

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 14 th June 2022
Application reference:	212883
Applicant:	Triplerose Ltd
Location:	Bridge Court, Lea Bridge Road, Leyton, London, E10 7JS
Proposed development:	Construction of roof extensions to both existing blocks to provide a fourth floor accommodating an additional 8 self-contained flats (Use Class C3) with bicycle parking and refuse/recycling storage facilities.
Wards affected:	Lea Bridge
Appendices:	Appendix 1- Daylight, Sunlight and Overshadowing Assessment

1 RECOMMENDATION

- 1.1 It is recommended the application be approved, subject to conditions and informatives and completion of a S106 Legal Agreement with the following Heads of Terms:
- 1..1 Car Free Development – With the exception of Blue Badge holders, the development is to be classified as car-free and new residents will not be eligible for parking permits.
 - 1..2 £8000 towards improving sustainable modes of transport including walking and cycling in the sites vicinity which will directly benefit the users of this development.
 - 1..3 Legal Fees – Payment of the Council’s legal fees for preparation and completion of the Legal Agreement.
- 1.2 It is also recommended that authority be given to the Assistant Director of Development Management and Building Control in consultation with the Council’s Legal Services for the sealing of the s106 Agreement and to agree any minor amendments to the conditions or the s106 Agreement on the terms set out above.
- 1.3 In the event that the S106 agreement is not completed within three months following the date of committee, the Assistant Director of Development Management and Building Control would be authorised to refuse the application.

2 REASONS REFERRED TO COMMITTEE

- 2.1 The application has been referred to committee based on the number of objections received from neighbouring residents, these are outlined and responded to in section 6.

3 SITE AND SURROUNDINGS

- 3.1 The site is currently occupied by two four-storey residential buildings comprising 48 self-contained flats. The building facing Lea Bridge Road (Building 1) has commercial use at ground floor level (340-354 Lea Bridge Road) with flats above (1-24 Bridge Court, Lea Bridge Road, E10 7JS (these are split into 4 cores (1-6, 7-12, 13-18, 19-24). Building 2 to the rear is 25-48 Bridge Court, Lea Bridge Road which is a wholly residential building.
- 3.2 The site includes 17 unallocated car parking spaces for residents of the two blocks, an enclosure for waste storage and communal amenity space to the back of the rear building. The site boundary to the rear facing towards the trading estate to the south has trees. To the east of the site is a commercial building; to the west is Millfield House, a five-storey block of flats erected in 2018 (Ref:2014/0173).
- 3.3 The site is located alongside Lea Bridge Road, a main road that runs through the south of Waltham Forest with clusters of retail, commercial and residential buildings along its length. The overall character of the area is defined by a variety of building heights and architectural styles, with rows of three-storey terrace houses to the West of the Lea Bridge Road, and a mix of houses, blocks of flats and commercial buildings to the East.
- 3.4 The site is located within Flood Zone 1 as identified by the Environment Agency.
- 3.5 The front part of the site (Building 1) is located within a neighbourhood centre
- 3.6 The site is located adjacent to the Former Savoy Cinema at 366 Lea Bridge Road which is a locally listed building in Church Use (class F1). The property is not located within a Conservation Area, is not listed and is not subject to an Article 4 direction.

4 APPLICATION PROPOSAL

- 4.1 Planning permission is sought for the construction of roof extensions to both existing blocks (Buildings 1 and 2) to provide a fourth floor accommodating an additional 8 self-contained flats on each block of flats (4X1-bed and 4X2-bed) (Use Class C3) with bicycle parking and refuse/recycling storage facilities
- 4.2 The proposed extensions would follow a similar footprint of the existing four storey buildings. However, notably the extensions would be set back from all elevations of the host buildings.
- 4.3 In terms of overall height, for Building 1 (which fronts onto Lea Bridge Road) the proposed extension would be 3.3m above the existing roof level as viewed externally. As a result of the raised parapet wall, the front elevation would be increased in height from 11.4m to 12.2m (an increase height of 0.8m).

- 4.4 For Building 2, the proposed extension would measure 3.5m above the existing roof level as viewed externally, thereby increasing the height of the building from up to 11.3m to 14.8m.
- 4.5 The external walls of the proposed extensions would be constructed using white glazed vertical brick tiles. The projecting roof would be cladded with aluminium panels of a light grey colour with a dark grey capping, to match details of the existing buildings. The existing brick parapet would be raised - with bricks and detailing to match the existing. The windows would have white aluminium frames.
- 4.6 The proposed development would also include the erection of a cycle storage shed (width of 5.1m, depth of 4.4m and height of 2.2m) and the loss of one parking space. During the life of the application the location of the proposed cycle storage was relocated from the far end of the car park in the north east corner to the entrance of the car park on the north west side.

Amendments

- 4.7 During the lifetime of the application, the existing bin store was increased in depth by 0.5m. The section of the rear of the existing bin store would have a depth of 3.3m, a width of 2.2m and a height of 1.65m. This would house two 1100 litre bins and a 240l organic bin. Given the marginal increase in depth and there would be no loss of daylight/sunlight or overbearing impact on 1a Millicent Road, it was considered that there would be no need to reconsult.
- 4.8 The floor plans were also amended so that all of the bedrooms would meet the minimum internal space standards of Policy DM7 of 12 sq.m for a double bedroom and 8 sq.m for a single bedroom. Also the bay section of the balcony on building 2 was increased in depth from 1.3m to 1.5m.
- 4.9 Given that there was no additional loss of parking spaces as a result of moving the bike shed nearer to the entrance and there are no window openings at the ground floor of the block behind it was considered that there was no need to reconsult adjoining neighbours on the revised proposal.
- 4.10 There would be no amenity impact as a result of the minor alterations to the internal floor layout and there would be no additional loss of privacy or loss of daylight/sunlight as a result of the increase depth of a section of the balcony by 200mm. It was therefore considered not necessary to reconsult for these minor alterations.

