

**LONDON BOROUGH OF WALTHAM FOREST**

Committee/Date:	Planning – 14 June 2022
Application reference:	214002
Applicant:	London Borough of Waltham Forest
Location:	The Lodge, Coroners Court Mortuary and Lodge, 124 Queen's Road, Walthamstow, London, E17 8QP
Proposed development:	Demolition of existing buildings and construction of a 2-storey replacement mortuary building. Works to include the provision of car parking spaces, secure cycle storage and associated landscaping. Demolition and reinstatement of gates, piers, and capping.
Wards affected:	Markhouse
Appendices:	None

**1 RECOMMENDATION**

- 1.1 Recommendation to GRANT planning permission under reference 214002 subject to the conditions set out in Section 12 of this report.

**2 REASONS REFERRED TO COMMITTEE**

- 2.1 The Council is the applicant and owns the site.

**3 SITE AND SURROUNDINGS**

- 3.1 The application site is an irregular shaped plot located on the western side of Queen's Road, Walthamstow, E17. The Mortuary building is located to the west of the site, the wider site also includes the adjacent Coroner's Court and Lodge buildings in the southwestern corner, and the Queen's Road cemetery.
- 3.2 The Mortuary building currently consists of a single storey Victorian brick building with slate pitched roof. There are several single storey extensions and outbuildings adjoining and abutting it. Additionally, during the Covid-19 pandemic the Mortuary building had to add additional temporary storage facilities, including a container and freezer with a generator, within the car park area to meet capacity demand.
- 3.3 Planning permission was recently granted for the construction of first and ground floor extensions at east and north elevations at the Coroner's Court and Lodge buildings on 5 August 2021 (ref: 211152).
- 3.4 The site is within a mixed-use area with predominantly two storey Victorian and Edwardian terraced housing bounding. The Edinburgh Primary school is opposite the site to the south, fronting Queens Road.
- 3.5 The site is not located within a Conservation Area, is not listed and is not subject to a relevant Article 4 direction. The Gates, railings, Lodge and Mortuary Chapel

are Locally Listed of buildings of Borough importance. The war memorial located 200 metres to the north of the site is designated as Grade II listed.

- 3.6 The planning application lies in an Archaeological Priority Area identified for the Local Plan: Post-medieval Cemeteries.

#### **4 APPLICATION PROPOSAL**

- 4.1 The LBWF Cabinet Report in June 2021 states that 'the existing Mortuary can store up to 45 bodies, and often accommodates bodies from other boroughs due to chronic storage capacity issues experienced across Coronal Jurisdiction. Due to population increases within the borough and greater demand for public funerals, bodies spend more time in the Mortuary after being formally released by the Coroner, prior to being cremated or buried. In addition to capacity issues, the poor layout of the Mortuary poses operational challenges, which make it challenging to deliver services in line with industry best practice. Surveys of the Mortuary have confirmed that the main mortuary buildings and outbuildings are beyond practical repair and require complete replacement.'
- 4.2 This application proposes demolition of existing buildings and construction of a 2-storey replacement Mortuary building. The proposed works would include the provision of car parking spaces, secure cycle storage and associated landscaping. The existing Mortuary building benefits from 7 car parking spaces and does not benefit from any cycle parking spaces. The proposal seeks to increase car parking spaces to a total number of 10 car parking spaces, and increase of 3 spaces, and provide 10 cycle parking spaces.
- 4.3 The proposed development would demolish 253sq.m of the existing building. The proposed Mortuary footprint would be 429sq.m, with an overall Gross Internal Area of 588.6sq.m over two storeys. The new Mortuary building is to be of modular construction. The proposed ground floor will be constructed in brick or brick slips and the proposed upper floor will be constructed with fire resisting cladding panels in a blend of neutral colour. A contemporary liquid roofing system is to be used which will minimise the number of joints therefore reducing maintenance costs. The LBWF Cabinet Report in June 2021 states that 'the proposal addresses the urgent need to ensure the borough has an operational Mortuary with the capacity needed. Using a modular building installation will be expedient and minimise negative impact upon the local community during the construction period.'
- 4.4 The proposed building would comprise of a post-mortem room, a digital autopsy suite with Post-mortem Computed Tomography (PMCT) scanner, 8 freezer spaces, 10 refrigerated spaces, family/observation room, offices and ancillary spaces, and a plant room.
- 4.5 External works include reconfigured carpark to include 4 disabled parking bays for Blue Badge holders, resurfacing to access roads and footpaths, secure cycle shelter and visitor cycle hoops for a total of 10 bikes, an entrance canopies and soft landscaping.
- 4.6 There would be no changes to the existing refuse and recycling strategy, and these will be shared with the Coroners Court and to be retained in the current

locations. The clinical waste bin is to be relocated at the rear of the building within a secured area.

- 4.7 The proposal will include 20 heat pumps located on the flat roof of the building. A plant room with a size of 15.7m (W) x 11m (D) will be located at the eastern side of first floor level on the roof. This will house an air handling unit, Heating, Ventilation, and Air Conditioning (HVAC) equipment, supply/extract fans and buffer vessels. The plant room will have louvred openings on the north and south facades. The external plant and access staircase is to be screened by Weldmesh safety panels.
- 4.8 The application benefits from a pre-application advice where officers did not raise any concerns with the principle of the development.

## **5 RELEVANT SITE HISTORY**

### **A. Planning**

- 5.1 Reference: 211152

Description: Construction of first and ground floor extensions at east and north elevations, including installation of cladding to existing area of the building at ground floor south and east elevations. Alterations to include replacement double glazed timber framed windows at north, east and south elevations together with installation of an external door at north elevation. Associated work to include construction/ installation of a substation, installation of fencing and a gate at north elevation and demolition of existing toilet block.

Permission: Granted on 13-8-2021

- 5.2 Reference: 171051

Description: Demolition of existing concrete block boundary wall and installation of timber fencing in its place, including concrete post and gravel boards.

Permission: Granted on 17-11-2017

- 5.3 Reference: 173801

Description: Non-material Amendment to demolish existing concrete block boundary wall and replacement with timber fencing as granted under reference 171051.

Permission: Granted on 12-7-2017

### **B. Pre-Application**

- 5.4 Reference: PRE\_20\_0036

Description: Proposed demolition of existing Mortuary building and re-construction of a single storey New Build Mortuary. Proposed single storey Ground Floor extension and First Floor extension, internal alterations and associated hard and soft landscape.

Advice given on 25-2-2021

### C. Enforcement

5.5 None

### D. Adjacent Site

5.6 Reference: 040698

Address: 145 Gosport Road, Walthamstow, London, E17 7LX

Description: Alterations and conversion of existing offices into 5 self-contained flats (3 x 2 bed, 2 x 1 bed). Provision of 3 parking spaces as shown on drawing numbers MDP.GOS/100 Revision A, RB5, 6, & 7 received 1 October 2004. Alterations and conversion of existing offices into 5 self-contained flats (3 x 2 bed, 2 x 1 bed). Provision of 3 parking spaces.

