of financial evidence, whilst the public house was operating as a full time business);
 - 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 soundproofing, disabled access and external smoking areas) according to details of Policy DM29 and Policy CS3(A).

- 9.4 As part of the proposal, the current Sunday School would be relocated in the Baptist Church. The proposed arrangements would result in a net loss of 29m² community infrastructure. However, the current layout of the School Hall Building, which comprises of series of connecting spaces, is awkward and limits the flexible and practical use of the spaces. The improved layout of the Baptist Church would improve the quality of community use. Furthermore, the proposal for the Baptist Church, considered under a different application, would allow for an accessible lift which will make the Sunday school accessible for everyone regardless of their mobility.
- 9.5 In the event of approval, a condition / head of term within the s106 is recommended linking the two applications and ensuring that the relocation of the floorspace for the church use to the Baptist Church site must be implemented prior to commencement of demolition works on site. This is to ensure that the development would not result in a permanent loss of community infrastructure on site.
- 9.6 In light of this, officers consider that the loss of community infrastructure is marginal, and the benefits of the proposal would outweigh the harm. The above-mentioned conditions should be added to the decision notice to satisfy the requirements of Policy DM17.

The suitability of residential use

- 9.7 Policy CS2 of the Waltham Forest Local Plan Core Strategy aims to maximise the number of quality homes with an emphasis on family housing on previously developed or underused land and optimise housing densities. Policy H2 of the draft London Plan states that boroughs should pro-actively support well-designed new homes on small sites. In this case, the application is not considered to comply with the explicit requirements of local policy.
- 9.8 Policy CS2 of the Core Strategy 'prioritises the need for larger homes (three-bedroom or more)' and Policy DM5 and DM7 of the DMPLP 'generally does not support development proposals containing only smaller homes (one and two bed)'. The application proposal would provide the following dwelling mix: 3 x 1-bed flats; 3 x 2-bed flats. The provision of mainly smaller units together with the absence of high-quality amenity space and the overall concerns with the design of the development and outlook from ground floor flats serves to confirm that the proposed dwelling mix is not suitable within a cramped and overdeveloped site. These concerns are discussed further in detail below. Furthermore, the site's location outside the boundaries of the district or town centre also does little to justify the provision of a high

proportion of smaller units, especially given that this would result in a lack of sufficient private amenity space for future occupiers.

- 9.9 In light of this, although there is no objection to the relocation of the community space, the provision of mainly smaller units, together with the lack of sufficient external private amenity space and the overall design of the development weigh against this proposal and as such the application is not considered to satisfactorily address the concerns raised at a pre-application stage with regards to the acceptability of the proposal in terms of justifying compliance with policy. As such the proposal would not comply with Policy CS2 and Policy DM5.

B. Design

- 9.10 The Waltham Forest Local Plan policies CS15 and DM29 state that new developments will be expected to ensure the highest quality architecture and urban design and that they should reinforce and/or enhance local character and distinctiveness, taking account of patterns of development, urban form, and building typology.
- 9.11 The area, in general, is characterised by a mixture of dwelling types, however predominately terraced houses which date back to the Victorian era, the buildings on Hainault Road are residential in nature, predominantly two storeys in height, set back from the road behind low boundary fences. The front elevation of these buildings are characterised by double bay or bow windows. To the rear, most of the buildings contain paired two-storey outriggers;
- 9.12 Development types close to the junction of Hainault Road and High Road Leyton contains more modern buildings ranging between 2 to 4 storeys in height. No. 1A Hainault Road which sits directly adjacent the Sunday School currently comprises a single storey brick warehouse, with an associated yard. Planning permission was granted for the redevelopment of that site which would have accommodated a modern 3 storey building comprising 6 flats, however, this permission has now expired.
- 9.13 In terms of the building subject to this application, the Sunday school is not locally listed, however arguably does have some heritage interest, dating from 1932. The proposed development would introduce a starkly different front elevation to the one existing on site. However, that does not necessarily mean material harm. The building would be part one, part three storey in scale and would match the ridge height of the adjacent Victorian Terrace. It would be set back from the road behind a low boundary fence and respect existing building lines. The principal

facades would comprise a light-coloured brick, providing a robust, modern, yet elegant form. Inset balconies and large fenestration created architectural interest.

