

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 10 th January 2023
Application reference:	221674
Applicant:	Ms K Peters
Location:	115 Church Hill, Walthamstow, London, E17 3BD
Proposed development:	Sub-division of site and construction of one two storey dwellinghouse and replacement of 2no. trees, hard and soft landscaping, bicycle parking, refuse and recycling storage facilities and boundary wall to front.
Wards affected:	Hoe Street

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:
- **Car Free Development** –The development is to be classified as car-free and new residents will not be eligible for parking permits.
 - **Highways Contribution – a contribution of £1000** towards improving sustainable modes of transport including walking and cycling in the sites vicinity which will directly benefit the users of this development.
 - **Highway Condition Survey** - 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.
 - A financial contribution of £627 towards Strategic Access Management and Monitoring measures (SAMMs).
 - **Monitoring Fee** - A financial contribution towards the implementation and monitoring of and securing compliance with the S106, equal to 5% of the total of all other financial contributions.
 - **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 12 weeks following the date of Planning Committee, the Assistant Director of Development Management and Building Control would be authorised to refuse the application.

2 REASONS REFERRED TO COMMITTEE

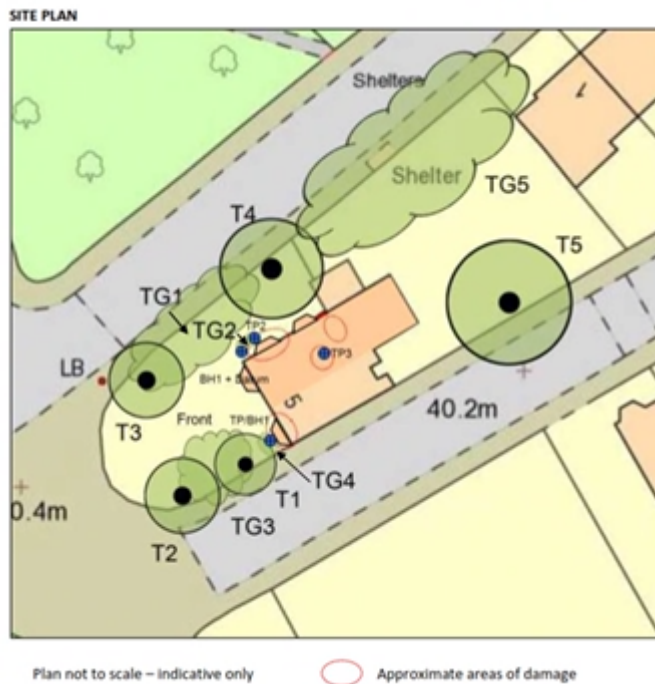
- 2.1 The application has been referred to Planning Committee because the Head of Development Management and Building Control in consultation with the Chair of the Planning Committee consider this application should be referred to the Planning Committee for consideration

3 SITE AND SURROUNDINGS

- 3.1 The proposal site is located between Prospect Hill and Church Hill Road and forms part of the rear garden of 115 Church Hill.
- 3.2 The property at 115 Church Hill, "Fairmount" is a locally listed building. It is a substantial and largely original detached Victorian villa erected in the early 1870's by Francis Wragg, who ran the local stagecoach service to London, farmed Chestnuts Farm, built the "new" Nags Head in Orford Road and was a church warden.
- 3.3 The property is situated at the junction of Church Hill Rd and Prospect Hill. This distinctively designed double bayed property faces west towards the Lea Valley and would originally have enjoyed panoramic views. Given the history and largely intact nature of the property, this was why it was locally listed by the Council.
- 3.4 The proposed development would involve the subdivision of the rear garden of the subject site to build a self-contained detached unit in the back garden.
- 3.5 The surrounding area is characterised by residential properties with a mixture of semi-detached and terraced houses as well as blocks of flats. To the north west of the site on Church Hill are post-war blocks of flats and Victorian terraced properties. To the north east of the site on Prospect Hill are post-war blocks of flats and large interwar semi-detached properties to the south. Church Hill Road comprises large period semi-detached and detached properties, to the north of which are the rear gardens properties fronting Prospect Hill, The Lindens.
- 3.6 The site is also located within the Walthamstow Village Conservation Area and .
- 3.7 the 'Walthamstow' Archaeological Priority Area which is classed as Tier 2. Archaeological Priority Areas (APAs) are areas where there is significant known archaeological interest or potential for new discoveries. APAs are used to help highlight where development might affect heritage assets. The site area is within Flood Zone 1. Flood Zone 1 is land which is considered by the Environment Agency to have a 'low' probability of flooding in areas deemed to have a less than 0.1% chance of flooding in any year. Land having a less than 1 in 1,000 annual probability of river or sea flooding. This is all land outside Zones 2 and 3 where this is a higher risk of flooding.
- 3.8 Tree Preservation Order (TPO) Trees on Site
- 3.9 Due to the site being located in a Conservation Area, the trees on the subject site are protected at Tree Preservation Order Level. The trees were part of order, A5 of TPO 4/72/2, which was served in 1973. This protected all trees that were present on site when this area order was served. An additional order (TPO 7/02) was served in 2002 which covered three individual trees, T1, T2 and T3.
- 3.10 Trees which have a stem diameter of 7.5cm or more when measured at 1.5m from ground level, are protected as part of the conservation area.