Permission: Granted on 21-12-2004

## 6 PUBLIC CONSULTATIONS

### A. Public Consultation

The Council circulated 62 consultation letters to occupiers of adjoining and nearby properties on the 21<sup>st</sup> January 2022 which included the following addresses:

- 2-26 Tennyson Road, Walthamstow, London, E17 8PR
- 126-136 Queens Road, Walthamstow, London, E17 8QP
- 144-166 Queens Road, Walthamstow, London, E17 8PE
- 74 - 84 Ringwood Road, Walthamstow, London, E17 8PP
- 141 - 143 Gosport Road, Walthamstow, London, E17 7LX
- 1-5 Gosport House, 145 Gosport Road, Walthamstow, London, E17 7LX

The application was advertised via four site notices on the 25 January 2022.

The Council received no responses as a result of the public consultation.

### B. Other consultations

INTERNAL CONSULTEES	Response
Place & Design	<p>Recommended the following condition:</p> <p>Prior to the commencement of development, notwithstanding site clearance and investigation works, demolition and construction to slab level, samples and/or a schedule of materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the</p>

	<p>approved details and thereafter retained as such for the lifetime of the development.</p> <p>Reason: To safeguard and enhance the visual amenities of the locality, in accordance with Policy CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policy DM29 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).</p> <p><b>Officer comment: condition will be attached to any permission.</b></p>
Nature Conservation	<p>Recommended the following condition:</p> <p>Prior to the commencement of development on site, details of the hard and soft landscaping to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of the retained and proposed planting around the site, along with the requirement to demonstrate that all hardstanding areas are permeable. The development shall be carried out solely in accordance with the approved details and all approved planting shall be carried out in the first planting season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedges, shrubs and greenspaces forming part of the approved scheme which within a period of five years, dies, is removed or becomes seriously damaged or diseased shall be replaced with others of similar size and species.</p> <p>Reason: To ensure a satisfactory appearance and in the interest of local amenity and biodiversity in accordance with Policies CS5 and CS15 of the adopted Waltham Forest Local Plan - Core Strategy (2012), and Policies DM29 and DM35 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).</p>

	<p>No development shall take place in relation to the development hereby approved including site clearance and investigations as well as preparatory work, until a scheme for the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been agreed in writing by the local planning authority. The approved measures shall be implemented prior to the commencement of site clearance, preparatory work and development and shall be retained for the entirety of the construction period.</p> <p>Reason: To ensure the well-being of the trees in the interest of biodiversity and visual amenity, 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).</p> <p>Prior to the commencement of the development an ecological assessment to be carried out by a suitably qualified person and shall include a site survey, statement of the site, assessment of impact and mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved ecological assessment recommendations and any necessary mitigation measures shall be provided and thereafter retained in perpetuity.</p> <p>Reason: In the interest of biodiversity and local amenity, in accordance with Policy CS5 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policy DM35 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).</p> <p><b>Officer comment: conditions will be attached to any permission.</b></p>
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Highways & Transport Planning	<p>Recommended the following conditions:</p> <ul style="list-style-type: none"> <li>• A Detailed Construction Logistics Plan</li> <li>• Sustainable Urban Drainage System</li> </ul> <p>The developer would be required to carry out a condition survey of the carriageway and footways fronting the site prior to the commencement of any works. The condition survey report would need to be submitted to the Council's Highways team for records including a site location plan highlighting the location of the photographs. Any damage to the highways as a result of the construction works would be reinstated by the Council and funded by the developer.</p> <ul style="list-style-type: none"> <li>• Legal matters: A S106 contribution of £500.00 would be requested towards monitoring of the Construction Logistics Plan.</li> <li>• S278 works will be required upon completion of the works relating to the development prior to occupation. An application for Highway Works will be required. Extent of works will include but are not limited to: <ul style="list-style-type: none"> <li>○ Renewal of the two existing crossovers</li> <li>○ Renewal of the footway along the frontage of the site</li> </ul> <p>The highways department will need to be contacted for an application form for developer highway works. The application will need to accompany a plan to be submitted for approval and estimate. Works will be carried out by the Council and funded by the developer. Subject to the condition of the crossovers at the end of construction Highways may not require the highway works.</p> </li> </ul> <p><b>Officer comment: relevant conditions will be attached to any permission, contributions towards CLP monitoring are not currently required on minor schemes.</b></p>
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Environmental Health Team	<p>Recommended the following conditions:</p> <p><b>Environmental</b></p> <p>Noise from all building services plant for the lifetime of the development shall be controlled to a level not exceeding 10dB(A) below the typical underlying background noise level (LA90) during the time of plant operation at a position one metre external to the nearest noise sensitive premises. The underlying background LA90 shall be determined in the absence of the new plant noise. This assessment shall be completed in accordance with <b>BS4142:2014+A1:2019 'Methods for Rating and Assessing Industrial and Commercial Sound.</b></p> <p>Reason: To protect the amenities of adjoining occupiers and the surrounding area in order to comply with Policy CS13 of the Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM32 of the Waltham Forest Local Plan – Development Management Policies (2013).</p> <p>Prior to commencement of development, a <b>Construction and Demolition Method Statement</b> shall be submitted to and approved in writing by the Local Planning Authority for a management scheme whose purpose shall be to control and minimise emissions of pollutants from and attributable to the demolition and / or construction of the development. This should include a risk assessment and a method statement in accordance with the control of dust and emissions from construction and demolition Best Practice Guidance published by London Councils and the Greater London Authority. The scheme shall set out the secure measures, which can, and will, be put in place.</p> <p>Works of demolition and construction shall be carried out during normal working hours, i.e. <b>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</b></p>
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	<p><b>boundary being permitted on Sundays or Bank Holidays.</b></p> <p>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 Local Plan - 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 SI 1 and SI 2 of the London Plan (2021) and the GLA NRMM LEZ.</p> <p><b>Asbestos</b></p> <p>The developer must either submit evidence that the site building(s) were built post 2000 or provide an intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 supported by appropriate an appropriate mitigation scheme to control risks to future occupiers. The scheme must be written by a suitably qualified person and submitted to the Local Planning Authority (LPA) for approval, before commencement. The scheme as submitted shall demonstrably identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed use. Detailed working methods are not required but the scheme of mitigation shall be independently verified to the satisfaction of the LPA prior to occupation.</p> <p><b>Contamination</b></p> <p>Prior to commencement of construction works, a scheme including the following components (where applicable) to address the risk associated with site contamination shall be submitted to and approved in writing by the Local Planning Authority (LPA).</p> <p>A) A Desk Study report including a preliminary risk assessment and conceptual site model.</p> <p>B) A ground investigation based on the findings of the Desk Study Report to provide</p>
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	<p>information for a detailed assessment of the risk to all receptors that may be affected, including those off site.</p> <p>C) The results of the investigation and revised risk assessment and based on these, in the event that remediation measures are identified necessary a remediation strategy shall be submitted giving full details of the remediation measures required and how they will be undertaken.</p> <p>D) A verification report providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete</p> <p>Any investigation and risk assessment must be undertaken in accordance with the Environment Agency's Model Procedures for the Management of Contaminated Land (CLR11). In the event that additional significant contamination is found at any time when carryout the approved development it must be reported immediately to the LPA.</p> <p>For the avoidance of doubt, this condition can be discharged on a section by section basis.</p> <p>Reason: To ensure the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS13 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM34 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).</p> <p><b>Officer comment: conditions will be attached to any permission.</b></p>
Waste Management Team	No comments received.
Conservation Team	Recommended the following condition:

	<p>Prior to the commencement of development, a photographic survey of the gates, piers and capping shall be undertaken and submitted to the local planning authority for their approval and to be retained on record.</p> <p>In order to preserve and enhance the character and setting of the locally listed building 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).</p> <p><b>Officer comment: condition will be attached to any permission.</b></p>
Sustainability and Energy Team	<p>Recommended the following condition:</p> <p>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. 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.</p> <p>Reason: To ensure the development is sustainable and to comply with Policy CS4 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM10, DM11 and DM24 of the adopted Waltham Forest Local Plan – Development Management Policies (2013) and Policy SI 2 of the London Plan (2021)</p> <p><b>Officer comment: condition will be attached to any permission.</b></p>

EXTERNAL CONSULTEES	Response
Thames Water	No comments received.
Greater London Archaeology Advisory Service (GLAAS)	<p>Recommended the following condition and informative:</p> <p><u>Condition</u></p> <p>No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and</p> <p>A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works</p> <p>B. Where appropriate, details of a programme for delivering related positive public benefits</p> <p>C. The programme for post-investigation assessment and subsequent analysis, publication &amp; dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI</p> <p><u>Informative</u></p> <p>The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.</p> <p><b>Officer comment: conditions will be attached to any permission.</b></p>

Metropolitan Police	<p>Recommended the following condition and informative:</p> <p>Conditions:</p> <p>1) Prior to above ground works, details of the measures to be incorporated into the development demonstrating how the development can achieve Secure by Design Certification, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Metropolitan Police Designing Out Crime Officers. The development shall be carried out in accordance with the agreed details and maintained thereafter.</p> <p>2) Prior to occupation, the development shall achieve a Certificate of Compliance to the relevant Secure by Design Guide(s) submitted to and approved in writing by the Local Planning Authority in conjunction with the Metropolitan Police. The development shall be carried out in accordance with the approved details and thereafter shall be fully retained and maintained as such for the lifetime of the development.</p> <p>Informative:</p> <p>The applicant must seek the advice of the MPS Designing Out Crime Officers (DOCOs). The services of MPS DOCOs are available free of charge and can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813.</p> <p><b>Officer comment: All major development should be required to seek to achieve Secure by Design (SBD) accreditation and to provide details of the measures to be incorporated into development, demonstrating how schemes can achieve SBD accreditation. As the proposed scheme is not a major application, the recommended conditions are not applicable however the scheme should meet the principles of SBD.</b></p>

## **7 DEVELOPMENT PLAN**

### National Planning Policy Framework 2021

- 7.1 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.
- 7.2 This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.
- 7.3 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".
- 7.4 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'
- 7.5 The specific policy areas of the NPPF considered to be most relevant to the assessment of this application are as follows:
- Promoting healthy and safe communities
  - Making effective use of land
  - Promoting sustainable transport
  - Achieving sustainable development
  - Achieve well-designed places

### The London Plan (2021)

- 7.6 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:
- Policy GG2 Making Best Use of Land
  - Policy D1 London's form, character and capacity for growth
  - Policy D3 Optimising site capacity through the design-led approach
  - Policy D4 Delivering good design
  - Policy D5 Inclusive Design
  - Policy D8 Public Realm
  - Policy D11 Safety, security and resilience to emergency
  - Policy D12 Fire safety
  - Policy D14 Noise

- Policy SI 1 Improving air quality
- Policy SI 2 Minimising greenhouse gas emissions
- Policy SI 3 Energy infrastructure
- Policy SI 4 Managing heat risk
- Policy SI 5 Water infrastructure
- Policy SI 12 Flood risk management
- Policy SI 13 Sustainable drainage
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling
- Policy T6 Car parking
- Policy T6.5 Non-residential disabled persons parking

#### Waltham Forest Local Plan - Core Strategy (2012)

- 7.7 The Waltham Forest Core Strategy (2012) was adopted on 1st March 2012.
- 7.8 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.
- 7.9 The policies considered relevant to this application are as follows:
- Policy CS3: Providing Infrastructure
  - Policy CS4: Climate Change
  - Policy CS6: Sustainable Waste Management
  - Policy CS7: Developing Sustainable Transport
  - Policy CS12: Protecting and Enhancing Heritage Assets
  - Policy CS13: Promoting Health and Well Being
  - Policy CS15: Well Designed Buildings, Places and Spaces
  - Policy 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:
- Policy DM10: Resource Efficiency and High Environmental Standards
  - Policy DM11: Decentralised and Renewable Energy
  - Policy DM14: Sustainable Transport Network
  - Policy DM15: Managing Private Motorised Transport
  - Policy DM16: Parking
  - Policy DM17: Social and Physical Infrastructure
  - Policy DM23: Health and Well Being
  - Policy DM24: Environmental Protection
  - Policy DM28: Heritage Assets

- Policy DM29: Design Principles, Standards and Local Distinctiveness
- Policy DM32: Managing Impact of Development on Occupiers and Neighbours
- Policy DM33: Improving Community Safety
- Policy DM34: Water

## **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 48 - Social and Community Infrastructure
  - Policy 52 - Making Safer Places
  - Policy 53 - Noise, Vibration and Light Pollution
  - Policy 56 - Delivering High Quality Design
  - Policy 59 - Amenity
  - Policy 68 - Managing Vehicle Traffic
  - Policy 100 - Infrastructure and Developer Contributions

#### 8.4 Other policies

Supplementary Planning Document - Urban Design (2010)

Supplementary Planning Document - Planning Obligations (2017)

### Local Finance Considerations

- 8.5 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 and expects to receive income from LBWF CIL in relation to this development.



iii) The Council has not received and expects to receive income from Mayoral CIL in relation to this development.