5 RELEVANT SITE HISTORY

A. Planning

- 5.1 None

B. Pre-Application

- 5.2 PRE_21_0138 relating to Construction of a roof extension above the existing buildings on site, to provide a total of 8 self-contained flats. Advice dated 22 June 2021 and summarised as follows:

- The principle of development for residential accommodation is not objected to and the proposed land use would be compatible with neighbouring residential land uses.
- The separation distance between the two flats would be acceptable.
- The proposal is adjacent to a locally listed building. The impact on this cinema would appear to be acceptable.
- Overall the design of the proposal appeared to be acceptable.
- It was unclear how the lift relates to the host building. Additional details would also be required to see how it would relate to the ground floor commercial yard areas, and what the ground floor experience would be like when exiting.
- It is noted that generally the flat and bedroom sizes and balcony amenity space are generous and exceed the minimum requirements set out in the Technical Housing Standards (2015). However, it is noted that the useable space of bedroom of flat 4 is 11.3sqm. For a 2 person double bedroom, the minimum requirement is 11.5sq.m. This would need to be amended in a full planning application.
- The amenity impact on neighbouring properties in terms of loss of daylight/sunlight as well as loss of privacy/overlooking appear to be acceptable.
- The proposed refuse and waste provision appears to be acceptable
- The proposed cycle provision appears to be acceptable

C. Enforcement

5.3 IN_422230- Land has been converted into pay and display car park- Case Closed

D. Adjacent Site

5.4 330 To 332 Lea Bridge Road

- 2014/0173: A mixed use re-development comprising 2 to 5 storey building to provide 19 self-contained flats and 5 shop units at ground floor level (**APPROVED** on 14/05/2014)
- 130646: A mixed use re-development comprising 2 to 5 storey building to provide 23 self contained flats (9 x 1 bed, 8 x 2 bed, and 6 x 3 bed) and 5 shop units at ground floor level. Provision of amenity space and refuse collection area.- **REFUSED** on 17/09/2013
- 130018 - A mixed use re-development comprising 2 to 5 storey building to provide 19 self contained flats (9 x 1 bed, 5 x 2 bed, and 5 x 3 bed) and 5 shop units at ground floor level. Provision of amenity space, cycle store and refuse collection area.- **APPROVED** on 14/05/2014

5.5 366 Lea Bridge Road

- 121762- Change of use from bingo hall (Use Class D2) to mixed use/church (Use Class D1/D2)- **APPROVED** on 30/08/2013

6 PUBLIC CONSULTATIONS

6.1 The Council circulated 85 consultation letters to local residents on 13/09/2021, as follows:

- 1, Millfield House Millicent Road, Leyton, London, E10 7LG
- 3, Millfield House Millicent Road, Leyton, London, E10 7LG
- 5, Millfield House Millicent Road, Leyton, London, E10 7LG
- 7, Millfield House Millicent Road, Leyton, London, E10 7LG
- 9, Millfield House Millicent Road, Leyton, London, E10 7LG
- 14, Millfield House Millicent Road, Leyton, London, E10 7LG
- 19, Millfield House Millicent Road, Leyton, London, E10 7LG
- 18, Millfield House Millicent Road, Leyton, London, E10 7LG
- 10, Millfield House Millicent Road, Leyton, London, E10 7LG
- 12, Millfield House Millicent Road, Leyton, London, E10 7LG
- Millfield House Millicent Road, Leyton, London, E10 7LG
- 4, Millfield House Millicent Road, Leyton, London, E10 7LG
- 2, Millfield House Millicent Road, Leyton, London, E10 7LG
- 6, Millfield House Millicent Road, Leyton, London, E10 7LG
- 17, Millfield House Millicent Road, Leyton, London, E10 7LG
- 11, Millfield House Millicent Road, Leyton, London, E10 7LG
- 15, Millfield House Millicent Road, Leyton, London, E10 7LG
- 13, Millfield House Millicent Road, Leyton, London, E10 7LG
- 8, Millfield House Millicent Road, Leyton, London, E10 7LG
- 346 Lea Bridge Road, Leyton, London, E10 7LD
- 350 Lea Bridge Road, Leyton, London, E10 7LD
- 348 Lea Bridge Road, Leyton, London, E10 7LD
- Ground Floor Right Unit 1, 330 - 332 Lea Bridge Road, Leyton, London, E10 7LD
- Unit 2 Car Wash, 330 - 332 Lea Bridge Road, Leyton, London, E10 7LD
- Rear Of, 330 - 332 Lea Bridge Road, Leyton, London, E10 7LD
- Ground Floor Left Unit 1, 330 - 332 Lea Bridge Road, Leyton, London, E10 7LD
- 16, Millfield House Millicent Road, Leyton, London, E10 7LG
- 330 - 332 Lea Bridge Road,
- 340 Lea Bridge Road, Leyton, London, E10 7LD
- 358 Lea Bridge Road, Leyton, London, E10 7LD
- Bridge Court Lea Bridge Road,
- 356 - 358 Lea Bridge Road, Leyton, London, E10 7LD
- 2, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 29, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 25, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 28, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 17, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 11, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 18, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 34, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 44, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS

- 30, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 3, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- Unit 11, Lea Park Trading Estate Warley Close, Leyton, London, E10 7LF
- 33, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 48, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 1, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 37, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 14, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 41, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 23, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 7, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 12, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 20, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 45, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 26, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 15, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 43, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 352 Lea Bridge Road, Leyton, London, E10 7LD
- 354 Lea Bridge Road, Leyton, London, E10 7LD
- 342 Lea Bridge Road, Leyton, London, E10 7LD
- 344 Lea Bridge Road, Leyton, London, E10 7LD
- 6, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 8, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 9, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 19, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 10, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 16, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 13, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 5, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 4, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 21, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 31, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 35, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 27, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 39, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 47, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 42, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 38, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 46, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 40, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 36, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 32, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 22, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS
- 24, Bridge Court Lea Bridge Road, Leyton, London, E10 7JS

6.2 The application was advertised via a site notice dated 16/09/2021.

- 6.3 The Council received a total of 35 letters as a result of the public consultation. All of these were objections.
- 6.4 The representations relating to the issues of concern raised are detailed in the table below and are also matters which are addressed within the “Assessment” section of this report.

Objection received	Response
<p><i>Principle</i></p> <p>This development to build above is the same principle as 'garden grabbing' which should also be resisted</p>	<p>The principle of development is considered acceptable and is addressed in Section 10.A of this report.</p>
<p><i>Design</i></p> <p>The buildings are one of the few art deco buildings in Walthamstow. The proposed plans are not sympathetic to the original character of the host property in terms of style and materials</p> <p><i>Scale and Bulk</i></p> <p>Plans will make the property the tallest in the area and taller than 330-332 Lea Bridge Road which is next door. It would not be 'in rhythm' with the local area with surrounding buildings dwarfed by it.</p>	<p>The impact on the existing property as well as impact on the surrounding area is addressed in detail in Section 10.C of this report.</p>
<p><i>Impact on Locally Listed Building</i></p> <p>The development would have a detrimental impact on the nearby locally listed building</p>	<p>The impact on the locally listed building is assessed in Section 10.C of this report</p>
<p><i>Amenity Impact</i></p> <p>Loss of light as well as overlooking and loss of privacy as a result of the additional floor/storey.</p>	<p>A daylight / sunlight report has been submitted with the application. Daylight, sunlight and overshadowing, as well as overlooking and privacy is addressed in detail in Section 10.D of this report.</p>
<p><i>Parking</i></p> <p>The plans will lead to the loss of parking space for residents (currently there are 48 flats with 18 parking spaces).</p>	<p>The development would be required to be car-free, secured by way of a s106 Agreement.</p> <p>The loss of the parking space as a result of the bike shed will be addressed in detail in Section 10.E of</p>