- 9.14 Nevertheless, the attractive front elevation of the proposed building would not outweigh officers' concerns relating to the quality of accommodation it would provide for future occupiers – an assessment of which is set out in further detail below. The Council's Urban Design officers have been consulted on the application and commented that they would not support the proposal on the grounds that it would not provide adequate living conditions. Given that the existing building on site has some heritage importance, officers consider that if addressed adequately, the design concerns could mitigate any potential harm to the non-designated heritage asset and raise the bar in design terms, which is beneficial to the wider townscape. At present, the design of the development has been compromised in an attempt to deliver maximum levels of residential development (discuss further in section D of the report), whilst seeking to address issues relating to harmful material residential amenity impacts.
- 9.15 In light of this, officers are unable to support the design of the development due to concerns with the quality of the internal accommodation provided for future occupiers. Therefore, the proposal would accord with Policy CS15 of the Waltham Forest Local Plan Core Strategy 2012 ('the Core Strategy'), Policy DM29 of the Waltham Forest Development Management Policies Local Plan 2013 (DMPLP) and the Waltham Forest Urban Design Supplementary Planning Document (SPD) 2010. Amongst other things, these two policies and the SPD seek development that has a high standard of design and responds positively to local context and character in terms of scale, height and architectural style.

C. Living Conditions – Existing Occupiers

- 9.16 The neighbouring properties adjacent to the application site are 3A Hainault Road (and associated flats) (north east) and 1A Hainault Road (south-west) elevation.
- 9.17 A Daylight/Sunlight impact assessment has been submitted and concludes that the proposal would not have an impact on the light received at the adjoining occupiers. As such officers are satisfied that the application would have an acceptable impact on adjacent occupiers in terms of daylight/sunlight.

- 9.18 In terms of loss of privacy to habitable rooms and nearby residential gardens, balconies are proposed at first/second-floor level, however, privacy screens would be incorporated into the design of the development. As such officers are satisfied that the application proposal would not have an impact on the privacy of adjoining residential occupiers.
- 9.19 In terms of impact on outlook, the proposed development due to its massing, height and close proximity to the neighbouring boundaries, would have an overbearing impact on the end of the terrace dwelling at No.3a Hainault Road.
- 9.20 The proposed building would provide a part 2, a part 3-storey development and thus have an increased depth from 32.8m to 39.8m and overall height from 4.2m to 5.7m to the first floor and 8.8m to the second floor. The development would be higher and bulkier occupying most of the plot with a first floor and second-floor element located close to the site boundaries and as such appearing more visually prominent than the existing buildings on site. The existing building, in contrast, is single storey and has less of an intrusive presence for nearby occupiers.
- 9.21 The applicant has stated in the planning statement and on the plans that the proposed two-storey addition close to the boundary with No.3a Hainault Road would mimic the existing rhythm of two-storey outriggers. Officers consider that the addition of a second-floor extension projecting beyond the main rear elevation of No.3a Hainault Road would not follow the rhythm of the terrace and impact the outlook of neighbouring habitable windows at the first-floor level.
- 9.22 Furthermore, the erection of a two-storey structure at the rear of the site would further compromise views from existing residential windows and impact neighbouring occupiers and the enjoyment of their garden. The mass of the rear structure would be noticeably increased when viewed from the neighbouring rear garden. The rear part of the building would appear as a large and imposing building that would dominate the rear boundary of No 3a Hainault Road. This would have the effect of substantially enclosing the rear boundary, harming outlook and creating an oppressive and overbearing structure when viewed from the neighbouring property.
- 9.23 The existing building on site has a 4 m high wall on the shared boundary with no.3a Hainault Road. The reduction of the boundary wall to 1.8 m would not compensate for the erection of a two-storey building at the rear garden. The proposed structure would have a significantly more harmful effect on the outlook.

- 9.24 In light of this, officers consider that whilst the application proposal would have an acceptable impact on the living conditions of adjacent occupiers in terms of daylight/sunlight/ privacy, the proposed building due to its scale bulk, design and close proximity to no.3a Hainault Road would have a negative impact on adjacent neighbours in terms of outlook.