## **9 ASSESSMENT**

- 9.1 The main issues for consideration, in relation to the proposed development are as follows:
- A. Principle of the Development
  - B. Archaeology and Heritage Conservation
  - C. Design of the Development
  - D. Impact on Neighbouring Amenity
  - E. Trees and Biodiversity
  - F. Transport and Highways
  - G. Waste Management
  - H. Safety and Security
  - I. Sustainability and Environmental Health
  - J. Energy Efficiency

### **A. Principle the Development**

- 9.2 Policy CS3 of the Waltham Forest Local Plan - Core Strategy (2012) and Policy DM17 of the Waltham Forest Local Plan - Development Management Policies (2013) seek to ensure the timely delivery of appropriate infrastructure to strengthen the community and reduce existing deprivation in the Borough.
- 9.3 More specifically, Part B of DM17 advises that to help to meet increased demand for social infrastructure, the Council will seek:
- i) Development schemes that result in any unmet additional need for social infrastructure to contribute towards supporting upgrading or enhancing existing facilities or providing for new facilities.
  - ii) Suitable developments to make rooms available for local community groups to use or hire, particularly where a development displaces or replaces a facility.
- 9.4 Paragraph 18.14 of the DM Policy 17 states that 'there is continued need for land for cemeteries and crematoriums, in particular there is a need to ensure provision of burial sites for all the Borough's religious/cultural groups.'
- 9.5 The application site carries a Sui Generis Use Class. The redevelopment of the Mortuary will increase the capacity of the existing service. The proposal complements the increased demand taking place in the local area and will not result in any loss or reduction in quality of the existing facilities.
- 9.6 Officers are satisfied that the proposal would accord with Policies CS3 of the adopted Waltham Forest Local Plan - Core Strategy (2012) and Policy DM17

of the adopted Waltham Forest Local Plan - Development Management Policies (2013) in relation to the principle of the proposal.

## **B. Archaeology and Heritage Conservation**

- 9.7 NPPF Section 16 and Policy HC1 of the London Plan (2021) make the conservation of archaeological interest a material planning consideration. NPPF paragraph 194 says applicants should provide an archaeological assessment if their development could affect a heritage asset of archaeological interest.
- 9.8 Policy DM28 (G) of the adopted Waltham Forest Local Plan - Development Management Policies (2013) seeks to ensure the preservation, protection and where possible the enhancement of the archaeological heritage of the borough. Where proposals affect heritage assets of archaeological interest, preference will be given to preservation in situ. However, where loss of the asset is justified in accordance with national policy, the remains should be appropriately recorded, assessed, analysed, disseminated and the archive deposited.
- 9.9 The planning application site lies in an Archaeological Priority Area identified for the Local Plan: Post-medieval Cemeteries. As highlighted in the archaeological desk-based assessment, there is some potential for the site to contain human remains.
- 9.10 The Greater London Archaeological Advisory Service was consulted and recommended that the significance of the asset and scale of harm to it is such that the effect can be managed using a pre-commencement planning condition for a written scheme of investigation.
- 9.11 The war memorial located 200 metres to the north is designated as Grade II listed. The gates, railings, Lodge & Mortuary Chapel are identified on the revised 'Local List' as undesignated heritage assets. The Local List states: *Opened in 1872 by Walthamstow Burial Board to cater for the demands of the vastly increased population of the period. All structures survive largely as built, including the two Chapels; one for Church of England services and the other for non-conformists.*
- 9.12 As part of the construction phase, the existing gateway will be carefully dismantled and reinstated on completion. The Council's Conservation Officer recommended a pre-commencement condition on a photographic survey of the gates.
- 9.13 As such, the proposal development subject to pre-commencement conditions can be carried out to safeguard the archaeological interest on this site in accordance with Policy HC1 of the London Plan (2021) and Policy DM28 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

## **C. The Design of the Development**

- 9.14 Policy DM29 of the adopted Waltham Forest Local Plan - Development Management Policies (2013) seeks developments to create positive and

inclusive environments (buildings and spaces) of high quality that contribute to the distinctiveness of Waltham Forest's neighbourhoods.

- 9.15 The Mortuary building currently consists of a single storey Victorian brick building with slate pitched roof which has several single storey extensions and outbuildings adjoining and abutting it. The application proposes demolition of existing buildings and construction of a two-storey replacement mortuary building.
- 9.16 The site is in a mixed-use area with predominantly two storey Victorian and Edwardian terraced housing bounding it. Planning permission was granted for the construction of first and ground floor extensions at east and north elevations at the Coroner's Court and Lodge buildings on 5 August 2021 (ref: 211152). A materials palette has been developed to be used across the Coroners Complex. The new Mortuary building will echo the already permitted extensions to the Coroner's Court.
- 9.17 The proposed Mortuary building is to be part single storey, part two storey. The Mortuary accommodation is to be housed at ground floor level with the plant room on the first floor to minimise the footprint on the site. The first-floor plant room size is minimised by housing all plant externally that does not require weatherproofing. The proposed elevation plans demonstrate that the proposed bulk, height and mass would be comparable with the wider area and no concerns are raised. The stepped design would assist in breaking up the bulk.
- 9.18 The proposed ground floor will be constructed in brick or brick slips that would match the surrounding area. The proposed upper floor will be constructed with fire resisting cladding panels in a blend of neutral colours, the colour palette will be taken from references of materials on adjacent buildings on the site at Lodge and Coroner's Court. This provides a cohesive design and appearance.
- 9.19 An external staircase for access to the first floor is proposed on the northern side elevation and would be constructed with Weldmesh safety panels and horizontal steel slats. The staircase would be 1.1m in depth, 8.5m in width and 5.5m in height. The proposed external staircase will only provide access to the plant room located on the first floor.
- 9.20 A horizontal metal enclosure with a height of 1.1m will surround the perimeter of the first floor. Two canopies with fibreglass liquid finish and translucent covering are proposed on the front and rear elevation to serve the main entrance and cadaver vehicular entrance. The flat roof design would feature 80sq.m of green sedum roof covering. The use of the materials is consistent with the overall modern and contemporary design and style and the permitted extension in the wider site.
- 9.21 The existing boundaries and fences are in good condition and will be retained. New fencing and gates will be added to the rear of the building to enhance security to the new Mortuary building, as required by Secure by Design. A condition would be included with any consent requiring the submission of details showing all existing/proposed boundary treatments and associated planting. This condition would be included to protect the visual amenity of the site and its context and to protect the residential amenity of neighbouring occupiers.

- 9.22 As shown on the proposed site plan, the scheme includes 91.4sq.m of soft landscaping which would enhance the biodiversity of the site. The scheme would create significant new natural landscape features around the perimeter of the site. As such, the application proposal will make a positive contribution to the environment by managing and maintaining the site which has deteriorated over the years and make a positive contribution to the character of the landscape and the environmental quality of the area.
- 9.23 On the basis of the assessment set out above, the application proposal, subject to conditions relating to boundary treatment, landscaping and external materials would have visually acceptable impact on the locality. The proposal is therefore considered to be in accordance with Policy DM29 of the Development Management Policies (2013), Policy CS12 of the Waltham Forest Core Strategy (2012).

#### D. Impact on Neighbouring Amenity

- 9.24 Policy DM32 seeks to manage the impact of new development on neighbouring amenity to ensure that daylight/sunlight, outlook and privacy are maintained for existing occupiers.
- 9.25 The existing residential properties are located to the south and west of the site on Gosport Road, Ringwood Road and Queen's Road. To the north of the site is the cemetery and to the east of the site is the Coroner's Court.