<p>Access to the parking area at the rear is narrow. Increased traffic will cause increase congestion and disruption</p>	<p>this report.</p>
<p><i>Impact on Existing Users</i></p> <p>Stairwells and corridors will become crowded.</p> <p>Existing water tank will negatively impact existing users.</p> <p>Additional strain on existing services</p>	<p>The impact on the accessibility will be assessed in Section 10.H of this report</p>
<p><i>Trees</i></p> <p>Loss of trees as a result of development</p>	<p>There would be no loss of trees as a result of this development</p>
<p><i>Construction disruption</i></p> <p>Noise and Disruption during construction</p>	<p>Development should not be prohibited because of construction impacts to neighbours where these construction impacts would not be unreasonable. The application is for an additional storey above existing flats and there is no evidence to suggest the construction impacts of the development would be above what would reasonably be expected for such a development.</p> <p>The Council's Highways officers have reviewed the Outline Construction Logistics Plan for the development and would also require a Detailed Construction Logistics Plan to be submitted prior to the commencement of works to ensure satisfactory management and mitigation of construction impacts on the local road network.</p> <p>Noise disruption is dealt with under separate legislation and if a concern is raised by neighbours, this can be reported to the Environmental Health Team of the Council.</p>
<p><i>Fire Safety</i></p> <p>Existing vents will be covered which</p>	<p>Existing vents will be retained. Fire safety will also be covered in Section</p>

will be a fire hazard	10.H of this report.
<p><i>Lack of lift</i></p> <p>The lack of a lift for a five storey building would limit sale potential of the flat</p>	The lack of lift will be addressed in detail in Section 10.H of this report.
<p><i>Other Matters- Freeholder and Architect</i></p> <ul style="list-style-type: none"> • The architect was behind the unlawful demolition of the Carlton Tavern Pub in Kilburn • The freeholder has already been taken to court several times for unreasonable charges on residents 	The matters are not material planning considerations
<p><i>Other Matters- Leaseholders and Future Value</i></p> <ul style="list-style-type: none"> • The building's leaseholders recently paid for roof renovation. Now that they are planning to extend above doesn't make sense. • Proposed development would limit future sale of existing flats 	The matters are not material planning considerations

7 OTHER CONSULTATIONS

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

	<p>with Policy 7.14 of the London Plan and the GLA NRMM LEZ.</p> <p>This condition has been included in the recommended conditions at Section 13 of this report.</p>
Highways	<p>It is noted that bin storage is shown on the proposed plans. Waste Management should be consulted with regards to bin storage location, capacity and collection routes.</p> <p><i>Note - Waste Management was consulted however no response was received. Planning Officers have assessed waste management in Section 10(F) of this report.</i></p> <p>An Outline Construction Logistics Plan has been submitted with the planning application, but several amendments are requested prior to approval. Planning Officers note that an amended Outline CLP has been provided. Following revisions, Highways considered the Outline CLP to be satisfactory.</p> <p>A Detailed Construction Logistics Plan will be required at the planning condition stage.</p> <p>A S106 contribution of £250 is requested towards CLP monitoring.</p> <p><i>Note: Planning Officers have not included this request in the s106 Heads of Terms as this contribution would only be applicable to major schemes.</i></p> <p>This site is within an existing CPZ and must be classified as car free with future residents not entitled to parking permits. This requirement has been included in the proposed Heads of Terms for the s106 Agreement.</p> <p>Cycle storage, as is shown in the proposed plans were requested to be moved to a more prominent, safer and easy to access location for residents. Revised plans were submitted which were considered to be acceptable.</p> <p>S106 request of £8000 is requested toward improving sustainable modes of transport including walking and cycling in the sites vicinity which will directly benefit the users of this development.</p>
Urban Design	<p>Following consultation with the Council's Urban Design Team during Pre-application advice process and for this application, Officers were satisfied with the overall design and proposed materials as well as impact on the host property, surrounding area and neighbouring locally listed building.</p>

Transport Policy	No objection
Fire Safety	An undertaking should be given that, access for fire appliances as required by Part B5 of the current Building Regulations Approved Document and adequate water supplies for fire fighting purposes will be provided. <i>Officers Comments</i> This will be added by way of informative
Waste Management	No response received
Sustainability and Energy	No comment
Thames Water	No response received.

8 DEVELOPMENT PLAN

National Planning Policy Framework (2021)

- 8.1 The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as at the heart of the framework.
- 8.2 For decision-taking the NPPF states that the presumption means "approving development proposals that accord with an up-to-date development plan without delay" and where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless "...any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".
- 8.3 The NPPF gives a centrality to design policies; homes should be locally led, well-designed, and of a consistent and high quality standard. Local planning authorities (LPAs) are to make sure that the quality of approved developments does not materially diminish 'between permission and completion, as a result of changes being made to the permitted schemes'
- 8.4 The specific policy areas of the NPPF considered to be most relevant to the assessment of this application are as follows:
- Delivering a sufficient supply of homes
 - Promoting sustainable transport
 - Making effective use of land
 - Achieve well-designed places
 - Supporting a prosperous rural economy

- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment

The London Plan (2021)

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

- GG2 Making the best use of land
- GG4 Delivering the homes Londoners need
- D1 London's form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive Design
- D6 Housing quality and standards
- D7 Accessible Housing
- D12 Fire Safety
- D14 Noise
- H1 Increasing housing supply
- H2 Small sites
- G6 Biodiversity and access to nature
- SI 1 Improving air quality
- SI 5 Water Infrastructure
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T7 Deliveries, servicing and construction
- DF1 Delivery of the Plan and Planning Obligations

Waltham Forest Local Plan Core Strategy (2012)

8.6 The Waltham Forest Core Strategy (2012) was adopted on 1st March 2012.

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

Waltham Forest Local Plan Development Management Policies (2013)

- 8.9 The Local Plan Development Management Policies Document was adopted in November 2013. This sets out the borough-wide policies that implement the Core Strategy and delivering the long term spatial vision and strategic place shaping objectives. There is an emphasis on collaboration and a positive proactive approach to reaching a balance agreement that solves problems rather than a compromise that fails to meet objectives. The following policies are relevant in this case:
- DM2- Meeting Housing Targets
 - DM7 - External Amenity and Internal Space Standards
 - DM10 - Resource Efficiency and High Environmental Standards
 - DM13 - Co-ordinating Land use and Transport
 - DM14 - Sustainable Transport Network
 - DM16 - Parking
 - DM24 - Environmental Protection
 - DM28 - Heritage Assets
 - DM29 - Design Principles, Standards and Local Distinctiveness
 - DM32 - Managing Impact of Development on Occupiers and Neighbours
 - DM35 - Biodiversity and Geodiversity

9 MATERIAL PLANNING CONSIDERATIONS

Other policies

Supplementary Planning Document Urban Design (2010)

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

Supplementary Planning Document Revised Planning Obligations (2017)

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

Natural England – Epping Forest Special Area of Conservation

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

Conservators of Epping Forest. This package of measures is to be used in the interim period until the full Mitigation Strategy has been agreed and adopted. However, as an indication under the interim Strategic Access Management Measures, Waltham Forest is expected to contribute circa £1m towards the mitigation works which equates to 37% of the total.