3.11 The below map shows where the designated TPOs are on the subject site:

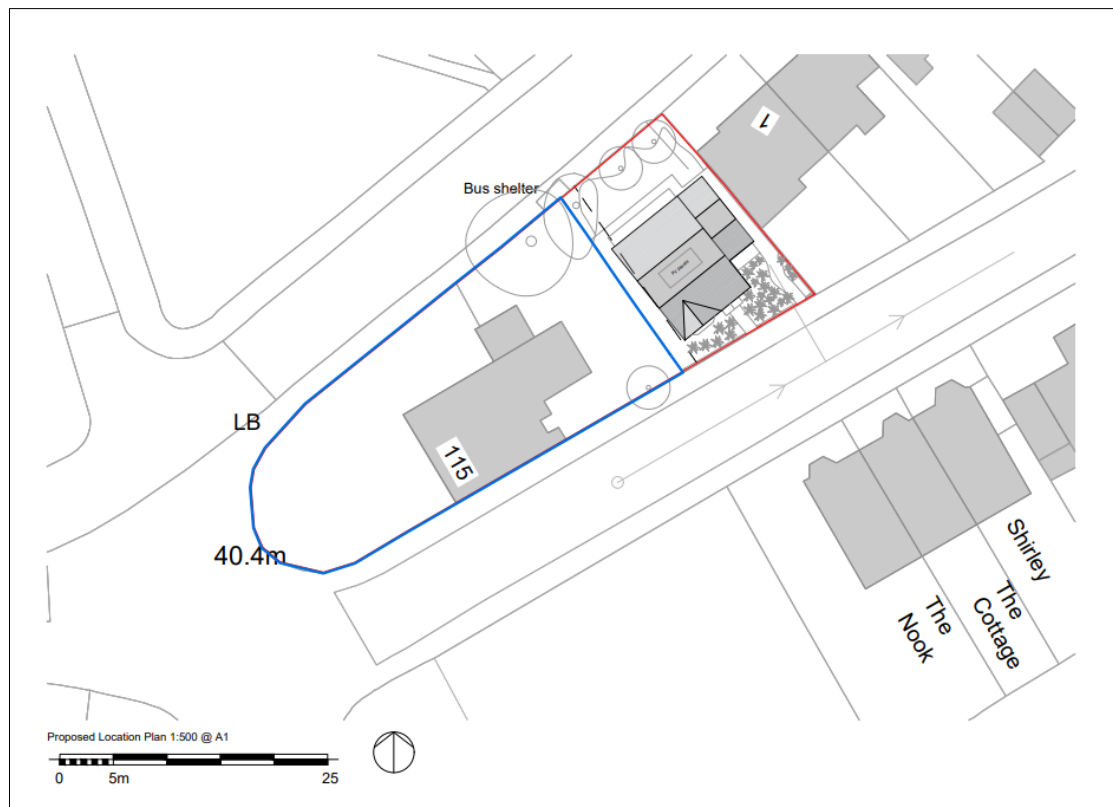
Map of TPOs of Site



- T1, T2, T3 and T4 were located at the front of the site. These have all been felled due to the presence of fungus and rotting at the base of the trunk (Ref: 222849) which was approved on 22/11/2022. These TPOs were all located to the south of the site on the opposite end of the subdivided section of the site where the stand-alone unit will be located. These trees would be replaced as per condition 3 of this planning application if approved.
- T4 was located in the northern boundary of the site and was removed under planning permission Ref: 211005 but needs to be replaced. The location of T4 is outside of the subdivided section of the subject site.
- To the north of the subject is a group of trees that are referred to as TG5. A large part of this group of trees would be within the subdivided section of the site. It is noted that there is an Ash tree that has fallen and been removed. This tree had been highlighted for removal and replacement under current application. Council Arboricultural Officers stated that the remaining trees in TG5 were in poor condition due to Honey Fungus) There have been removed. An additional tree will be added in this section of TG5 in this planning application.
- T5 which was located in the north of the site within the proposed subdivided section of the site was removed under planning permission Ref:203315. A replacement tree will be replanted near to the original location of T5 in the south corner of the subdivided section of garden of 115 Church Hill. There are other TPOs on the site which are shown in the map above. These are located in the south-west corner of the site and will not be affected by the proposed development so have not been individually listed.

4 APPLICATION PROPOSAL

- 4.1 Planning permission is sought for the sub-division of the site and the construction of a two storey dwellinghouse (1x4-bed), replacement of one tree and planting two additional trees, hard and soft landscaping, bicycle parking, refuse and recycling storage facilities and boundary wall.
- 4.2 The proposed development is as shown in the map below:
- 4.3 Proposed Site Location Plan



- 4.4
- 4.5 The proposed house would have a double height bay window with a gable above. It would also have a set back side extension. The rear elevation would have double patio doors and a canopy style roof above.
- 4.6 The property would have a period style with timber sash windows with stone lintel above and front Church Hill Road
- 4.7 A tree in the far north corner of the site will be removed and there will be two replacement trees on the site. One of the replacement trees would be at the front of the property (in the south east corner of the back garden of 115 Church Hill post subdivision) and the other replacement tree would be at the in the rear of the site on the boundary with Prospect Hill.
- 4.8 In the front garden there would be cycle store as well as a bin store for three bins (waste, recycling and food waste).
- 4.9 The proposed development is proposed as a Self-Build and Custom Build. The agent has confirmed that the provider of the proposed unit would be Self-Build. They will submit the required forms and evidence required within the timeframes. The applicant will be commissioning a builder to build their home.

- 4.10 The application, as originally submitted, included the provision of an off-street parking space with access from Church Hill Road, at the front of the proposed dwellinghouse. This element of the scheme has since been removed because it contradicted the car free requirement of this scheme.

5 RELEVANT SITE HISTORY

A. Planning

- 5.1 222849- Works to trees protected by a preservation order. Robinia (T1) - Fell due to presence of fungus and rotting at the base of the main stem. Ash (T2) - Fell due to presence of fungus and rotting at the base and throughout the main stem. Robinia (T3) - Fell due to presence of fungus and rotting at the base of the main stem and signs of wood boring insects. Robinia (T4) - Fell due to presence of fungus and rotting at the base of the main stem. (Amended description)- **APPROVED** on 25/11/2022
- 5.1.1 Officers Comments: Trees T1, T2, T3 and T4 were removed and would need to be replanted as per Condition 3 of this planning application if approved:
- 5.1.2 *A replacement tree(s) is to be sourced from container grown stock and shall be provided within the current planting season, or by the end of the following – planting season, whichever is the sooner. The species, size and position of the replacement tree(s) must be agreed in writing by the Local Planning Authority*
- 5.2 211005- Sycamore T2 and T3 - Prune off any basal or trunk epicormic growth to main crown break (circa 4m). Reduce crown (apical growth) by circa 2.5-3m and reduce remainder to balance crown in proportion to the tree's original shape. Ash T4 – Remove - **APPROVED** on 01/06/2021
- 5.3 Officer Comments: Trees T2 and T3 It is noted that these trees do not appear to have been replaced as per Condition 3. This will need to be investigated by the Council's Arboriculturists. 203315 - False Acacia x1 (T5) - Retrospective application to fell and replace following acknowledgement of five day notice by the Local Authority dated 22nd October 2020.- **APPROVED** on 16/12/2020
- 5.4 Officer Comments: T5 will be replaced as part of this application in the far south corner of 115 Church Road near to where this tree was located.
- 5.5 021026 - Erection of 1 x 4 bed, two storey dwellinghouse.- **APPROVED** on 03/03/2003
- 5.6 990781- Pruning works to various protected trees (A5 of TPO/4/72/2) as specified on application- **APPROVED** 22/09/1999

B. Pre-Application

- 5.7 PRE_21_0166 - Sub-division of the site and construction 2 no. 3 bedroom dwellinghouses, with rear garden. Advice dated 18 October 2021 and summarised as follows:
- 5.8 *The principle of a semi-detached two unit development would not be acceptable in this location due to its overall footprint and scale as it would have a detrimental*

impact on the setting of the Locally Listed property (115 Church Hill) as well as the character and appearance of the Conservation Area.