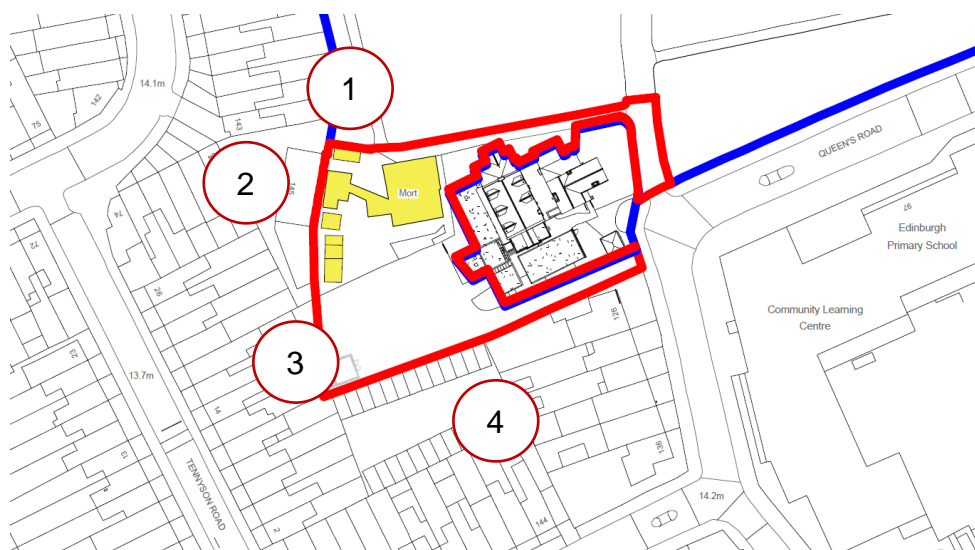


Figure 1: Location of neighbouring residential properties

Distance to Boundary 1	15m
Distance to Boundary 2	4.4-6m
Distance to Boundary 3	20m
Distance to Boundary 4	30m

- 9.26 The Urban Design SPD state that privacy is important to enable residents to feel comfortable in their own homes and requires two storey extensions to be

setback by 20m. Given the distance between the proposal site and neighbouring properties, it is unlikely that existing occupiers of opposing residential units, other than the property at 145 Gosport Road, would experience any unacceptable loss of privacy through overlooking, loss of daylight/sunlight or outlook. When considering any impact on No. 145 Gosport Road (which is a flatted building), it should be noted that the proposed new mortuary building will be located further from the boundary with this building than the existing mortuary buildings which currently adjoin the boundary. There will be a delivery entrance and an entrance to a bathroom on the proposed ground floor rear elevation at a distance of at least 4.4m to the site boundary but there will be no windows facing 145 Gosport Road at ground or first floor level.

- 9.27 A report to assess the potential infringement to the Rights of Light at the rear of 145 Gosport Road has been submitted. The potentially affected windows located within the flats at 145 Gosport Road have been analysed in terms of Rights to Light as well as the BRE Guidelines. The analysis carried out includes Sky Factor (SF), angle to sky from horizontal, and Vertical Sky Component (VSC).
- 9.28 The sky factor divides points on the working plane which can and cannot see the sky. If, following construction of new development, the sky factor reduced to less than 80 compared to its former value, it will be noticeable to the occupants. The Sky Factor analysis has been carried out to 4 rooms within the flats with windows facing the proposed development at 145 Gosport Road.
- 9.29 Results show that there would be an improvement between the daylight conditions in the proposed development when compared to the existing daylight levels. The only exception is room 1. This room shows a percentage reduction of 44 compared to the value as existing, a reduction greater than 80 percent of its former value would be noticeable. Drawing plans approved under application ref: 040698 confirms that room 1 serves a habitable room (bedroom) for a ground floor flat.

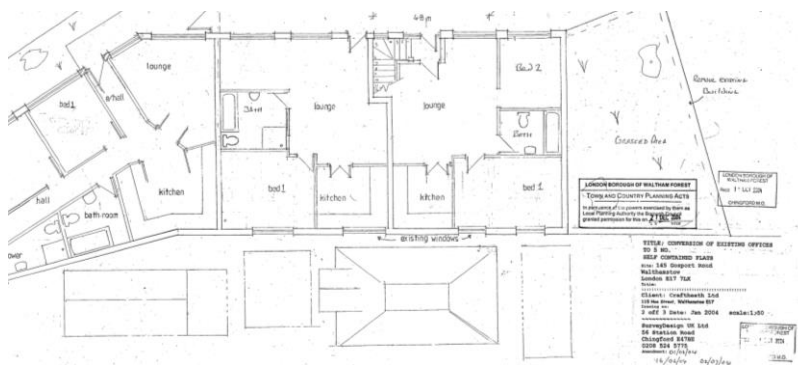


Figure 2: Ground Floor Floorplan of 145 Gosport Road



Figure 3 and 4: Existing and Proposed relationship with 145 Gosport Road

- 9.30 The current single-storey mortuary building is in close proximity to 145 Gosport Road. To achieve compliance, not only is the proposed building set back, but the proposed canopy located over the delivery and WC doors at the rear of building facing towards 145 Gosport Road would be constructed with a translucent covering, to allow further daylight can reach the potentially affected windows.
- 9.31 It is considered that the new mortuary will not have any greater impact on the amenities of this building compared to the existing arrangement. In addition, the two-storey element is setback from the western boundary with a lightweight structure of modular construction.
- 9.32 As such, the proposed building, given its position in relation to neighbouring residential properties together with the overall form and design, would not be considered to have any significant harm with regards to the outlook and privacy for neighbouring occupiers.
- 9.33 The proposal therefore accords with Policy CS15 of the Waltham Forest Local Plan - Core Strategy (2012) and Policy DM29 and DM32 of the Waltham Forest Local Plan - Development Management Policies (2013).

## E. Trees and Biodiversity

- 9.34 In terms of Biodiversity and Geodiversity, Policy DM35 of the Development Management Policies (2013) advises that development proposals will not normally be granted planning permission where they pose adverse direct or indirect effects on any land or area within the identified Sites of Special Scientific Interest (SSSI), Sites of Importance to Nature Conservation (SINC), Special Areas of Conservation (SAC), RAMSAR sites, Special Protection Areas (See Schedules 13 to 16 and 24 to 26 and the Policies Map) or to protected or priority species.
- 9.35 The application site does not fall within any of the above designations and the application site does not contain any trees with protection value. Furthermore, the site is unmanaged, and the quality of the green space has deteriorated over the years.
- 9.36 The submitted Nocturnal Bat Survey Report states the following:

- No bats were recorded roosting in either building B1 or B2 (indicated below) at the Mortuary Site. As such, works can proceed without further surveys or licences.