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

Waste & Recycling Guidance for Developers (LBWF, 2019)

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

Emerging Policy

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

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

- 9.11 The Draft Local Plan underwent Regulation 18 public consultation between July 2019 and September 2019 and consultation on the proposed Submission Version between 26th October 2020 and 14th December 2020. It has now been submitted to the Secretary of State for examination. This is an early stage of the plan making process and less weight will be given to its policies.
- 9.12 The Draft new Local Plan proposes to be a “combined” document comprising 12 thematic policies and a revised spatial strategy, splitting the borough into North, South and Central Waltham Forest.
- 9.13 The Draft Local Plan clearly sets out the Council’s growth agenda which seeks to facilitate the sustainable delivery of 27,000 new homes and 46,000sqm of employment floor space over the next plan period. The draft policies relating to housing type and mix are reflective of the London Plan (2021).
- 1 Presumption in Favour of Sustainable Development
 - 3 Location and Management of Growth
 - 6 South Waltham Forest
 - 23 Increasing Housing Supply
 - 27 Housing Design
 - 31 Small Sites

- 59 High Quality Environment
- 62 Delivering High-Quality Design
- 64 Amenity
- 68 Walking and Cycling
- 71 Construction Logistics Plan
- 72 Managing Vehicle Traffic
- 74 Assessing, Mitigating and Monitoring Transport Impacts
- 86 Biodiversity and Geodiversity
- 90 A Zero Carbon Borough
- 92 Sustainable Design and Construction
- 93 Air Pollution
- 94 Water
- 99 Waste Management
- 100 Infrastructure and Developer Contributions

Local Finance Considerations

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

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

10 ASSESSMENT

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

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

A. Principle of Development

- 10.2 Policy H1 of the London Plan states that to ensure housing targets are achieved, boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their planning decisions, especially sites with PTALs of 3-6 and small sites.
- 10.3 Policy H2 of the London Plan states that boroughs should pro-actively support well-designed new homes on small sites (i.e. those below 0.25ha) through planning decisions in order to increase the contribution of small sites to meeting London's housing needs and to provide opportunities for a variety of locations, housing types and developers.
- 10.4 Policies CS2 of the Core Strategy and DM2 of the Development Management Policies seek to ensure a continuous supply of homes to meet a range of housing needs and seeks to protect existing housing stock. Specifically, Policy CS2 states that previously developed, particularly unused or underused land, should be prioritised for residential development to maximise the number of quality homes in the borough, and that effective and efficient use of land should be made by seeking to optimise housing densities.
- 10.5 The application site is made up of two existing block of four-storey residential buildings comprising 48 self-contained flats. The proposed development would be to add an additional floor on both of these blocks to create four additional units on each, to create in total eight additional units.
- 10.6 In the pre-application advice issued by the Council dated 22 June 2021, the Council did not object to the proposed additional storey of flatted development as it would be compatible with the existing and neighbouring land uses.

B. Quality of Residential Accommodation

Internal Space

- 10.7 Policy D6 of the London Plan (2021) specifies minimum internal floor area requirements for residential development. The standard requires at least 7.5sq.m. for a single bedroom and 11.5sq.m. for a double bedroom. However, Waltham Forest has a minimum requirement of 12sq.m for a double

bedroom and 8 sq.m for a single bedroom in Policy DM7. The bedroom sizes were amended to reflect this. The proposed development would have the following composition:

Building	Flat No.	Flat Type	Min Required GIA		Built in Storage		Combined living area		Pass/Fail
			Floor Area	Min GIA	Storage	Min Area	Area	Min Area	
			sqm	sqm	sqm	sqm	sqm	sqm	
Building 1	1	2b/4p	89	70.0	2.6	2.5	35	27	Pass
	2	1b/2p	56.0	50.0	1.6	1.5	30	23	Pass
	3	1b/2p	56.0	50.0	1.5	1.5	30	23	Pass
	4	2b/4p	89	70.0	2.8	2.5	35	27	Pass
Building 2	1	1b/2p	50.7	50.0	2.0	1.5	27	23	Pass
	2	2b/4p	70.0	70.0	2.2	2.5	30.5	27	Pass
	3	2b/3p	67.8	61.0	2.0	2.0	30	25	Pass
	4	1b/2p	50.5	50.0	1.5	1.5	26	23	Pass

10.14 As shown from the above table, all of the units comply or exceed the minimum space standards in terms for bedroom sizes, GIA, storage area and combined living space D6 of the London Plan (2021) and Policy DM7.

10.15 In accordance with the SPD Urban Design, the proposed dwellings would be multi-aspect, providing windows on two elevations (front and rear) for all the properties on Building 2. For Building 1, flats 1 and 4 would have three aspects of outlook on the front rear and side elevations and the two middle units (Flats 2 and 3) would have dual aspect to the front and rear.

10.16 The application was accompanied by a Daylight, Sunlight and Overshadowing Assessment which concluded that the internal habitable rooms would achieve very high levels of daylight in accordance with the BS 8206-2:2008, Lighting for Buildings - Part 2: Code of Practice for Daylighting.

10.17 Based on the above assessment, the proposed development would be in accordance with internal space standards and Policy D6 of the London Plan (2021) and Policy DM7 of the Development Management Policies Document.

External Space

10.18 Policy D6 of the London Plan requires that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sq.m. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq.m. should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.

10.19 Policy DM7 of the Council's Development Management Policies Document requires flatted development to provide a minimum of 10 sq.m

amenity space to be provided per bedroom. (e.g: 2 bed flat - 20 sq.m and 3 bed flat - 30 sq.m) and so this local higher standard should be complied with

10.20 The below table gives a breakdown of the outdoor private amenity space for each unit

Building	Flat No.	Flat Type	External Amenity Space	
			Area	Min- DM7
			sqm	sqm
Building 1	1	2b/4p	18	20 (Fail)
	2	1b/2p	6	10 (Fail)
	3	1b/2p	6	10 (Fail)
	4	2b/4p	28	20 (Pass)
Building 2	1	1b/2p	15	10 (Pass)
	2	2b/4p	17	20 (Fail)
	3	2b/3p	18	20 (Fail)
	4	1b/2p	16	20 (Pass)

10.23 It is noted that five of the eight units do not comply with the minimum external space standards for flatted development for policy DM7. However, it should be noted that they all meet the minimum external space standards in relation to Policy D6.