- 5.9 *A proposal that would involve the provision of a single property would likely be acceptable and the traditional design, as provided in the current proposal would also be acceptable. However, any development should be level with the front building line of nearby properties on Church Hill Road.*
- 5.10 *It should also be reduced in height and the bay window should be single storey, not double height. Any future development should be accompanied by an Arboricultural Assessment and take account of the future replacement for T1 of TPO 07/02 as well as other trees on the site.*

C. Enforcement

- 5.11 The is no planning enforcement investigation history for the site.

D. Adjacent Site

- 5.12 There is no planning history for the adjacent property at 1 The Lindens, 2 Prospect Hill.

6 PUBLIC CONSULTATIONS

- 6.1 The application was advertised via site notices dated 05/07/2022.

6.2

- **THE COUNCIL CIRCULATED 112 CONSULTATION LETTERS TO LOCAL RESIDENTS ON 28/06/2022, AS FOLLOWS:** The School Lodge Woodbury Road, Walthamstow,
- 1-20, Colby Lodge, 1c The Drive, Walthamstow,
- 4 Church Hill Road, Walthamstow,
- 109, 109a, 111, 111a and 115 Church Hill, Walthamstow,
- The Cottage Church Hill Road, Walthamstow,
- Shirley Church Hill Road, Walthamstow,
- 6 Church Hill Road, Walthamstow,
- 1 and 4, The Lindens, 2 Prospect Hill,
- The Nook Church Hill Road, Walthamstow,
- Vicarage, 117 Church Hill, Walthamstow,
- Flat B, C, D, F and G Dave Hammell House, 113 Church Hill, Walthamstow,
- 2- 67 , Attlee Terrace, 1 Prospect Hill, Walthamstow,
- Flat A, B and E, Bruno House, 2 Church Hill Road, Walthamstow,

- 6.3 The Council received a total of 3 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	Council Response
<p><u>Conservation Area and Locally Listed Building</u></p> <ul style="list-style-type: none"> ○ Cumulative impact of the loss of gardens would cause the gradual degradation of the character and appearance of the Borough and Conservation Area ○ Impact of building on character and appearance of the Conservation Area, design not in keeping ○ Impact on locally listed building 	<p>The loss of a section of the rear garden of 115 Church Hill is considered acceptable harm to the character and appearance of the setting of the Locally Listed building. and thus the Conservation Area.</p> <p>The design is considered to be in-keeping with the character of 115 Church Hill as well as other properties on Church Hill Road and Prospect Hill.</p> <p>Additional design assessment is made in Section 10.B and the retained private amenity space for 115 Church Hill is made in Section 10.C of this report.</p>
<p><u>Amenity Impact</u></p> <ul style="list-style-type: none"> ○ Loss of privacy and obstruction of light to the windows on the eastern side of 1 The Lindens, 2 Prospect Hill and overlooking/overbearing impact on rear garden ○ ○ Overbearing Impact 	<p>A daylight / sunlight report has been submitted with the application. Daylight, sunlight and overshadowing, as well as overlooking and privacy is considered to be acceptable and is addressed in greater detail in Section 10.C of this report.</p>
<p><u>Traffic and Air Pollution</u></p> <ul style="list-style-type: none"> ○ The provision of an additional four bedroom property in an area that is already densely populated would cause an influx of congestion, both during the development and following its completion, in an area that is already dealing with an air pollution problem 	<p>The proposed property would front onto Church Hill Road, which serves the garages and rear gardens of properties fronting Prospect Hill. the addition of 1 family unit which would be car free is unlikely to add significantly to traffic generation</p> <p>Additional traffic during construction would be temporary and covered by the CLP</p>
<p><u>Trees</u></p> <ul style="list-style-type: none"> ○ Loss of mature, already protected, pocket of green infrastructure. 	<p>Two additional trees will be replaced on the site as part of this planning application which is considered to be acceptable. These will replace TPO trees TP5 and T5. These new trees would be protected due to them being in</p>

<ul style="list-style-type: none"> ○ Existing loss of old mature trees ○ The removal of this protected tree and likely interference/damage with the remaining cluster of trees would be a contravention of the Development Plan and statutory policy 	<p>the Conservation Area</p> <p>Additional assessment relating to green infrastructure will be assessed in Section 10.H of this report</p>
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7 OTHER CONSULTATIONS

Consultees	Response
Environmental Health	<p>No response received.</p> <p>Officers Comments:</p> <p>In order to protect the impact of neighbours during construction, the below condition will be added:</p> <p><i>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.</i></p>
Highways	<p>Highways Comments are summarised below:</p> <ul style="list-style-type: none"> • A contribution of £1,000 is requested toward improving sustainable modes of transport including walking and cycling in the site's vicinity which will directly benefit new and surrounding residents in this development. • A contribution of £250 is requested for CLP monitoring. <p><i>Officers Comments: 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> <ul style="list-style-type: none"> • S278 highway works will be required upon completion of the works relating to the development prior to occupation. The extent of works will include but are not limited to: <ul style="list-style-type: none"> ○ Renewal of the footway on the frontage of the site on Church Hill Rd. <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</p>

	<p>carried out by the Council and funded by the developer.</p> <ul style="list-style-type: none"> The residential unit must be classified as car-free with future residents not being entitled to parking permits as it is in a Controlled Parking Zone. Please remove the parking space provided in the proposed plans. <p><i>Officers Comments: The proposed plans were subsequently amended to remove the parking space and associated dropped curb as part of this development.</i></p> <ul style="list-style-type: none"> The developer would be required to carry out a condition survey of the carriageway and footways fronting the site and fronting the existing property 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><i>Officers Comments: Conditions Survey will be dealt with via s106 agreement</i></p> <p>Requested Conditions:</p> <ul style="list-style-type: none"> A Drainage strategy is required and will be secured by way of condition. A Detailed CLP will be secured by way of condition prior to the commencement of any works <p><i>Officers Comments: A Drainage Strategy and Detailed CLP will be secured by Pre-Commencement Condition</i></p>
Urban Design and Conservation	<p>Following consultation with the Council's Urban Design Team, alterations to the fenestration and the imposition of pre-commencement conditions for exterior materials and fenestration, Officers were satisfied with the overall design and proposed materials as well as impact on the host property, surrounding area and adjacent locally listed building.</p> <p><i>Officers Comments: Additional details to secure the quality of the scheme in the form of exterior materials as well as fenestration will be secured by way of condition</i></p>
Transport Policy	<ul style="list-style-type: none"> A new vehicle crossover would not be supported at the site, for any amendments to the highway network a scale plan of the existing highway including all road markings should be provided so a full assessment can be made but it appears that this would conflict with the bus stop next to the site. Owing to the location and