D. Living Conditions - Future Occupiers

Internal Space Standards

- 9.25 The 'Technical Housing Standards – nationally described space standard' (March 2015) stipulate the minimum gross internal floor space required for residential units based on the level of occupancy that could be reasonably expected for the proposed residential units. The proposed quality of residential accommodation should also be reviewed against the requirements of Policy DM7 of the Local Plan (2013). These omit studio flats and 1-bed, 1-person homes as the Council does not support their provision in the borough.
- 9.26 All proposed residential units would meet the requirements under Policy DM7 of the Local Plan (2013) in terms of floor area; the proposed one-bedroom (2 person) units would provide a minimum gross floor area of 50 square metres; two-bedroom (3 people) units would provide a minimum of 61 square metres.
- 9.27 Double bedrooms would have no less than 11.5 square metres in floor area, single bedrooms would have no less than 7.5 square metres in floor area and the combined living/dining and kitchen facilities would meet the minimum threshold of 23 square metres for two-person units, 25 square metres for three-person units, 27 square metres for four-person units and 29 square metres for five-person units.
- 9.28 In terms of internal head height, Policy D6 of The London Plan 2021 requires a minimum floor to ceiling height of 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling, rather than the lower 2.3m specified in the NDSS, in order to address the distinct density and flatted nature of residential development in London and to take account of the unique urban heat island effect. All units meet this standard.
- 9.29 In light of this, the units comply with the minimum space standards as set out in the 'Technical Housing Standards – nationally described space standard' (March 2015).

Outlook, daylight sunlight and privacy

- 9.30 Although the proposed building would replace an existing structure, it would be used to provide residential accommodation as new dwellings. As such, a high standard of design and layout is required.
- 9.31 The dwellings would appear cramped in this location, with inadequate separation from the site boundaries and only a modest area left for amenity space.
- 9.32 The Urban Design SPD advises that (section 5.9.2), that Independently of the minimum separation distances between buildings, new developments with habitable rooms overlooking existing private gardens will generally need to be set back 5m per storey from the common boundary.
- 9.33 The Urban Design SPD advises that (section 5.9.2), internal residential layouts should avoid ground floor bedrooms facing the street, which do not generally offer passive surveillance by residents during the day and also compromise privacy.
- 9.34 The bedrooms of the ground floor units would have an outlook onto confined courtyards overlooking a carpark. Views from residential windows would be dull and gloomy. This combined with noise and odours from the car park would result in an unpleasant and oppressive living environment.
- 9.35 The privacy of the future occupiers would also be comprised. The bedrooms would be open to view from the adjacent carpark. It is likely that curtains would therefore need to be permanently closed to restrict views from the adjacent public space, leading to an increased reliance on artificial lighting, or be at risk of overlooking and loss of privacy to habitable rooms from a public car park.
- 9.36 It is noted that the plans illustrate planting to improve the outlook and compensate for the location of the residential rooms.
- 9.37 However, the introduction of high-level vegetation in confined spaces would further reduce the amount of light entering residential bedrooms, which would compromise the quality of the living environment.
- 9.38 The imposition of conditions requiring suitable fencing to be put along the boundary would create issues with the outlook quality and light entering the residential rooms and as such would not be a form of mitigation for the concerns with the application.
- 9.39 In light of this, the ground floor units would fail to meet the qualitative standards for a good residential environment with particular regard to outlook, lighting, privacy and noise disturbance. Consequently, the development would not accord with the aims of Policies DM7, DM29, CS2 and CS12 of the Local Plan and D4 and D6 of the London Plan

that seeks, amongst other things, that new development should enhance the amenities of future occupants and provide a high standard of amenity to meet their day-to-day requirements.

Private Amenity Space

- 9.40 Policy D6 of the London Plan (2021) states that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1 m² should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m. The dimensions aim to provide space sufficient for a meal around a small table, clothes drying, or for a family to sit outside with visitors.
- 9.41 Waltham Forest does have an adopted local standard and so this takes precedent. Policy DM7 of the Development Management Policies (2013) requires a minimum of 10 m² amenity space to be provided per bedroom for flatted developments (e.g: 2 bed flat - 20 m² and 3 bed flat - 30 m²). 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. Balconies should be a minimum size of 5 m².
- 9.42 The below table illustrates the proposal assessed against the minimum external space standards as specified in the Local Plan Policy DM7 and London Plan.