10.24 The balconies in Building 2 have a depth of 1.3m at the flat section but a depth of 1.5m at the bay window section. It is acknowledged that these balconies would have a depth of less than the minimum requirement of 1.5m in places (Policy D6). However, it is noted that there would be sections with a depth of 1.5m, in addition, these flats would have access to some element of private amenity space, complying with the London Plan standards, but not all comply with the Waltham Forest standards. Residents would also have access to the small area of shared external amenity space at the rear of Building 2 of 46 sq.m which is provided for the occupants of the existing 48

flats. It should be noted that while the existing flats on Building 2 have private amenity space balconies at the rear, none of the existing flats on Building 1 have access to private amenity space. On balance, the provision of albeit substandard private balconies for the 4 flats at Building 2 is an improvement on the existing situation and would on balance be considered acceptable.

10.25 It is also noted that within a kilometre of the subject site there are a number of public open spaces nearby, Low Hall Sports Ground is 1km away to the north west. There is a Leyton Jubilee Park is 500m to the south west and Leyton Manor Park is 800m to the east.

10.26 Based on the above assessment, the scheme complies with the internal space standards and on balance the external space, although in some cases substandard, is considered acceptable in this location. The proposed flats would have good access to natural light, outlook and ventilation. It is considered that the proposed development would provide a high level of residential amenity for future occupiers in accordance with Policies D6, DM7 and the SPD Urban Design.

C. Urban Design, Character and Appearance

10.27 Policy CS15 seeks to ensure the highest quality architecture and design that responds positively to the local context and promote distinctiveness and sense of place. Policy DM29 requires high quality design that enhances local character and distinctiveness. The SPD Urban Design sets out a range of principles for achieving good design with the objective of significantly raising the quality of development within the borough.

10.28 Building 1, which is the front of the application site on Lea Bridge Road, is in a prominent location on this busy road adjacent to a locally listed building. However, the proposed development would be located above the street level at fifth floor level as well as set back from the building line. The development would be set in from the front, back and sides of the host blocks which would ensure that the proposed development would be subservient in terms of scale and bulk.

10.29 Given the context of the proposed development, the impact on the street scene as a result of the additional storey in terms of scale and bulk would be relatively limited and therefore acceptable.

10.30 Building 2 is largely not visible from Lea Bridge Road, so the impact on the streetscene would be even less and therefore also acceptable. To the rear of the site is an industrial estate with commercial warehouse style buildings. The impact to the rear in terms of character and appearance would therefore be acceptable.

10.31 In terms of the materials used, the proposed extensions would be white glazed tiles on both. Following consultation with the Design Team at Pre-App and for this application, the proposed materials would be considered to be acceptable. In order to ensure the character of the building is maintained, details of the materials for the proposed additional storeys will be secured by way of condition

- 10.32 The raising of the parapet walls would be constructed of brick and soldier course to match existing which would be acceptable and will be secured by way of condition.
- 10.33 It is noted that adjacent to the proposed development is Potters House, the Former Savoy Cinema now a church use, which is a Locally Listed Building. Conservation Officers were consulted on the impact on this site and considered that given the existing urban context, the impact on the character and appearance of this heritage asset would be acceptable.
- 10.34 As such, it is considered that the scheme would be acceptable in terms of character and appearance. Due to its sitting and set back as well as subservient scale as well as design relative to the host building, the proposed development would not be detrimental to the street scene and visibility of the proposed development would be relatively limited. The scheme is therefore considered to be in accordance with Policies CS15, DM28, DM29 and the SPD Urban Design.

D. Neighbour Amenity

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

Daylight and Sunlight

- 10.36 The application was supported by a Daylight, Sunlight and Overshadowing Assessment which assessed the impacts of the development on the properties (See Appendix 1).
- 10.37 Between Building 1 and Millicent House to the south, the separation distance is 4.6m. However, there are no facing windows on this section of the Millicent House so there would be no amenity impact in terms of loss of daylight/sunlight or outlook on this building as a result of the increased height of Building 1.
- 10.38 In relation to Building 2, the separation distance is 10m to Millicent House. Given the distance and relatively minor increase in height relative to what is existing, and that the submitted daylight sunlight report demonstrates that the scheme would not cause a detrimental overshadowing or loss of light to these properties, this is considered to be acceptable.
- 10.39 In relation to the existing units within Bridge Court, it is noted that the Daylight/Sunlight Assessment submitted with the application was carried out at pre application scheme stage when a lift shaft was proposed to the rear of Building 2 (B23 in the report). With the lift shaft in place, while there would be some loss of daylight/sunlight as well as outlook for bedrooms of some of the units, the overall impact of the additional storey would have been acceptable.
- 10.40 The scheme as submitted at planning application stage did not include this lift shaft, however the daylight / sunlight report was not updated. The applicant has however advised that following the removal of the lift shaft the impact on

the neighbouring windows would be reduced which was confirmed by the authors of the Daylight/Sunlight Assessment.

10.41 73 of the 93 windows in Building 1 (340 – 354 Lea Bridge road) pass BRE criteria for vertical sky component, 14 of the remaining 23 windows experience a reduction of between 21% and 30%, which is considered acceptable in an urban area, having regard to the guidance in the Mayor's Housing SPG and the NPPF. 8 windows have a reduction of greater than 40%, but all serve rooms with multiple windows, the remainder of which pass the BRE guidance or have a minor adverse effect. Therefore the overall impact of daylight in the room is acceptable

10.42 All of the windows to building 2 would pass the BRE guidance for vertical sky component.

10.43 As such, it is considered that the scheme would not cause unreasonable overshadowing or loss of light to the neighbouring occupiers.

Outlook

10.44 Due to the nature of the proposed development being on top of the two existing properties as well as distance from neighbouring properties of 22m (across a public highway), there would be no loss of outlook from neighbouring windows as a result of the proposed development on either Building 1 or Building 2.

10.45 As such, it is considered that the scheme would not cause a detrimental impact to the outlook of neighbouring flats.

Privacy and Overlooking

10.46 The SPD Urban Design requires dwellings with habitable rooms overlooking existing private gardens to be setback 5m per storey from the common boundary. The SPD Urban Design also requires two storey dwellings to have a minimum separation distance of 20m between the windows of habitable rooms and kitchens.

10.47 As the property would be an extension of the existing block of flats on Bridge Court, the minimum separation distance between neighbouring properties has already been established and is considered acceptable. There would be a small section of side facing windows towards Millicent House on the proposed extension, but they would be above the height of this building and as mentioned, there are no side facing windows on this part of Millicent House so the impact would be acceptable. There would be no side facing windows proposed in the extension on Building 2.

10.48 It is noted that the additional storey would be set in between 1m and 1.5m from the edge of the host property, thus reducing impact in terms of loss of privacy and outlook on neighbouring properties.