- Low numbers of commuting and foraging common pipistrelle, serotine and noctule were recorded during the surveys. It is therefore recommended that lighting on the Site should be minimised through the implementation of a sensitive lighting scheme.
  - There are suitable opportunities to incorporate biodiversity enhancements into the design scheme. It is recommended that a minimum of four bat boxes be installed, either in the form of integrated bat bricks or wall mounted boxes, on the new mortuary building. Bat boxes, in conjunction with a sensitive lighting scheme, give the Site the potential to enhance local bat populations. Where feasible native species planting will also help bat populations.
- 9.37 The proposed development also includes the removal of 1 Category C tree located within the site to its rear. These categories relate to a British Standard methodology for tree classification, which as an established part of the development process, Category C trees are trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm. The submitted Arboricultural Impact Assessment states that the condition and location of this tree are such that the removal from the landscape will not have a significant impact on the character of the public realm, particularly as it is the tree within the cemetery and those that front the Site against the public highway to the east that afford the greatest value to the character of the area.
- 9.38 A sedum roof is proposed which will contribute positively towards improved air quality and biodiversity.
- 9.39 Conditions requiring a detailed Arboricultural Method Statement, ecological appraisals and a Landscaping Management Plan are recommended, to ensure that the proposed biodiversity for the site is protected in accordance with policy



CS15 of the WFLP Core Strategy (2012) and policy DM35 of the WFLP Development Management Policies (2013).

- 9.40 The proposed works will be undertaken in accordance with these measures to ensure that there are no ecological impacts onsite. As such the proposed development complies with Policy DM35.

## **F. Transport and Highways**

- 9.41 Policy CS7 of the Waltham Forest Local Plan - Core Strategy (2012) sets out that the Council will promote sustainable travel by guiding development to accessible locations to reduce the need to travel by car and to encourage walking, cycling and the use of public transport.
- 9.42 Policy DM14 of the Waltham Forest Local Plan - Development Management Policies (2013) states that the Council will encourage sustainable travel.

### **Proposed Highways Works**

- 9.43 Policy DM13 of the Waltham Forest Local Plan - Development Management Policies (2013) states that the Council will ensure that development is properly integrated with the transport network and is supported by appropriate walking, cycling and public transport links.
- 9.44 Highway works in the form of S278 Agreement would be required prior to the occupation of the development. These would include but are not limited to renewal of the two existing crossovers and renewal of the footway along the frontage of the site.
- 9.45 An Outline Construction Logistics plan was submitted and approved by Council's Highways Team. A Detailed Construction Logistics plan is required to be submitted for consideration and approval prior to commencement of any site preparation. It needs to ensure that disruption will be kept to a minimum within the area.
- 9.46 A Condition survey will be required of the adjoining carriageway and footways adjacent roads. The Council's Highways Officers has also requested financial contributions of £500.00 towards CLP monitoring however under the current SPD for Planning Obligations these contributions are not required on minor schemes.
- 9.47 On the basis of the assessment set out above, the proposal, subject to conditions relating to highways works associated with the development, would have acceptable impact on pedestrian. The proposal is therefore considered to be in accordance with Policy DM13 of the Development Management Policies (2013).

### **Car Parking**

- 9.48 Policy T6 of the London Plan (2021) states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments



elsewhere designed to provide the minimum necessary parking ('car-lite'). The London Plan requires 4 per cent of enlarged bays and a minimum of two designated bays for crematoria.

- 9.49 The site is located within a part of the Borough with a PTAL rating of 5. The site is in the 'Kelmscott' controlled parking zone (CPZ).
- 9.50 At present, there are 7 spaces for visitor parking. The application proposes 10 car parking spaces for visitor vehicles. No on-site staff car parking is proposed but visitor parking includes 4 disabled spaces.
- 9.51 The Council's Highways officers consider that this is in line with London Plan Policy.
- 9.52 With regards to electric vehicle charging facilities, Policy DM16 of the Waltham Forest Local Plan - Development Management Policies (2013) requires 20% of off-road parking spaces associated with new development to provide 'active' charging facilities for electric vehicles from the outset. 2 columns of 2 EV fast charge points will be provided.
- 9.53 In light of this, the proposed development is considered acceptable in accordance with Policy T6 of the London Plan (2021), Policy CS7 of the Waltham Forest Local Plan - Core Strategy (2012) and Policy DM14 of the Waltham Forest Local Plan - Development Management Policies (2013).

### **Cycle Parking**

- 9.54 In relation to cycle parking, Policy T5 Cycling sets out that development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle by securing the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located. The London Plan and the Waltham Forest Local Plan - Development Management Policies do not specify the number of required cycle spaces for Sui Generis Use.
- 9.55 The current site does not benefit from any cycle parking spaces. New secure covered cycle storage would be provided for staff and covered Sheffield style stands for visitors. Both are sited under windows to provide additional passive supervision and security.
- 9.56 The proposed staff lockable cycle street shelter would be 2.4m (W) x 2.3m (D) x 1.35m (H) and would provide 5 cycle parking spaces. Sheffield style stands for visitors would be 0.98m (W) x 0.8m (H) with a capacity of 5 cycle parking spaces.
- 9.57 Given that the site is located within a highly accessible area, the proposal is considered accepted.

### **G. Waste Management**

- 9.58 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.

- 9.59 The existing vehicular access to the Cemetery is to remain unchanged and will continue to be used by the public and staff and for deliveries and refuse collection as current arrangements. As such the proposed development complies with Policy DM32.

## **H. Safety and Security**

- 9.60 Policy CS16 of the Waltham Forest Local Plan - Core Strategy (2012) sets out that the Council will aim to improve community safety and cohesion by working with partners. Policy DM33 of the Waltham Forest Local Plan - Development Management Policies (2013) seeks a safe environment with appropriate levels of natural surveillance.
- 9.61 The applicants have been working with the Metropolitan Police to improve the site security within the development. A range of recommendations with regards security are set out with regards to boundary treatment, CCTV and alarm systems.
- 9.62 All major development should be required to seek to achieve Secure by Design (SBD) accreditation and to provide details of the measures to be incorporated into development, demonstrating how schemes can achieve SBD accreditation. As the proposed scheme is not a major application, the recommended conditions by the Metropolitan Police are not applicable, however it is recommended that the development meets the principles of secure by design. As such the development would accord with Policy CS16 of the Waltham Forest Local Plan - Core Strategy (2012) and Policy DM33 of the Waltham Forest Local Plan - Development Management Policies (2013).

## **I. Sustainability and Environmental Health**

### **Air Quality**

- 9.63 Policy DM24 (Environmental Protection) of the Local Plan (2013) states that new developments should neither contribute to, nor suffer from unacceptable levels of air pollution. This should be demonstrated through an Air Quality Assessment and, if necessary, proposed mitigation measures.
- 9.64 Policy SI1 (Improving air quality) of the London Plan (2021) sets out the requirement for new developments to tackle poor air quality. All new developments must be at least air quality neutral.
- 9.65 The whole of Waltham Forest is an Air Quality Management Area (AQMA) and the Council will seek to minimise impacts on local air quality in accordance with the requirements set out in DM24.
- 9.66 The application is not considered a major application and therefore did not require an air quality assessment to be submitted. A condition requiring the submission of an Air Quality and Dust Management Plan is recommended to 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.

- 9.67 The development would be consistent with Policy SI1 of the London Plan (2021) and Policy DM24 of the Waltham Forest Local Plan - Development Management Policies (2013), subject to condition that would ensure that the development protects the amenity and health of neighbouring properties in terms of air quality and pollution.