Apartment	Minimum Requirement	Application Proposal	Assessment
GF Unit 0.1 (2 bed x 3p)	20m ²	5.2 m ² Front Garden (10m ²) – not considered to be private amenity space Courtyard (5.2m ²)	Fails
GF Unit 0.2 (1 bed x 2p)	10m ²	8.2 m ²	Fails
GF Unit 0.3 (1 bed x 2p)	20m ²	11.2 m ² Rear Garden (7m ²) Courtyard (4.2m ²)	Fails
FF Unit 1.1 (2 bed x 2p)	10m ²	6m ²	Fails
FF Unit 1.2 (2 bed x 3 p)	20m ²	6m ²	Fails

FF Unit 1.2 (2 bed x 3 p)	20m ²	6m ²	Fails
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- 9.43 Although all of the units would have some form of private amenity space, they will fail to meet the minimum external amenity space standards, in many cases by a significant amount. The two-bedroom units are of sufficient size internally to accommodate a small family of 3 and the site is not in a town centre location where a lesser amount of amenity space could be justified.
- 9.44 The front and back gardens of units 0.1 and 1.2 are bordered by a low boundary fence, open to view and in this instance neither would be considered private – front garden spaces are generally not considered to be private amenity areas. Furthermore, the garden of unit 0.1 is located adjacent to the communal bin store, and unit 1.2 is overlooking a carpark. This is likely to impact the enjoyment of the gardens due to combined issues with privacy odour, smells and noise pollution.
- 9.45 The balconies at first-floor level would overlook the courtyards of the ground floor. This would result in loss of privacy to the occupiers of the ground floor units. The courtyards would be west facing and would be overshadowed and would not offer good amenity to the benefit of future occupiers.
- 9.46 It is noted that the application site is close to Leyton Cricket Ground however, the location of a public green space nearby would not overcome officers' concerns in terms of the size and quality of the proposed amenity space.
- 9.47 In light of this, the private amenity space would fail to meet the reasonable needs of the occupiers, contrary to policy CS13 and CS15 of the Waltham Local Forest Plan - Core Strategy (2012) and policy DM7 and DM32 of the Waltham Forest Local Plan – Development Management Policies (2013). This would weigh against the development in the overall planning balance.

Accessibility

- 9.48 For schemes of less than ten units London Plan (2021) Policy D7 requires dwellings to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings', however, the policy recognises that flexibility is required in exceptional circumstances where the provision of a lift to dwelling entrances may not be achievable.

- 9.49 In this instance, the upper floor flats are accessed via stairs. Therefore, in the event of approval, it is the upper floor units that will be required to meet requirement M4(1). The flats accessed from the ground floor will be required to meet M4 (2).
- 9.50 No parking is proposed and given that the application proposal is for 6 units there is no policy requirement for accessible car parking spaces. However, it is recommended that the proposed landscaping enables wheelchair movement whilst entrances would have a level of access.
- 9.51 In the event of approval, the above-mentioned conditions should be added to the decision notice to ensure that the proposal satisfies the requirements of Policies of the London Plan (2021) Policy D7.

Secure by Design

- 9.52 Policy DM33 (Improving Community Safety) together with Core Strategy Policy CS16 aim to ensure that Waltham Forest is a safer and more inclusive space to live, work and visit and the fear of crime no longer reduces the quality of people's lives.
- 9.53 In the event of an approval a condition is recommended to ensure that the proposed development achieves a Certificate of Compliance to the relevant Secure by Design Guide(s) or alternatively achieve Crime Prevention Standards. The reason for this condition is to protect the amenities of future and adjoining properties in accordance with Policies CS16 and DM33 of the Local Plan.

Living conditions - summary

- 9.54 Overall, officers are not satisfied that the proposed development would provide a high-quality residential environment. The proposal would create a cramped form of living accommodation with a poor internal and external layout which would have a negative impact on the future occupiers of the dwellings with particular regard to (i) outlook (ii) privacy (iii) noise disturbance and (vi) insufficient private amenity space. The proposal would be contrary to Policies CS2, CS13 and CS15 of the Waltham Forest Local Plan – Core Strategy (2012), and Policies DM5, DM6, DM7, DM29 and DM32 of the Waltham Forest Local Plan – Development Management Policies (2013).