10.49 It is therefore considered that the scheme would not cause unacceptable overlooking or loss of privacy to the occupiers of the neighbouring residential properties.

E. Highway and Transport Impact

Car Parking

- 10.50 In accordance with Policy DM16 (Parking) the Council will seek to effectively manage parking and to ensure the provision of safe and attractive parking facilities. The Council would resist proposals that are likely to hinder pedestrian movement or prove injurious to highway safety; provide inadequate sight lines for vehicles leaving the site; and reduce on-street parking provision in areas where on-street parking spaces cannot meet existing demand.
- 10.51 The surrounding streets are within a CPZ and have a high level of parking pressure. As such, the development is required to be car free, secured by way of a s106 Legal Agreement.
- 10.52 It is noted that in the existing provision of parking spaces is 17 unallocated parking spaces and an area for motorbikes. Following the inclusion of a bike store (containing cycle 16 parking spaces) in the parking area, there would be net loss of two parking spaces for there to be 15 unallocated parking spaces, the corner motorbike section would remain
- 10.53 As the proposed eight units would be car free, there would be no increase in pressure on the 15 remaining parking spaces for the existing 48 flats. While there would be some loss of parking capacity for these existing flats, the reduction is considered to be relatively limited and is in line with the Council's and London Plan's aims to reduce long term car usage. It is also noted that the subject site is in a PTAL zone of 3 which is considered Good. The site is located near to regular bus routes to provide good transport provision. Therefore, the loss of two unallocated parking spaces for the existing 48 flats for cycle provision for the proposed flats would be considered acceptable.
- 10.54 As such, it is considered that, subject to a s106 Legal Agreement, the scheme is in accordance with Policies CS7 and DM16.

Cycle Storage

- 10.55 Policy T5 of the London Plan as well as the Emerging WF Local Plan (LP1) (2020-2035) requires 1.5 cycle spaces for 2 person 1 bed dwellings and 2 spaces for all other dwellings (14 spaces based on proposed mix). As the development is for between 5-40 dwellings, there is also a requirement for 2 visitor spaces meaning there is a requirement for 16 spaces. Policy DM16 requires development proposals to provide 1 cycle space for 1 bed units and 2 spaces for 2+ bed units (12 spaces based on proposed mix).
- 10.56 The scheme includes 16 cycle parking spaces which (14 spaces for residents and 2 for visitors) which meets the higher standard listed in Policy T5 of the London Plan and the Emerging Local Plan. Initially, the cycle storage was proposed to be located in the far southern end of the car park. However, Planning Officers requested the cycle storage be re-located closer to the main block entrance in order to ensure safety and convenience for future occupiers, and also requested design details. The dimensions of the proposed cycle storage were provided which would have a width of 5.1m, depth of 4.4m and height of 2.2m. Following the submission of these

additional details, the cycle provision for the proposed development is considered acceptable to house 16 cycles.

10.57 It is noted that the existing parking area for cars and bikes is poorly lit which could attract crime and anti-social behaviour at night time. Details of lighting to this area will be requested as a Pre-Occupation condition.

10.58 Based on the above assessment, the proposed cycle storage would be in accordance with Policy T5 of the London Plan and Policy DM16.

Traffic Management

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

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

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

F. Refuse Management

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

10.63 The Council's Waste & Recycling Guidance for Developers (2019) requires that the proposed development provides 880L refuse and 880L recycling waste and 240L of Organic Food Waste.

10.64 This is calculated as follows based on the Council's Waste and Recycling Guidance for Developers (2019) based on 4 x 1 bed units and 4 x 2 bed units:

- 4 x 200 litres = 800litres (400 litres for refuse and dry recycling)
- 4 x 240 litres = 960 litres (480 litres for refuse and dry recycling)

Total weekly refuse and recycling arisings:

- 800 + 960 = 1,760 litres (880 litres each for refuse and dry recycling)

10.65 The plans show that two new 1100L Eurobins would be added to the rear of the existing waste storage facility. The plans also show that the 1 x 240 litre bin will be provided for food waste which is in accordance with the requirements for developments of 5-20 units in the Waste and Recycling Guidance for Developers (2019).

10.66 It is noted that there is already a bin store for the existing 48 flats. The scheme proposed that this storage facility will be increased in size at the rear by a depth of to accommodate these additional bins. Given the space in the site, Offices are confident that there would be sufficient space on the in this increased bin store to provide for sufficient refuse and waste facilities for the

additional units on the site. Officers are therefore satisfied that submitted details of the existing and proposed waste storage provision for the existing and proposed units (including food/organics waste) are in accordance with the the Council's Waste and Recycling Guidance for Developers (2019) and would not cause unacceptable detrimental impacts to the amenity of neighbouring occupiers.

G. Environment and Sustainable Design

CO₂ Reduction

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

Water Efficiency

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

H. Accessible Housing

- 10.71 Policy D5 seeks the creation of inclusive neighbourhoods by embedding inclusive design. It states the buildings should be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.
- 10.72 Policy D7 seeks to ensure suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with younger children is provided. To do this, Policy D7 requires dwellings to which Part M Volume 1 of the Building Regulations applies to meet Building Regulation requirement M4(2) "Accessible and Adaptable Dwellings".
- 10.73 It is noted in paragraph 3.7.6 of Policy D7 of the London Plan (2021) states the following:

In exceptional circumstances the provision of a lift to dwelling entrances may not be achievable. In the following circumstances – and only in blocks of four storeys or less – it may be necessary to apply some flexibility in the application of this policy:

- *Specific small-scale infill developments (see Policy H2 Small sites)*
- *Flats above existing shops or garages*
- *Stacked maisonettes where the potential for decked access to lifts is restricted*

10.74 As the proposed development is for an additional storey to create a fifth storey to an existing four storey block of flats rather than a new five storey development in totality, this policy does not apply.

10.75 In relation to Building 1, it is noted that the circulation cores are in the centre of the building, therefore it would not be possible to link them to an external lift.

10.76 In relation to Building 2, the agent recognises that it would be possible to install a new lift shaft on this building however, in order to mitigate impact on existing properties in the block in terms of loss of daylight/sunlight and loss of outlook, the lift shaft would have had to be located at a distance from the external walkway with a bridge across, meaning that the lift would be in the middle of the run of the amenity space, therefore impeding the usability of these space for recreation.

10.77 It should be noted that Paragraph 2.3.10 of the London Housing SPG specifically mentions that in certain cases the provision of a lift “may cause practical difficulties, make developments unviable and/or have significant implications for the affordability of service charges for intended residents”

10.78 As this is not a new development and give the exceptional circumstances of this development relating to reduced amenity impact for existing residents as well as well as impact on amenity space, it is considered acceptable that a lift shaft is not included for this fifth floor development.

