

Committee/Date:	Planning – 10 October 2023
Application reference:	220957
Applicant:	Sewardstone Holdings Limited
Location:	64 Sewardstone Road, Chingford, London, E4 7PR
Proposed development:	Construction of a part 3, part 5 and part 8 storey building to facilitate 422.5m <sup>2</sup> of commercial floorspace on the ground, 40 flats above (10 x 1 bed, 17 x 2 bed, 9 x 3 bed and 3 x 4 bed), 7 car parking spaces, including disabled persons' parking, to the rear and two communal gardens, with associated alterations to the public highway along Sewardstone Road, vehicular access from Laurel Gardens, landscaping, refuse/recycling and cycle storage facilities and service areas
Wards affected:	Chingford Green
Appendices:	None

## 1 RECOMMENDATION

1.1 That planning permission be GRANTED subject to conditions and informatives and completion of a legal agreement under Section 106 (S106) of the Town and Country Planning Act 1990 (as amended) with the following Heads of Terms:

### **Affordable homes:**

- The delivery of 9 units of affordable housing equating to 27.3% (by habitable room) of the development with 67% of that provision (by habitable room) as social rent and 33% (by habitable room) as intermediate shared ownership.

- An early-stage viability review mechanism to be triggered if an agreed level of progress on implementation is not made within two years of the permission being granted or otherwise agreed in writing by the LPA. In all other events a late stage viability review will be required.

**Accessibility:**

- A wheelchair user dwellings marketing strategy.
- The requirement for all wheelchair user dwellings to be exclusively marketed as such for a minimum period of 12 months.

**Transport:**

- A S278 plan must be submitted with the location and depth of utilities. The orange line on ground floor plan needs be adjusted to reflect the S278 areas requested below.
- The S278 works will be required upon completion of the works, prior to occupation. The developer will be required to pay for the S278 works, which will be carried out by the Council and must be completed prior to occupation of the site. An application for Highway Works will be required. The extent of works will include but are not limited to:
  - o Renewal of both footways in Laurel Gardens
  - o Renewal of the footway along the frontage of the site on Kings Head Hill
  - o Provision of new layby on Sewardstone Road
  - o Provision of new southbound cycle lane on the footway (as per following comments)
  - o Public Realm improvements on the frontage of the site on Sewardstone Road to include; tree planting subject to the location of utilities, soft landscaping, cycle parking and other features to be agreed.
  - o Review and amendments to Traffic Orders and extension of no waiting/loading restrictions in the Drysdale and Mansfield Hill area
  - o Renewal of road markings in the vicinity.

- A S38 agreement will be required for Highways to adopt two small triangular pieces of land on the corners of the building on the Sewardstone Road frontage.
- A S106 contribution of £1500 i towards monitoring of the CLP.
- A S106 contribution of £25,000 towards the consultation of a CPZ
- A S106 contribution of £15,000 towards the Waltham Forest North West – Sewardstone Corridor Flood Study. This Flood Study is being undertaken to identify potential for strategic flood mitigation within the Sewardstone Road area.
- A S106 request of £60,000 toward improving sustainable modes of transport including walking and cycling in the sites vicinity which will directly benefit new residents in this development. This would be for further cycle improvements near to the site.
- A condition survey to ensure, if the public highway is damaged as a result of the construction works, that any damage would be reinstated by the Council and funded by the developer.
- In the event a CPZ is implemented in the future, with the exception of existing blue badge holders, this site must be classified as car-free with no existing or future residents being entitled to parking permits. Future residents to be advised of this as part of marketing and subsequent transactions.
- a Travel Plan will be secured which will include the appointment of a Travel Plan Coordinator for the site to be responsible for overseeing the implementation of the Travel Plan Action Plan for a period of 5 years with yearly reviews

**Air quality:**

- A financial contribution of £10,925 towards mitigating the impact of existing poor air quality on the proposed development.