	<p>overriding policies of the London Plan and emerging WF Local Plan any development in this location should be car-free. This should include no access to on-street car-parking permits secured through planning agreement.</p> <ul style="list-style-type: none"> • Cycle parking quantum is welcomed, and a secure store should be conditioned. <p><i>Officers Comments: The vehicle cross over was removed from plans and a there will be a cycle store in the front garden with conditions to ensure it would be secure and lockable.</i></p>
Waste Management	<p>No response received</p> <p><i>Officers Comments: Details relating to waste and recycling are provided in the plans which are considered to be adequate.</i></p>
Sustainability and Energy	<p>Sustainability and Energy made a general comment on this application and recommended the following conditions are applied:</p> <ul style="list-style-type: none"> • The development achieves a minimum 35% reduction on CO2 emissions, compared to a Part L 2013 baseline, as per Policy DM10. • Residential developments achieve a water efficiency target of 105l/person/day, as per policy DM34. • Policy 87 in the proposed Local Plan is now a material consideration so also demonstrating 10% Be Lean carbon savings compared to a Part L 2013 baseline, as per Policy DM10 for domestic or 15% for non-domestic should be encouraged where feasible. <p><i>Officer Comments: The above condition will be added</i></p>
Historic England	<p>Historic England provided the below response:</p> <p>The site is located in the Archaeological Priority Area (Tier 2). The medieval centre of Walthamstow was clustered around St Mary’s Church to the south of the site. Evacuations nearby have identified archaeological remains of a Roman Farm along with earlier Bronze Age and Iron Age settlement.</p> <p>Historic mapping of the site suggests that the part of the site proposed for development has never been built over previously and therefore potential for archaeological remains is increased. The proposed development is likely to have a high impact on any potential archaeological remains.</p> <p>Historic England therefore recommended the following Pre-</p>

	<p>Commencement Condition:</p> <p>No demolition or development shall take place until a written of investigation (WSI) has been submitted 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> <ul style="list-style-type: none"> 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 and dissemination and deposition of resulting materials. 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>Historic England also requested that the below informative be added:</p> <p>The written scheme of investigation (WSI) will need to be prepared and implemented by a suitably 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 Procedures) (England) Order 2015</p> <p><i>Officers Comments: This condition and Informative will be added to any permission</i></p>
Thames Water	<p>Thames Water had no comments to make on the proposal.</p> <p><i>Officers Comments: The standard pre-commencement condition stating 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 must be provided</i></p>
London Fire Brigade	<p>No response received.</p> <p><i>Officers Comments: The standard informative stating that the proposed development must be in accordance with building regulations will be added:</i></p> <p><i>This determination does not constitute permission to build</i></p>

	<p><i>under the building regulations 2010. Works should not commence until any appropriate building regulation applications have been submitted and where necessary approved.</i></p>
Arboricultural	<p>Arboricultural Offices made the following comments:</p> <p>Replacement of the two protected trees (and soft landscaping are fine in principle, but the details of replacement trees should be secured by way of appropriate conditions.</p> <p>The replacement of T5 is out in the far south corner of No.115 as close as practicably possible to the original location of this tree which is considered acceptable by Officers.</p> <p>It is noted that there are other TPO trees that will need to be replaced within the curtilage of 115 Church Hill. As these are outside of the subdivided section of this site to the rear, their replacement does not form part of this application and will be dealt with by enforcement and Arboriculturist.</p> <p><i>Officers Comment: Officers note the two replacement trees (TP5 and T5) would be protected due to them being in the Conservation Area will be added as part of this application. A hard and soft landscaping condition will be added as a Pre-Commencement condition to secure their replacement</i></p>

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
- HC1 Heritage Conservation and Growth
- 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

- DM34 - Water
- DM35 - Biodiversity and Geodiversity

9 MATERIAL PLANNING CONSIDERATIONS

Other policies

Walthamstow Village - Conservation Area – Appraisal Management Plan (2008)

- 9.1 The purpose of the document is, to ensure that “the special interest justifying designation is clearly defined and analysed in a written appraisal of its character and appearance”.
- 9.2 This Appraisal describes and analyses the particular character of the Walthamstow Village Conservation Area, which was designated by the Council in 1967. This includes the more obvious aspects such as buildings, spaces, and architectural development, as well as an attempt to portray the often less tangible qualities which make the area “special”.

Supplementary Planning Document – Residential Extensions and Alterations (2010)

- 9.3 The purpose of this document is to provide clear guidance on the design of residential extensions and alterations. It is intended to help those submitting applications to make design choices that are more likely to be granted planning permission, to support planning officers when making those decisions, and to make the planning process clearer and smoother for all involved.

Supplementary Planning Document - Urban Design (2010)

- 9.4 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)

- 9.5 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.

Epping Forest Special Area of Conservation

- 9.6 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. All 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'. According an "Appropriate Assessment" has been carried out on this application.

- 9.7 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. 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.
- 9.8 For schemes comprising one or more units of residential accommodation a new package of costed Strategic Access Management Measures (SAMM) has been prepared by the City of London Conservators of Epping Forest. This Mitigation Strategy has been agreed by all of the partners in the agreement and is in the process of adoption. A new SAMM levy is now in operation which requires a contribution of £627 per unit from all new residential schemes. Natural England is supportive of this approach, provided the total expected contribution is delivered to the City of London Conservators to support the delivery of SAMM in Epping Forest SAC.
- 9.9 Should there be a forthcoming approval for this application the development, based on current circumstances and regulations would be liable for £(627 x number of New units) payment towards the Epping Forest SAMM levy as it does not add to the delivery of residential accommodation .

Waste & Recycling Guidance for Developers (LBWF, 2019)

- 9.10 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.

Inclusive Housing Design SPD 2011

- 9.11 This supplementary planning guidance is intended to raise awareness about inclusive design and raise the standard and quality of all housing developments in the borough. The objective being to ensure that homes and their settings provide an inclusive environment that is usable by everyone.

Emerging Policy

- 9.12 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)

- 9.13 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.
- 9.14 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.
- 9.15 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
 - 56 Delivering High Quality Design
 - 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

- 9.16 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).