10.79 In terms of Fire Safety, the proposed development would need to have suitable Fire Safety evacuation procedures in places and be in accordance with policy D12 (Fire Safety) of the London Plan (2021). Fire safety provision requirements have been suggested by way of an informative.

10.80 As such, the scheme would be consistent with Policy D5, D7 and D12 subject to compliance with planning conditions.

I. Planning Obligation

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

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

- Car free development
- £8000 is requested toward improving sustainable modes of transport including walking and cycling in the sites vicinity
- Legal Fees

10.83 The details of these requirements are set out in the recommendation section of this report, paragraph 1.1.

11 CONCLUSION

11.1 The proposed development would be for roof extensions to both existing blocks to provide a fourth floor accommodating an additional 8 self-contained flats (4X1-bed and 4X2-bed) (Use Class C3) with bicycle parking and refuse/recycling storage facilities. The proposed would be acceptable from a design perspective and would not cause unacceptable harm to the character and appearance of the host property or the surrounding area, including the locally listed building.

11.2 The proposed development would also be acceptable from an amenity impact perspective and would not lead to unacceptable loss of daylight/sunlight, or loss of outlook or privacy to neighbouring properties.

11.3 The proposed development would provide acceptable quality of accommodation for future residents and would meet or exceed minimum internal space standards.

11.4 The proposed development would also make adequate provision for cycle and waste and recycling waste provision.

11.5 The acceptability of the scheme would be subject to planning conditions relating to materials and sustainability, as well as the requirement for a s106 Agreement to secure the development as car-free and for s106 contributions towards improving sustainable modes of transport including walking and cycling in the site’s vicinity.

12 ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

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

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

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

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

Human Rights

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

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

13 RECOMMENDATION

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

13.2 Section 106 Agreement Head of Terms:

CATEGORY	TERMS
Highways	Car Free Development - With the exception of Blue Badge holders, the development is to be classified as car-free and new residents will not be eligible for parking permits.
Highways	£8000 towards improving sustainable modes of transport including walking and cycling in the sites vicinity which will directly benefit the users of this development.
LBWF Fees	Payment of the Council's legal fees for the preparation and completion of the Legal Agreement

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

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

Conditions and Reasons:

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

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

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

- 1244.20 – 001 (Dated Aug 2021)
- 1244.20 – 010 Rev 1 (Dated 25/05/2022)
- 1244.20 - B1 – 011 (Dated August 2021)
- 1244.20 - B2 – 011 (Dated August 2021)
- 1244.20 - B2 – 021 (Dated August 2021)
- 1244.20 – 020 (Dated August 2021)
- 1244.20 - B1 – 021 (Dated August 2021)
- 1244.20 – 200 Rev 1 (Dated 24/05/2022)

- 1244.20 – 300 Rev 1 (Dated 24/05/2022)
- 1244.20 - B2 – 101 Rev 1 (Dated 24/05/2022)
- 1244.20 - B1 – 101 Rev 1 (Dated 24/05/2022)
- 1244.20 - B1 – 201 (Dated August 2021)
- 1244.20 - 100 Rev 3 (Dated 24/05/2022)
- Design and Access Statement Rev A (May 2022)
- Daylight Sunlight Report (April 2021)
- Daylight Sunlight Report- Supporting Letter (Dated 05/08/2021)
- Construction Logistics Plan (Outline) CB/VL/P22-2585/01 Rev B (Dated Summer 2022)

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

3. Prior to the commencement of the development, detailed drawings and samples of all materials to be used in the elevations of the development, 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: In order to preserve and enhance the character and setting of the host property and local listed building and be in accordance with Policies CS12 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM28 and DM29 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

4. Prior to the occupation of the development, notwithstanding site investigation and clearance works and demolition, full details relating to the following shall be submitted to and approved by the Local Planning Authority:
 - a) The details of secure and lockable cycle stores,
 - b) All forms of external lighting in the parking/cycle store area to be provided on site.

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: Insufficient details have been provided as part of the planning application and in the interest of security and sustainable development, in compliance with Policies CS6, CS13, CS15 and CS16 of the adopted Waltham Forest Local Plan - Core Strategy 2012 and Policies DM13, DM14, DM23, DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

5. No development shall take place on site whatsoever, until a Detailed Construction Logistics Plan has been submitted to and approved by the

local planning authority. The logistics plan shall include details of site access, journey planning, access routes, hours of delivery, temporary traffic arrangements or restrictions, site operation times, loading and unloading locations and material storage. All works shall be carried out in accordance with the approved details throughout all demolition and construction works.

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

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

Reason: In the interests of the sustainability and energy efficiency of the development and to meet the requirements of Policy SI 1 of the London Plan (2021). In the interest of sustainability, energy efficiency and to provide a high quality development in accordance with Policy CS4 of the Waltham Forest Local Plan Core Strategy (2012) Policy DM10 of the Waltham Forest Local Plan Development Management Policies (2013).

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

Reason: To minimise the water use of the development, in accordance with the requirements of Policy SI 5 of the London Plan (2021).

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

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

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

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

10. Prior to the occupation of works, a Waste and Refuse Management Strategy incorporating full details of the measures to store and collect refuse and recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. The strategy must also include the design and construction of stores and the means of access for collection by refuse operatives and vehicles. The strategy must also include details of how the refuse and recycling requirements for disabled residents can be met, and how these bins will be safeguarded so that the bin remain available an accessible for wheelchair units. The development shall be implemented in accordance with the approved details and the refuse/recycling stores brought into use prior to the first occupation of any part of the development hereby permitted.

Reason: In the interests of highway and pedestrian safety in accordance with policies CS7 and CS15 of the Waltham Forest Local Plan WFLP Core Strategy (2012) and Policy SI 8 of the London Plan (2021)

11. Prior to the commencement of the development, a Construction Method Statement including any demolition works, shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for the

- (i) parking of vehicles of site operatives and visitors,

- (ii) loading and unloading of plant and materials,
- (iii) storage of plant and materials used in constructing the development,
- (iv) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate ,
- (v) wheel washing facilities,
- (vi) measures to control emissions, dust and dirt during construction, and
- (vii) recycling/disposing of waste resulting from demolition and construction works.

Reason: To ensure considerate construction and to protect the amenities of the nearby residents from excessive noise and dust and to comply with Policies CS7 and CS13 of the adopted Waltham Forest Core Strategy (2012) and Policies DM14, DM15, DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

- 12 The proposed dwelling mix comprising of 4 x 2 bed and 4 x 1 bed self-contained residential units shall be retained a such for the lifetime of the development.

Reason: In the interest of the creation of mixed and balanced communities in accordance with Policy CS2 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and DM5 of the Waltham Forest Local Plan Development Management Policies (2013).

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

Reason: To ensure that air quality is not adversely affected by the development in line with Policy SI 2 of The London Plan (2021) and the Mayor's SPG: The Control of Dust and Emissions during Construction and Demolition.