### **Noise and Vibration**

- 9.68 Policy D14 of the London Plan (2021) requires new noise and other nuisance-generating development proposed close to residential to put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses.
- 9.69 Policy DM24 of the Waltham Forest Local Plan - Development Management Policies (2013) states that all major developments should aim to minimise the adverse impacts of noise through sensitive design, management and operation.
- 9.70 The typical minimum values of background sounds level ( $L_{a90,15min}$ ) measured over day and night-time periods for this site are 43dB (daytime) and 40 Db (night-time).
- 9.71 The application has been accompanied by a Plant Sound Analysis (dated 5 February 2022). The report concludes that where sound limits are exceeded at noise sensitive properties, the results of calculations indicate this is not more than 1dB, which is considered marginal.
- 9.72 The Council's Environmental Health Officers recommended a condition on noise levels and pre-commencement condition on a Construction and Demolition Method Statement in the event of an approval.
- 9.73 Considering all the points above, officers are satisfied that the new development subject to planning conditions would not an acceptable impact on surrounding neighbouring occupiers. As such the proposed development would be consistent with Policy DM24 of the Waltham Forest Local Plan - Development Management Policies (2013) and Policy D14 of the London Plan (2021).

### **Contaminated Land**

- 9.74 Policy DM24 applies to when a proposal is being considered on development sites which are potentially contaminated, the Council will need to be satisfied that the development can safely be constructed and used.
- 9.75 The Council's Environmental Health Officers have recommended an Asbestos and Contaminated Land condition to address risk associated with potential site contamination. Land contamination assessments are required for applications for particularly sensitive use such as a community use.
- 9.76 Considering all the points above, the proposal development subject to pre-commencement conditions can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS13 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policy DM24 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

### **Surface Water and Flooding**

- 9.77 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 Policies SI 13; SI 5 and SI 12 of the London Plan (2021).
- 9.78 The development is not considered to be at risk from fluvial or coastal flooding as it is sited in Flood Zone 1.
- 9.79 The submitted Drainage Statement demonstrates that the surface water run-off generated by the proposed development is managed in a manner which will ensure there is no risk of flooding or increased risk to surrounding sites. The design considers allowances for future climate change (+40%) in accordance with the requirements of the NPPF and adopts an attenuated system design approach as set out in the SUDS hierarchy.
- 9.80 The new surface network drains the development area, providing attenuation to limit the discharge rate to give a 30% betterment on the existing brownfield runoff rate. An assessment has been made to ensure that exceedance flood events will not enter the ground floor of the building. The foul water network is a new private network using an existing private connection and discharges to the existing public sewer.
- 9.81 Considering all the points above, officers are satisfied that the new development subject to planning conditions would be safe without increasing flood risk and designed to sufficiently manage water run-off. As such the proposed development would be consistent with Policy DM24 of the Waltham Forest Local Plan - Development Management Policies (2013) and Policy D14 of the London Plan (2021).

### **J. ENERGY EFFICIENCY**

- 9.82 Policy DM10 (Resource Efficiency) of the Local Plan (2013) requires non-residential developments to be designed with regards to sustainable development principles and to achieve the Council's stepped targets towards zero carbon. To assist the Council in the application of this policy, planning applications for relevant developments should be accompanied by the developer's self-assessment quantitatively demonstrating the methods, measures and appliances by which the compliance will be achieved. As such a planning condition is recommended to secure an energy report to demonstrate that the development achieves at least a 35% reduction in carbon emissions over the 2013 Building Regulations.

### **10 CONCLUSION**

- 10.1 The existing and proposed use fall within the same use class and as such the proposal is in principle acceptable.
- 10.2 The proposed two-storey building would have an acceptable design that has regard to the context, scale and form of the existing buildings and surrounding context.

- 10.3 The impact on neighbour amenity would be acceptable owing to the existing separation distances between the application site and nearest residential occupiers.
- 10.4 The proposal would have an acceptable impact with regards to highway matters.
- 10.5 The proposed development would incorporate high environmental standards and would be sustainable being an ecologically and environmentally sensitive designed proposal.
- 10.6 All material planning considerations have been taken into account, including responses to consultation, and it is considered that there are not any grounds that would warrant a refusal of the planning application.
- 10.7 The proposal is considered satisfactory in relation to the principle of the development, the design and the impact on the amenities of neighbouring residential properties, in terms of privacy, noise and general disturbance, and visual impact and complies with Policies CS13 and CS15 of the Waltham Forest Local Plan - Core Strategy (2012) and Policies DM10, DM17, DM29, DM30, DM32 and DM34 of the Waltham Forest Local Plan - Development Management Policies (2013).

## **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 is only one factor that needs to be considered, and may be balance against other relevant factors.
- 11.4 It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

### Human Rights

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

## **12 RECOMMENDATION**

- 12.1 The Planning Committee is requested to grant planning permission under reference 214002 subject to conditions and informatives set out below:

### **CONDITIONS**

1. The development hereby permitted shall be begun before 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 approved shall be carried out in accordance with the following drawings and maintained as such throughout the lifetime of the development.

#### **Drawing Plans**

- (Site Location Plan) NPS-Z1-XX-DR-A-060 P1 dated 7 December 2021
- (Existing Site Plan) NPS-Z1-XX-DR-A-061 P1 dated 10 December 2021
- (Existing Floor Plan) NPS-Z1-XX-DR-A-063 P1 dated 16 December 2021
- (Existing Roof Plan) NPS-Z1-XX-DR-A-067 P1 dated 10 December 2021
- (Existing Block Plan) NPS-Z1-XX-DR-A-073 P1 dated 10 December 2021
- (Existing North and West Elevations) NPS-Z1-XX-DR-A-068 P1 dated 16 December 2021
- (Existing South and East Elevations) NPS-Z1-XX-DR-A-069 P1 dated 16 December 2021
- (Proposed Site Plan) NPS-Z1-00-DR-A-062 P4 dated 20 May 2022

- (Proposed Indicative Swept Path/Vehicle Tracking) NPS-Z1-00-DR-A-072 P2 dated 6 May 2022
- (Proposed North and West Elevations) NPS-Z1-XX-DR-A-070 P3 dated 17 May 2022
- (Proposed South and East Elevations) NPS-Z1-XX-DR-A-071 P4 dated 17 May 2022
- (Proposed Ground Floor Plan) NPS-Z1-00-DR-A-064 P3 dated 6 May 2022
- (Proposed First Floor Plan and Lower Ground Floor Roof) NPS-Z1-00-D-A-065 P3 dated 6 May 2022
- (Proposed First Floor Upper Roof Plan) NPS-Z1-00-DR-A-066 P3 dated 6 May 2022
- (Proposed Block Plan) NPS-Z1-XX-DR-A-074 P2 dated 6 May 2022

### **Documents**

- Design and Access Statement Issue 4 dated 25 May 2022
- Arboricultural Impact Assessment dated 16 June 2021
- Archaeological Desk Based Assessment dated 15 December 2021
- Drainage Strategy dated 13 December 2021
- Preliminary Roost Assessment version 1.0 dated 18 March 2021
- Nocturnal Bat Survey Report version 1.0 dated 1 November 2021
- Outline Construction Logistics Plan dated November 2021
- Plant Sound Analysis dated 5 February 2022
- Heritage Statement v2 dated December 2021
- Planning Statement v2 dated December 2021
- Rights to Light dated January 2022

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

### **Materials:**

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

Reason: To safeguard and enhance the visual amenities of the locality, in accordance with Policy CS15 of the adopted Waltham Forest Local Plan – Core

Strategy (2012) and Policy DM29 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

**Boundary Treatment:**

4. Prior to the commencement of the development on site, notwithstanding site investigation and clearance works, demolition and construction to slab level details relating to the siting, design and height and finish of all new and existing walls, gates, fencing, railings and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out solely in accordance with the approved details, prior to the first occupation of the use hereby approved and thereafter shall be fully retained and maintained accordingly for the lifetime of the development.