- 9.17 It is noted that the proposed unit would be ‘Self Build’. If the necessary qualification requirements are met and the application process is completed within required timescales, an exemption from the Community Infrastructure Levy will be available to anybody who is building their own home or has commissioned a home from a contractor, house builder or sub-contractor. Individuals benefiting from the exemption must own the property and occupy it as their principal residence for a minimum of 3 years after the work is completed.
- 9.18 There is a set process which requires 4 steps to be undertaken within the required timescales. Failure to follow the set procedures within the required timescales will mean that the exemption will not be obtained, or will be rescinded if previously obtained, and a full levy liability will be incurred. Failure to submit a commencement notice before building works begin will result in a surcharge.
- 9.19 The agent has confirmed that the provider of the proposed unit would be Self-Build. They have confirmed that they will submit the required forms and evidence required within the timeframes. The applicant will be commissioning a builder to build their home. Form 1 and 7 was submitted as required with the planning application.

10 ASSESSMENT

- 10.1 The main issues for consideration, in relation to the proposed development are as follows:
- A.** Principle of Development
 - B.** Urban Design, Character, Appearance, Heritage and Archaeology
 - C.** Neighbour Amenity
 - D.** Quality of Residential Accommodation
 - E.** Highway and Transport Impact
 - F.** Refuse Management
 - G.** Environment and Sustainable Design
 - H.** Trees and Local Biodiversity
 - 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 Public Transport Accessibility Levels (PTAL) 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 Paragraph 12 of the NPPF (2021) states that ‘The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed’
- 10.6 The subject site of 115 Church Hill and associated curtilage is located within the Walthamstow Village Conservation Area.
- 10.7 It is noted that there is an expired planning permission granted in 2003 for a 4-bedroom house in this location (Ref:021026). While planning permission was granted nearly 20 years ago and planning policy has changed since then, the principle of proposed development would need to be assessed against current planning policy.
- 10.8 Policy DM4 states that for back garden development, ‘The Council will only support residential development in back gardens where satisfactory living conditions in accordance with design standards set out under Policies DM6, DM7, DM29 and DM32 can be provided for new occupiers. Therefore provided, the development meets other requirements relating to design, amenity impact and infrastructure etc, the principle of development for this back garden would be acceptable, as given in the Local Plan and, and stated in paragraph 12 of the NPPF. .
- 10.9 The Pre-App Report (Ref: PRE_21_0166) stated that while two new dwellings (as proposed in the Pre-App) was considered to have a detrimental impact on the setting of this locally listed property it was considered that one dwelling would be acceptable.
- 10.10 Therefore, subject to considerations including design, amenity impact and arboricultural assessment being satisfactory, the principle of additional residential development in this location would be acceptable and would be in accordance with Policies H1 and H2 of the London Plan and CS2 of the Local Plan Core Strategy and DM2 of the Development Management Policies Document and the NPPF (2021)

B. Urban Design, Character, Appearance, Heritage and Archaeology

- 10.11 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 DM28 permits development in conservation areas which preserves or enhances the character or appearance of the areas. 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. Paragraphs 126 of the NPPF (2021) states that 'high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'.

- 10.12 The NPPF (2021) states that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the assets' conservation and the more important the asset, the greater the weight should be. Where development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.13 Policy HC1 of the London Plan (2021) 'Heritage conservation and growth,' states that development should conserve heritage assets and avoid harm, which also applies to non-designated heritage assets. Any harm must be given considerable importance and weight.
- 10.14 Policy CS12 of the WFLP Core Strategy (2012) states that in managing growth and change, the Council will promote the conservation, enhancement and enjoyment of the Borough's heritage assets and their settings.
- 10.15 Policy DM28 of the WFLP DM Policies (2013) supports Policy CS12 stating that development proposals which may affect the significance of heritage assets in Waltham Forest (both designated and undesignated) or their setting should demonstrate how these assets will be protected, conserved and where appropriate enhanced.
- 10.16 The Council has a statutory duty under Sec 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 10.17 The application site is within the Walthamstow Village Conservation Area, and the existing property is noted as contributing 'significantly to the architectural and historic interest of the area'. The CA appraisal records it as 'a substantial and largely original detached Victorian villa of the 1870's' and notes its distinctive double bay arrangement facing towards the Lea Valley. It is also locally listed.
- 10.18 The proposal is for a single dwelling, in a traditional style, taking design inspiration from nearby Victorian properties on Prospect Hill and Church Hill Road. In respect of the conservation area character and the setting of the locally listed building, this would be acceptable. The traditional design would be respectful of its context and based on the submitted plans there would be a minimum distance of 10.6m from the rear back addition (which is windowless on the rear wall) between the new property and the existing locally listed building, and this would not cramp its separate identity;

as shown from the image below.



- 10.19 It is noted that the orientation of the property would face onto Church Hill Road, even though the neighbouring properties immediately to the north face onto Prospect Hill. Given that Prospect Hill is a busier road and this part of Church Hill Road has properties on the south side, it is considered that the orientation of the proposed property would liven up this part of the road. In addition, given the set back of this property from Prospect Hill, it is considered that it would not harm or detract from the visual amenities of this section of the road by backing onto it.
- 10.20 The proposed yellow brick with red brick banding (as stated in application form) would need to be reclaimed London Stock Brick to match the surrounding area. Details, samples and specifications would need to be provided of these materials by way of pre-commencement condition.
- 10.21 The timber bargeboard detail to the ground floor porch, front roof gable end, and at high roof level is welcomed. Details of this would need to be provided by way of pre-commencement condition.
- 10.22 The sash window style using a pointed window openings is welcomed and would correspond with the shape of the window opening, as can be seen at 4-14 Church Hill Road. These windows would need to be timber and details of these will need to be secured by way of condition. Similarly, the front door would need to be timber and details of this will need to be secured by way of condition in terms of detailed drawings and proposed materials.
- 10.23 The drawings indicate pan tiles for the roof, which is assumed to draw from the properties at 4-14 Church Hill Road. However, it is unlikely that buildings of that age would have originally featured concrete pan tiles. Based on the surrounding local historic character, slate would have been the original roofing material, and its use on the proposed property would correspond to the character of the locally listed building. Slate would therefore need to be the material for the proposed roof. Slate will therefore need to be secured, along with details, samples and specification by way of condition.
- 10.24 In relation to the solar panels, as these would be in the flat main roof, they would not be visible from the frontage (concealed behind the spiked rooftop detail show on the drawings), so would be acceptable.
- 10.25 As stated above, the site is also within the 'Walthamstow' Archaeological Priority Area which is classed as Tier 2. This APA has the potential for undisturbed archaeology and waterlogged remains, especially in the eastern edge where the application site is located. Furthermore, as the site is undeveloped, it has increased potential for undisturbed below ground archaeology. GLAAS were consulted and

requested that a pre-commencement condition be added stating that no development should take place until a written scheme of investigation (WSI) has been submitted and approved by the local planning authority.