E. Highways, Traffic Management and Parking

Car Parking

- 9.55 Local Plan Policy DM16 states that the Council would seek to effectively manage parking by encouraging car-free and car-capped

development in locations that have high levels of parking stress. Adding that in car-free and car-capped developments, the Council would limit on-site car parking for developments to spaces designed for disabled people and operational and service needs; and by the introduction of controlled parking zones in the vicinity of the development.

- 9.56 No car parking spaces are proposed for the development. Highways officers reviewed the application and commented that the site falls within a CPZ and as such the development must be classified as car-free and the future occupants of the proposed residential units should not be entitled to residents parking permits.
- 9.57 Planning legislation cannot impose conditions on any land that is outside the line edged in red on the location plan. As such the parking restrictions requested by Highways Officers can only be secured by a legal agreement (Section 106).
- 9.58 In the absence of a legal agreement to ensure a permit free development or clear evidence and justification for any proposed car parking, it is considered that the proposed development would create a demand for additional on-street car parking resulting in harm to the highway network and highway/pedestrian safety contrary to Policy DM16.

Cycle Parking

- 9.59 Local Plan Policy DM16 (Parking) sets the minimum requirements for cycle parking for new developments at one cycle-storage space for one-bedroom dwellings and two-cycle- spaces for dwellings of two-bedrooms or above. However, the London Plan 2021 standards are more demanding – the quantum of cycle parking is calculated below:

Cycle Parking:

$$3 \times (1 \text{ bed}) \times 1.5 = 4.5$$

$$3 \times (2 \text{ bed}) \times 2 = 6$$

10.5 total Long Stay cycle spaces

2 short-stay cycle spaces

- 9.60 The proposed development would provide a total of 16 cycle parking spaces in the form of two-tier racks as illustrated in drawing ref: 070 A. Officers are generally satisfied with the proposed cycle parking provision, subject to the approval of details.

- 9.61 In the event of approval, the cycle parking provision shown on the submitted plans must be secured by a way of a planning condition to ensure that the development complies with the objectives of the adopted Local Plan policy DM16.

Proposed Highways Works

- 9.62 A Section 278 Agreement has been requested by Highways Officers, as a way of addressing some of the highways issues that are raised by the development. Highways Officers have advised that works will include but are not limited to:
- Renewal of the footway along the frontage of the site
 - Removal of pedestrian railings
 - Renewal of road markings
- 9.63 A Detailed Construction Logistics Plan (CLP) and Construction Method Statement has been requested by Highways Officers for consideration and approval prior to commencement of any site preparation. This will need to ensure that any disruption will be kept to a minimum within the area. As such, in the event of approval, a Detailed CLP must be secured via a planning condition.
- 9.64 CLP monitoring contributions have been requested by Highways Officer, however, as they are not adopted in the Waltham Forest Planning Obligations SPD (2017) and cannot be taken into consideration.
- 9.65 Highways also requested £6000 under s106 towards improving sustainable modes of transport including walking and cycling in the vicinity of the site. The development is recommended for refusal and therefore at this stage the final contributions cannot be progressed as part of S106 Agreement.
- 9.66 In summary, by reason of the lack of legal agreement, officers are not satisfied that the proposed development would provide sufficient mitigation against any potential car parking/ highways issues generated by the proposal.

F. Waste Management

- 9.67 Local Plan Policy DM32 states that in managing the impact of new developments on neighbouring amenity, new developments should ensure the provision of facilities for the storage, collection and disposal of refuse.

- 9.68 Waltham Forest Waste and Recycling Guidance (2019) sets the minimum requirements for waste storage for new developments at 200 litres for residential households with one bedroom and 240 litres for residential households with two or more bedrooms. A 240-litre food waste bin is also required for up to 5 residential dwellings.
- 9.69 Accordingly, the proposal would be required to provide a minimum of 2 x 680 litres bins for refuse and recycling. In terms of food waste, a 2 x 240-litre bin is required for residential development with more dwellings.
- 9.70 The plans illustrate a refuse store for 2 x 770-litre refuse/recycling containers and 2 x 240 litre bins for food waste. The refuse capacity is sufficient to serve the 6 new dwellings. Therefore, in the event of an approval, the bin store arrangements illustrated on the submitted plans must be secured via a planning condition and retained as such for the lifetime of the development.