- 14 Prior to commencement of the development hereby permitted, full details of the proposed mitigation measures for impact on air quality and dust emissions, in the form of an Air Quality and Dust Management Plan (AQDMP), have been submitted to and approved in writing by the local planning authority. In preparing the AQMDP the applicant should follow the recommendations outlined in the AQ assessment submitted with the application and the guidance on mitigation measures for sites set out in Appendix 7 of the Control of Dust and Emissions during Construction and Demolition SPG 2014. Both 'highly recommended' and 'desirable' measures should be included. If the development is located in or near an

air quality focus area the applicant should follow the guidance on mitigation measures for Medium Risk as a minimum.

Reason: Development must not commence before this condition is discharged to manage and mitigate the impact of the development on the air quality and dust emissions in the area and London as a whole, and to avoid irreversible and unacceptable damage to the environment in Policy SI 1 of The London Plan (2021) and the London Plan SPGs for Sustainable Design and Construction and Control of Dust and Emissions during Construction and Demolition).

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

Reason: To ensure considerate construction and to protect the amenities of the nearby residents from excessive noise and dust and to comply with Policies CS7 and CS13 of the adopted Waltham Forest Core Strategy (2012) and Policies DM14, DM15, DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013)) and comply with Policy 7.14 of the London Plan and the GLA NRMM LEZ.

Informatives:

1. To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which offers a pre planning application advice service. The scheme was submitted in accordance with guidance.
2. A legal agreement has been entered into with the London Borough of Waltham Forest in conjunction with this grant of planning permission to ensure that the development is acceptable.
3. The application subject to both the Mayoral Community Infrastructure Levy (CIL) and Waltham Forest Council CIL.
4. Construction activities must not affect traffic flows on the highway. No materials can be stored on the highway and no construction related activities can take place on the highway. It is an offence to place scaffolding, skip or hoarding on the highway without permission. Early contact with the Council's Network Operations is advisable, as it may affect the construction programme.
5. It is an offence to place scaffolding, skip or hoarding on the highway without permission. Early contact with the Council's Network Operations is advisable, as it may affect the construction programme.

6. It is developer's responsibility to ensure all signage associated with the proposed development i.e. street nameplates, building names and door numbers are erected prior to occupation, as agreed with the Councils Street Naming/Numbering Officer.
7. This determination does not constitute permission to build under the building regulations 2010. Works should not commence until any appropriate building regulation applications have been submitted and where necessary approved.
8. This notice is without prejudice to your responsibilities under any other legislation.
9. An undertaking should be given that, access for fire appliances as required by Part B5 of the current Building Regulations Approved Document and adequate water supplies for fire fighting purposes will be provided.
10. **IMPORTANT:** Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences
 - You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
 - Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
 - Beginning development in breach of a planning condition will invalidate your planning permission.
 - If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a Certificate of Lawfulness.

Prior to the occupation of the dwelling, an evacuation plan shall be submitted to the Council for records. The Councils Civil Protection officer: Pierre Rossouw-Senior Civil- Protection Officer-Civil Protection Service-Phone: 020 8496 4418-Mobile: 07896 119 407 - pierre.rossouw@lbbd.gov.uk , should be consulted at an early stage as to whether a flood evacuation strategy would be required for the development.

Appendices

Appendix 1- Daylight, Sunlight and Overshadowing Assessment

Summary Table Using Existing Site as Baseline												
Building No.	Address	Total No of Rooms	Total No of Windows	VSC		NSL		APSH Summer		APSH Winter		
				Percentage of Windows Compliant for VSC daylight	Percentage of Windows Minor Loss of VSC Daylight	Percentage of Rooms Compliant for NSL	Percentage of Rooms Minor Loss of NSL Daylight	Percentage of Windows Compliant for APSH Summer Sunlight	Percentage of Windows Minor Loss of APSH Summer Sunlight	Percentage of Windows Compliant for APSH Winter Sunlight	Percentage of Windows Minor Loss of APSH Winter Sunlight	
B1	313 Lea Bridge Road	6	6	100%	0%	100%	0%	100%	0%	100%	0%	
B2	311, 311A, 311B, 311C, 311D Lea Bridge Road	6	6	100%	0%	100%	0%	100%	0%	100%	0%	
B3	309 Lea Bridge Road	3	3	100%	0%	67%	0%	100%	0%	100%	0%	
B4	307 Lea Bridge Road	6	6	100%	0%	100%	0%	100%	0%	100%	0%	
B5	305 Lea Bridge Road	6	6	100%	0%	100%	0%	100%	0%	100%	0%	
B6	303 Lea Bridge Road	6	6	100%	0%	100%	0%	100%	0%	100%	0%	
B7	301 & 301A Lea Bridge Road	6	6	100%	0%	100%	0%	100%	0%	100%	0%	
B8	299 & 299A Lea Bridge Road	1	3	100%	0%	100%	0%	100%	0%	100%	0%	
B9	297 & 297A Lea Bridge Road	3	6	100%	0%	100%	0%	100%	0%	100%	0%	
B10	295 & 295A Lea Bridge Road	3	11	100%	0%	100%	0%	100%	0%	100%	0%	
B11	293 & 293A Lea Bridge Road	3	6	100%	0%	100%	0%	100%	0%	100%	0%	
B12	330-338 Lea Bridge Road (Flat 1-19 Millfield House,	12	13	100%	0%	100%	0%	100%	0%	100%	0%	
B13	1A Millicent Road	4	8	100%	0%	100%	0%	100%	0%	100%	0%	
B14	1B Millicent Road	3	4	100%	0%	100%	0%	100%	0%	100%	0%	
B15	1C Millicent Road	3	25	100%	0%	100%	0%	100%	0%	100%	0%	
B16	1 Millicent Road	1	1	100%	0%	100%	0%	100%	0%	100%	0%	
B17	3 Millicent Road	4	5	100%	0%	100%	0%	100%	0%	100%	0%	
B18	5 Millicent Road	2	2	100%	0%	100%	0%	100%	0%	100%	0%	
B19	7 Millicent Road	3	3	100%	0%	100%	0%	100%	0%	100%	0%	
B20	9 Millicent Road	3	3	100%	0%	100%	0%	100%	0%	100%	0%	
B21	11 Millicent Road	4	4	100%	0%	100%	0%	100%	0%	100%	0%	
B22	394 Markhouse Road	15	18	100%	0%	100%	0%	100%	0%	100%	0%	
B23	340-354 Lea Bridge Road (below the proposed roof	45	96	76%	15%	73%	13%	99%	1%	100%	0%	
B24	1-48 Bridge Court, Lea Bridge Road (below the prop	37	70	100%	0%	70%	19%	100%	0%	100%	0%	
Total		185	317	93%	4%	87%	7%	100%	0%	100%	0%	