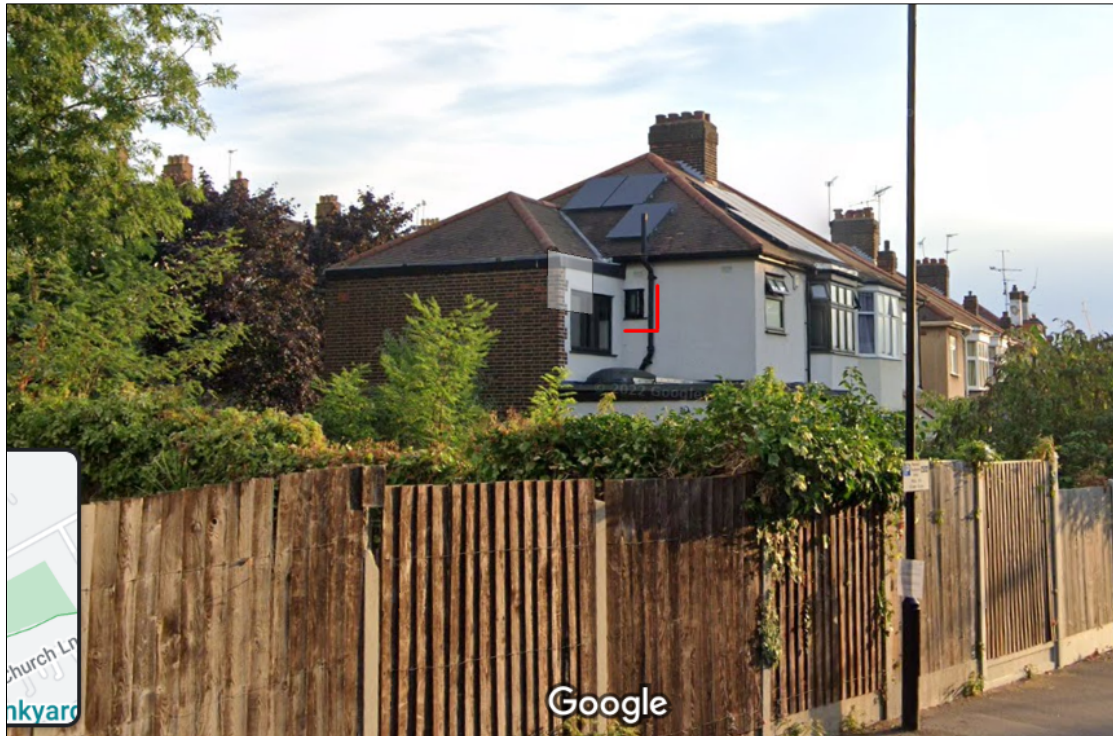
- 10.26 The proposed development is also in accordance with emerging design policies Policy 72 (Designated Heritage Assets), 74 (Conservation Areas), 75 (Archaeological Assets and Archaeological Priority Areas), of the Shaping the Borough – London Borough of Waltham Forest Draft Local Plan Part One (Submission Draft April 2021) which has been submitted to the Secretary of State for examination. However, as it is in the early stage of the plan making process, the weight of these policies is dependent on whether there have been any objections during examination.
- 10.27 As such, subject to the imposition of pre-commencement conditions for a written scheme of investigation (WSI) as well as materials, it is considered that the scheme would be acceptable in terms of scale, character and appearance. The proposed development would not harm the character or appearance of the locally listed building or the Conservation Area or ‘Walthamstow’ Archaeological Priority Area. The scheme is therefore considered to be in accordance with Policies CS15, DM28, DM29 and the SPD Urban Design.

C. Neighbour Amenity

- 10.28 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. Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

1 The Lindens, 2 Prospect Hill

- 10.29 This neighbouring property is located to the -east of the proposal site and fronts onto Prospect Hill. Given the proposed dwelling would front onto Church Hill Road; this means the assessment of the amenity impact on the front and back gardens will be ‘back to front’..
- 10.30 Even though the proposed dwelling would be two storeys and be positioned a minimum of 1.5m from No. 1, The Lindens, 2 Prospect Hill, it would be at the side of this property and would be set back from the front elevation of this neighbouring property. This means that there would be no overbearing impact, or loss of daylight or outlook to the front of No.1.



10.31

10.32 In relation to impact to the rear of the property; it is noted that due to the L shaped nature of the proposed development, while the nearest two storey section would not extend beyond the ground rear building line of this property, the main part of the property would extend beyond the rear by 3m. However, given that this section of the property would be 4m away any overbearing impact or loss of daylight/sunlight to the rear amenity space of this property would be within acceptable bounds and therefore acceptable.

10.33 In relation to the rear facing first floor window nearest to the proposed development, this side extension appears to serve a bedroom with front and rear windows, this means these windows should be treated as serving a habitable room (there are no plans available for this property on Council planning records). Due to the set back nature of the rear window, this window would fail the plan 45 degree angle for the BRE Daylight/Sunlight Assessment and therefore fail to be in accordance with the Residential Extensions and Alterations SPD.. However, it is noted that this bedroom is also served by a front window. This was confirmed by a site visit on 22/12/2022 where it was possible to see through to the rear to the back window (thereby showing dual outlook for this bedroom). Given this dual outlook, the amenity impact on this rear facing first floor window would be acceptable.

10.34 There is a small side facing window which would face towards the proposed development (shown in image below) at a distance of 4m. But as this is a bathroom that is obscured glazed and not a habitable room, there would be no loss of outlook to that window.

10.35 It is noted that there is also a ground floor facing window. As this would be level with the front elevation of the proposed development, it would meet the plan and elevation BRE Daylight/Sunlight Assessment and guidance set out in the Residential Extensions and Alterations SPD

10.36 In terms of the overall impact of the back garden of this neighbouring property it is noted that due to the L shaped unit, part of the proposed development would sit

forward of the rear building line by 3m. However, as this part of the development would be set in 4m from the boundary, and that the garden is south facing, the proposed development would not cause unacceptable overshadowing of the garden. In addition; the only front facing window on the part closest to the boundary is obscured, so there would be no overlooking from this window.

- 10.37 There are no side facing windows at the first-floor level facing towards No. 1, The Lindens, 2 Prospect Hill which would impact on privacy.