Reason: In the interest of general visual amenity, and amenity of neighbouring occupants, in accordance with Policies CS13 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM29 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

**Nature Conservation:**

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

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

6. No development shall take place in relation to the development hereby approved including site clearance and investigations as well as preparatory work, until a scheme for the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been agreed in writing by the local planning authority. The approved measures shall be implemented prior to the commencement of site clearance, preparatory work and development and shall be retained for the entirety of the construction period.

Reason: To ensure the well-being of the trees in the interest of biodiversity and visual amenity, 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).

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

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

**Construction:**

8. 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. A condition survey of the carriageway and footways fronting the site should accompany the logistics plan including a site location plan highlighting the location of the photographs. All works shall be carried out in accordance with the approved details throughout all demolition and construction works. This must be submitted using the TfL template and guidance found here: [www.constructionlogistics.org.uk](http://www.constructionlogistics.org.uk).

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).

9. Prior to commencement of development, a Construction and Demolition Method Statement shall be submitted to and approved in writing by the Local Planning Authority for a management scheme whose purpose shall be to control and minimise emissions of pollutants from and attributable to the demolition and / or construction of the development. This should include a risk assessment and a method statement in accordance with the control of dust and emissions from construction and demolition Best Practice Guidance published by London Councils and the Greater London Authority. The scheme shall set out the secure measures, which can, and will, be put in place.

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).

10. 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 Local Plan - 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 SI 1 and SI 2 of the London Plan (2021) and the GLA NRMM LEZ

#### **External Lighting:**

11. Prior to the commencement of the development, notwithstanding site investigation and clearance works and demolition, full details relating to all forms of external lighting to be provided on site shall be submitted to and approved by the Local Planning Authority: The development shall be carried out fully in accordance with the approved details prior to first occupation of the development and shall be thereafter maintained as such for the lifetime of the development.

Reason: In the interest of creating safer, sustainable communities, in compliance with Policy CS16 of the Waltham Forest Local Plan – WFLP Core Strategy (2012) and Policy DM33 of the Waltham Forest Local Plan – Development Management Policies (2013).

#### **Sustainable Urban Drainage System:**

12. No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the local planning authority. The approved system shall be implemented prior to first occupation of the development hereby approved and shall thereafter managed and maintained as such for the lifetime of the development.

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

#### **Air Quality:**

13. No development shall commence until 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 AQDMP,

the applicant should follow 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: In order to 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 accordance with the requirements of London Plan Policy SI1 (2021) and the London Plan SPGs for Sustainable Design and Construction and Control of Dust and Emissions during Construction and Demolition.

14. 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.

**Noise:**

15. Noise from all building services plant for the lifetime of the development shall be controlled to a level not exceeding 10dB(A) below the typical underlying background noise level (LA90) during the time of plant operation at a position one metre external to the nearest noise sensitive premises. The underlying background LA90 shall be determined in the absence of the new plant noise. This assessment shall be completed in accordance with BS4142:2014+A1:2019 'Methods for Rating and Assessing Industrial and Commercial Sound.

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

**Asbestos Survey:**

16. The developer must either submit evidence that the site building(s) were built post 2000 or provide an intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 supported by appropriate an appropriate mitigation scheme to control risks to future occupiers. The scheme must be written by a suitably qualified person and submitted to the Local Planning Authority (LPA) for approval, before commencement. The scheme as submitted shall demonstrably identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed use. Detailed working

methods are not required but the scheme of mitigation shall be independently verified to the satisfaction of the LPA prior to occupation.

Reason: In the interests of future health of occupiers of the development and to protect pollution of groundwater, in accordance with Policies CS4 and CS13 of the adopted Waltham Forest Local Plan - Core Strategy (2012) and policies DM23, DM24 and DM34 of the adopted Waltham Forest Local Plan Development Management Policies (Oct 2013).

### **Contaminated Land:**

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

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

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

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

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

### **Archaeology and Heritage Conservation:**

18. No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning

authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B) Where appropriate, details of a programme for delivering related positive public benefits

C) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: Historic assets of Archaeological interest are present on site, which the Local Planning Authority seeks to ensure investigated and conserved, in compliance with Policy CS12 of the adopted Waltham Forest Local Plan - Core Strategy (2012) and Policy DM28 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

19. Prior to the commencement of development, a photographic survey of the gates, piers and capping shall be undertaken and submitted to the local planning authority for their approval and to be retained on record.

Reason: In order to preserve and enhance the character and setting of the locally listed building 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).

### **Energy Efficiency:**

20. 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. 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: To ensure the development is sustainable and to comply with Policy CS4 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM10, DM11 and DM24 of the adopted Waltham Forest Local Plan – Development Management Policies (2013) and Policy SI 2 of the London Plan (2021)

### **Secure by Design**

21. Prior to the commencement of the development on site, notwithstanding site investigation and clearance works, demolition and

construction to slab level, details of how the development would comply with principles of Secured by Design including details of windows and door sets, lighting and CCTV system and entry control system for vehicular access to the car park, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and thereafter shall be fully retained and maintained as such for the lifetime of the development.

Reason: To ensure the development is sustainable and to comply with Policy CS15 and CS16 of the adopted Waltham Forest Local Plan - Core Strategy (2012) and Policies DM29 and DM33 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

**Informatives:**

1. To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which offers a pre planning application advice service. The scheme was submitted in accordance with guidance following pre application discussions and the decision was delivered in a timely manner.
2. 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.
3. Construction and demolition works audible beyond the boundary of the site should only be carried out between the hours of 0800 and 1800 hours Mondays to Fridays and 0800 and 1300 hours on Saturdays, and not at all on Sundays or Public/Bank Holidays.
4. This notice is without prejudice to your responsibilities under any other legislation.
5. 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.
6. The applicant must seek the advice of the MPS Designing Out Crime Officers (DOCOs). The services of MPS DOCOs are available free of charge and can be contacted via [DOCOMailbox.NE@met.police.uk](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813.
7. The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
8. With regards to S278 Obligations, the applicant is advised to contact the Local Highway Authority in order to agree the required highway related

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works that must be carried out before first use of the development hereby approved. Please contact [highwaysadmin@walthamforest.gov.uk](mailto:highwaysadmin@walthamforest.gov.uk).