G. Sustainability

- 9.71 Energy Efficiency - The London Plan sets out a CO₂ reduction target of 40% against Building Regulations 2010 and 35% against Building Regulations 2013.
- 9.72 The Waltham Forest Local Plan Policy DM10 requires developers to submit a self-assessment including calculation of the energy demand and carbon dioxide emissions for both regulated and unregulated energy separately at each stage of the energy hierarchy. This requirement applies to all developments over a threshold of one residential unit and 100 m² and would be applicable to this application. If approved a condition would be required to secure the carbon dioxide reductions.
- 9.73 Water Efficiency - Local Plan policy DM34 states that developments should implement water efficiency measures to achieve usage of less than or equal to 105 litres per person per day for residential use. No information has been provided; however, it is considered acceptable to condition any permission to demonstrate how this target would be achieved.
- 9.74 Surface Water and Flooding- All new schemes need to be designed to ensure redevelopment will be safe without increasing flood risk and designed to sufficiently manage water run-off as directed by Local Plan Policies CS4 and DM34 and London Plan Policies 5.12 and 5.13. The application site is in Flood Zone 1 which has a low risk of flooding. No

design details relating to surface water and flooding has been submitted at this stage.

- 9.75 In the event of successful application, these matters can be resolved via planning conditions relating to on-site water management, and a condition for a detailed drainage design for the development will need to be submitted to comply with requirements of the London Plan and the GLA Supplementary Planning Guidance “Sustainable Design & Construction”.
- 9.76 Air Quality- Policy DM24 states that new developments should neither contribute to, nor suffer from unacceptable levels of air pollution, measured having regard to DEFRA’s Local Air Management Technical Guidance and London Council’s Air Quality and Planning Guidance or successor documents. The application is not considered a major application and therefore would not require an air quality assessment to be submitted at the application stage. However, such information might be secured via planning conditions if the application is supported.
- 9.77 Contaminated Land - Given the previous use of the land, there is a risk of contamination. In the event of approval, contaminated land report and the asbestos report would be secured via planning conditions.

10 CONCLUSION

- 10.1 In light of the above, the application is recommended for refusal for the following reasons:
- Loss of outlook resulting in an unduly oppressive living environment for existing residents at No.3 Hainault Road.
 - A cramped form of living accommodation for future occupiers with particular regard to (i) outlook (ii) privacy (iii) noise disturbance and (vi) insufficient private amenity space.
 - Lack of Section 106 Agreement for a car-free agreement development.

11 ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

- 11.1 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 which is only one factor that needs to be considered and may be balanced against other relevant factors.
- 11.4 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

- 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 The Planning Committee is recommended to **REFUSE** planning permission for the following reasons:

1. The proposed development, by reason of scale and design would dominate the outlook from the adjacent end of terrace dwelling at No.3 Hainault Road and appear as overbearing development when viewed from neighbouring windows and rear garden. The proposal would be contrary to Policy CS15 of the Waltham Forest Local Plan - Core Strategy (2012), Policy DM29 and DM32 of the Waltham Forest Local Plan - Development Management Policies (2013), Supplementary Planning Document - 'Urban Design (2010) and London Plan Policy D4.
2. The proposal would create a cramped form of living accommodation with poor internal and external layout which would have negative impact on the future occupiers of the dwellings with particular regard to (i) outlook (ii) privacy (iii) noise disturbance and (vi) insufficient private amenity space. The proposal would be contrary to Policies CS2, CS13 and CS15 of the Waltham Forest Local Plan – Core Strategy (2012), and Policies DM5, DM6, DM7, DM29 and DM32 of the Waltham Forest Local Plan – Development Management Policies (2013).
3. In the absence of a legal agreement with the LPA to restrict the future occupiers to apply for parking permits for the land adjoining the application site, the proposal would be contrary to Policies CS7 and CS15 of the Waltham Local Forest Plan - Core Strategy (2012), Policy DM16 of the Waltham Forest Local Plan - Development Management Policies (2013) and London Plan Policies T6 and T6.1.

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 offers a pre-planning application advice service.
2. The application has been assessed in accordance with the following plans and documents: Plans 010;012;013;014;030;031;032;040;041;050;70A;71A;72A;73A;74;75;76;77;81;82;86;91;100 (October 2020); Planning Statement, dated November 2019; Outline Logistics Plan, dated January 2021; Design and Access Statement, undated.

13 BACKGROUND DOCUMENTS

None