No.115 Church Hill

- 10.38 The flank wall of the proposed property would be approximately 10.5m away from the two storey rear elevation 115 Church Hill. However, this elevation of No.115 is windowless. The closest rear facing window would be 15.8m which would be an acceptable separation distance for this first floor rear facing window. Given the distance of this property, from this neighbouring property, as well as the proposed development having no facing unobscured windows facing towards No.155 at first floor level (there is a single obscured glazed window serving a bathroom), the proposed development would comply with separation distance standards and have an acceptable impact on this property in terms of overbearing impact and loss of daylight/sunlight.
- 10.39 Accordingly, based on the above assessment and due to the position of the windows in the proposed development, it is considered that the scheme would not cause unacceptable overlooking or loss of privacy to the occupiers of the neighbouring residential properties and therefore be in accordance with Policy DM32.

D. Quality of Residential Accommodation

Internal Space

- 10.40 Policy CS2 of the Local Plan states that all new residential units will be required to be of high quality and design.
- 10.41 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 proposed development would have four bedrooms (3 x double and 1 x single) which would cater for up to seven people. All these bedrooms would meet the minimum space requirements set out in Policy DM7.
- 10.42 To ensure that good quality homes are built, to create a suitable and sustainable living environment for present and future generations and to mitigate against the adverse effects of overcrowding Policy DM7 of the Local Plan and the Technical Housing Standards – nationally described space standard (2015) (THS) sets out the required minimum internal standards for new residential units which is outlined in the table below:

	THS Requirements	Proposed	Complies
4-bedroom, 7 person unit (two storey)	115 sq.m	177.4 sq.m	Yes

Storage	3 sq.m	3 sq.m	Yes
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- 10.44 The above table demonstrates that the unit would comply with the minimum overall space requirements as detailed within the THS.
- 10.45 Policy DM7 states that the minimum combined floor area of living, dining and kitchen spaces for a 6 person unit (there is no measurement for a 7 person unit) is 31sq.m. The proposed dwelling would have a combined living space on the ground floor of 68sq.m which would exceed this requirement.
- 10.46 The Technical Housing Standards states that the minimum floor to ceiling height should be 2.3m for at least 75% of the Gross Internal Area. The London Plan requires 2.5m for 75% of GIA. The proposed development exceeds this requirement with an internal floor height of 2.7m for the ground floor and 2.5m for the first floor.
- 10.47 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

- 10.48 The proposed development is a detached house, so the external space provision is assessed against Policy DM7 for amenity space standards.
- 10.49 Policy DM7 states that for houses, a minimum of 70 sq.m of private amenity space should be provided for a 4 bed house. The dwelling benefits from 89sq.m of useable outdoor amenity space to the rear of the property (excluding space to the side of the dwelling). This exceeds this minimum space requirement so would be in accordance with Policy DM7.
- 10.50 In relation to No.115, following subdivision of the site and loss of the rear part of its back garden, this property would have 115sqm of private amenity space to the rear. This property has six bedrooms, meaning that were this a new unit, there would be a requirement to 90sq.m of private amenity space based on Policy DM7. Therefore, this remaining garden would exceed the minimum required garden space and is therefore be acceptable.
- 10.51 Accordingly, based on the above assessment, the proposed development would be acceptable for internal and external space standards for the proposed development and also be acceptable for the retained private amenity space for No.115 to meet Policy D6 London Plan and Policy DM7 requirements.

E. Highway and Transport Impact

Car Parking

- 10.52 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.

10.53 Policy T6 of the London Plan 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. The surrounding streets are within a CPZ and have a high level of parking pressure. Given the highly accessible location of the site, the proposed development is required to be car free, secured by way of a s106 Legal Agreement. Given that this development would be car free, there would be limited impact on Church Hill Road in terms of increased traffic generation.

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. As the development is for a single dwelling with four bedrooms, there is also a requirement for 2 spaces which this scheme would have. While the proposed plans show the location of the bike shed, which is considered to be acceptable, additional details to ensure that these cycle spaces are sufficiently secure and lockable will be secured by way of condition.

10.56 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

10.57 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.

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

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

Accessible housing

10.60 The proposed dwelling must be built in accordance with 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. This is to ensure that the proposed dwelling would meet the accessibility requirements for future occupiers. The entrance to the development would provide a level access. The development is also considered to have an accessible layout for wheelchair users and would have a bathroom at ground floor level. The development is therefore considered to have accessible access and layout. This aspect of the Building Regulations will be secured by way of condition.

F. Refuse Management

10.61 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. and in compliance with Policies CS6, CS13 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policy DM23, DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

10.62 The proposal includes the provision of three bins (Refuse, Recycling and food waste) in the front garden of the development where there is a secondary access to serve the rear of the property directly from Church Hill Road. .

10.63 For households, the Council operates a three colour, two-wheeled bin systems with a weekly collection. Black 140 litre wheeled bin for refuse, green 140 litre wheeled bin for recycling and a brown 140 litre wheeled bin for organic waste.

10.64 The proposed development would meet these requirements.

10.65 The proposed development is considered to be in line with the objectives of the adopted Local Plan Policy DM32 and the Waste & Recycling Guidance for Developers (January 2019).

G. Environment, Sustainable Design and Drainage

CO₂ Reduction

10.66 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

10.67 The application was not supported by a Sustainability Statement detailing how a carbon reduction measures would be made, however, it is considered that this can be satisfactorily managed by way of the Council's standard planning conditions for new dwellings 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

10.68 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.

10.69 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.

Drainage

10.70 The development should utilise Sustainable Urban Drainage (SuDS) methods and all opportunities in the proposed development. Potential SuDS features include permeable paving using voided stone sub-base or modular storage cells, water butts, raingardens, soakaways, that must be designed together with infiltration test results and recommended soakage rates where soil conditions are suitable for infiltration.

10.71 SuDS features included within the drainage design should be fully justified by adopting techniques higher up in a hierarchical manner, maximising the use of those techniques higher up in the hierarchy and those that deliver multi-functional benefits

(refer to 3.4.14 and 3.4.15 of the GLA's Sustainable Design and Construction SPG). The developer should demonstrate that the requirements of table 3.1 of the SPG documents have been considered.

10.72 A Drainage Strategy will be secured by way of Pre-Commencement condition.

10.73 Accordingly, based on the above assessment and on the imposition of a condition requiring a Drainage Strategy, the proposed development would be in accordance with Policy SI 5 of the London Plan and Policy DM34 of the Development Management Policies Document.

H. Trees and Local Biodiversity

10.74 Policy CS5 of the Waltham Forest Local Plan - Core Strategy (2012) seeks to protect and enhance green infrastructure and biodiversity and to maximise access to open spaces across the Borough by enhancing the green infrastructure network through better connectivity and the creation of new open spaces while conserving their historic value. Policy DM35 of the Waltham Forest Local Plan – Development Management Policies (2013) states where there are existing biodiversity resources on-site or in the vicinity of a development site, the developer must provide measures for their retention, the integration of existing wildlife habitats and features, and their restoration and enhancement where appropriate.

10.75 Paragraph 231 of the NPPF recognises the important contribution trees make to the character and quality of urban environments and are therefore encouraged as part of new development.

10.76 The application site is located within a Conservation Area. This means that that the trees in the site are offered protection in addition to those specifically protected by a TPO.

10.77 Arboricultural Officers carried out a site visit on 26th September 2022 and made observations about several TPO trees which are no longer in place in the wider plot of 115 Church Hill, and out outside of the subdivided section of land to the rear which are detailed earlier in this report.

10.78 As these trees are outside of the subdivided section of land, they do not form part of assessment of this application and their replacement will be pursued by Enforcement and the Tree Preservation Officer irrespective of any pending application to develop within the grounds of the property.

10.79 However, it is noted that there will be two trees which will be planted as part of this development replacing T5 and TG5 and will be offered TPO protection due to them being in a conservation area. The assessment of these replacement trees is detailed below:

- T5 was authorised for removal under application reference 203315. This will be replaced in a location near to where this tree was location in the far south corner of 115 Church Hill. It is acknowledged that the location of this replacement tree is not in the same location of where T5. It is also noted that the timescale for the replacement of this tree as per condition 3 of Ref:203315. It is acknowledged that the re-provision as part of this scheme would extend the earlier timeframe of this condition. This is considered to be acceptable. Details of this tree will be secured by way of condition in a hard and soft landscaping plan.

- It is noted that all the trees in TG5 have been removed due to them being in poor condition as a result of honey fungus. An additional tree will be added in this section of TG5 in this planning application. The specifications of this tree will be secured by way of condition in a hard and soft landscaping plan and will need to be resistant to honey fungus.

10.80 It is noted that the timeframe of replacement of these trees on the site has elapsed and this will need to be dealt with by enforcement and arboriculturists to restore these trees. However, the requirement for a hard and soft landscaping plan which will be secured by way of condition will include species and size of replacement trees in the subdivided subject site will address the requirements of replacement trees in the rear of the site.

10.81 In light of this, it is considered that the proposed scheme, would comply with Policies CS5 (Green (Infrastructure and biodiversity) and DM35 (Biodiversity) of the Local Plan and paragraph 131 of the NPPF and is therefore recommended for approval on this basis.

I. Planning Obligation

10.82 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.

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

- Car free development,
- £1000 is requested toward improving sustainable modes of transport including walking and cycling in the sites vicinity,
- s.278- **Highway Condition Survey** - 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.
- SAMMS- A financial contribution of £627 towards Strategic Access Management and Monitoring measures (SAMMs).
- **Monitoring Fee** - A financial contribution towards the implementation and monitoring of and securing compliance with the S106, equal to 5% of the total of all other financial contributions.
- Legal Fees- Payment of the Council’s legal fees for preparation and completion of the Legal Agreement.

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

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.
 - D.** The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 11.2 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.
- 11.3 It is considered that the recommendation to refuse permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 11.4 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.
- 11.5 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.

12 RECOMMENDATION

- 12.1 The proposed development would introduce a new single family home within an established residential area. The proposed dwelling would provide satisfactory standard of accommodation and would not cause harm to the character or appearance

of the locally listed building, Conservation Area or surrounding area or unacceptable harm to neighbour amenity. The scheme is therefore recommended for approval.

- 12.2 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.

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:

- P01 Rev C (Dated 14/12/2022)
- P02 Rev C (Dated 10/11/2022)
- Outline Construction Logistics Plan (Dated 30/11/2022)
- Design and Access, Planning and Heritage Statement (Dated March 2022)
- Construction Method Statement (Undated)
- Arboricultural Impact Assessment & Method Statement (09/03/2022)
- Surface Water Drainage / SUDS Strategy (Dated May 2022)
- Utility Search Report (Dated 26/05/2022)

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

3. No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted 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 and dissemination and deposition of resulting materials. 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).

4. Prior to the commencement of the development, excluding site investigation and clearance works, demolition and construction to slab level, detailed drawings and samples of all materials (including London Stock yellow and red brick, slate roof materials, window and door specification, etc.) to be used in the construction of the external surfaces the building hereby approved, 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 for the lifetime of the development.

Reason: To safeguard the visual amenities of the area in accordance with Policy CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) DM28, and DM29 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

5. 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).

6. 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 of trees and shrubs around the site as well as in the back garden of 115 Church Hill, along with the requirement to demonstrate that all hardstanding areas are permeable. The landscaping plan must demonstrate a biodiversity net gain. 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).

7. Prior to the commencement of development on site, notwithstanding site investigation work, clearance and demolition, a SUDS (Sustainable Urban Drainage System) to deal with all surface water drainage from the site, including details of proposed rainwater harvesting systems, green roofs and proposed soakaway designs together with infiltration test results and recommended soakage rates, shall be submitted to and approved by the Local Planning Authority. The SUDs will be expected to achieve greenfield run-off rates. The approved SUDS shall be fully implemented prior to first occupation of any building and thereafter maintained in accordance with the agreed details for the lifetime of the development.

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

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. 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).

9. 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 5.2 of the London Plan (2015). 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).

10. 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 5.15 of the London Plan (2015).

11. 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.

12. 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).

13. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and/or re-enacting that Order, no windows shall be inserted into the side elevations at first floor level of the development hereby permitted, without the prior written approval of the Local Planning Authority.

Reason: To prevent overlooking and loss of privacy in the interests of the amenities of the adjoining property, in accordance with Policy CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policy DM32 of

the adopted Waltham Forest Local Plan – Development Management Policies (2013).

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and/or re-enacting that Order with or without modification, no development under Schedule 2 Part 1 Classes A, B, C, D, E, F, G, H shall be carried out unless approved by way of a planning permission granted.

Reason: In the opinion of the Local Planning Authority, the nature and density of the layout requires strict control over the form of any additional development that may be proposed in the interests of residential amenities, in accordance with Policies CS13 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policy DM32 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.
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. **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.

10. 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

12. The written scheme of investigation (WSI) will need to be prepared and implemented by a suitably 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 Procedures) (England) Order 2015