**Energy efficiency and carbon reductions:**

- A financial contribution of £50,017 towards the Carbon Offset Fund to address the shortfall in carbon emission reductions. 100% upfront payment of the carbon offset payment to be made on implementation.
- Evidence confirming engagement has occurred with an energy supplier working towards registration with the Heat Trust scheme
- Measures to secure post-construction monitoring (“Be Seen”).
- Post Construction monitoring (be seen):
  - o A. Within 8 weeks of the grant of planning permission, to submit to the GLA accurate and verified estimates of the ‘Be Seen’ energy performance indicators.
  - o B. Prior to occupation, the Owner shall provide updated accurate and verified ‘as-built’ design estimates of the ‘Be Seen’ energy performance indicators for each Reportable Unit of the development.
  - o C. Upon completion of the first year of Occupation or following the end of the Defects Liability Period (whichever is the later) and at least for the following four years after that date, the Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each Reportable Unit of the development.
  - o In the event that the ‘In-use stage’ evidence submitted under Clause c) shows that the ‘As-built stage’ performance estimates derived from Clause b) have not been or are not being met, the Owner should investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the ‘Be Seen’ in-use stage reporting webform. An action plan comprising measures identified in Clause c) shall be submitted to and approved in writing by the GLA, identifying measures which would be reasonably practicable to implement and a proposed timescale for implementation. The action plan and measures approved by the GLA should be implemented by the Owner as soon as reasonably practicable.)

### **Epping Forest:**

- A financial contribution of £25,080 (40x £627) towards Strategic Access Management and Monitoring + measures (SAMMs).

## **S106 preparation, completion, implementation, monitoring, and compliance:**

- The payment of the Council's legal fees for the preparation and completion of the S106.
- 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.

1.2 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 and to agree any minor amendments to the conditions, informatives, and/or the S106 heads of terms.

1.3 If the S106 is not completed within a reasonable timeframe following the date of Planning Committee, that the Assistant Director of Development Management and Building Control is hereby authorised to refuse this application, if appropriate, in consultation with the Planning Committee Chair. In the absence of the S106 the proposed development would not be able to secure the provision of compatibility with the extant planning permission scheme; affordable homes; accessible homes; high quality design; appropriate transport mitigation; air quality mitigation; energy efficiency and carbon reductions; and the scheme delivers the necessary measures are to ensure that any Likely Significant Effect on Epping Forest is appropriately mitigated.

## **2. REASONS REFERRED TO COMMITTEE**

2.1 This application has attracted many objections and has been called to Committee by Councillor Goldie

## **3. SITE AND SURROUNDINGS**

3.1 The application site is located within the Sewardstone Road Neighbourhood Centre as designated in the adopted Local Plan Development Management Policies. The site is a trapezoid – shaped plot of land approximately 0.16ha in area which formerly comprised a row of shops with flats above, now demolished, located at the Sewardstone Road/Kings Head Hill/Lea Valley Road traffic crossroads. The site faces a drive-through McDonalds and petrol filling station to the west, directly

across a large paved area of Sewardstone Road at its junction with Kings Head Hill which runs to the north of the site. A TPO tree is noted in this location. The south of the site is defined by the road entrance to Laurel Gardens, a banjo-shaped close of mixed interwar-era semi-detached 1 and 2 storey residential houses. To the east, the rear of the site is defined by a service access which formerly served the shops. This backs onto the boundaries of 235 and 237 Kings Head Hill and 1 Laurel Gardens.



Figure 1: Site location plan

3.2 Prior to demolition, the site had comprised a terrace of 3 storey properties erected in an interwar style with commercial units at ground floor level and two-storey mansard-roofed 2/3 bed maisonnettes above. Servicing for the shops and amenity space for the residential properties were located to the rear abutting Laurel Gardens.

3.3 The area is designated in the Local Plan as the Sewardstone Road Neighbourhood Centre within which the demolished shops had formerly comprised a Neighbourhood Retail Parade along the northern edge of the A112. The site has a low level of public transport accessibility with a PTAL of 1b, and is directly served by the following main bus routes:

- Route 215 from the Lee Valley campsite to Walthamstow Central;

- Route 313 from Chingford to Potters Bar;
- Route 385 from Chingford Station to Salisbury Hall Sainsburys (known as Low Hall).
- Route 379 from Chingford Station to Yardley Lane Estate (this stop is somewhat further away in Harford Road but included for completeness)

3.4 Chingford and Ponders End train stations are the closest stations, approximately over 1 mile away, connecting the site to central and outer London and to wider destinations including Bishops Stortford and Hertford.

3.5 The application site is identified in the Proposed Submission Local Plan Part 2 Site Allocations Document (LP2) as Site SA54. The aspirations set out in this allocation include the optimisation of land to provide a minimum of 40 homes and the delivery of 496 m<sup>2</sup> of commercial floorspace. The allocation sets out that development design should focus on ensuring the proposed buildings, landscaping and infrastructure layout maximise on-site green spaces and minimise access to Epping Forest SAC and provide opportunities for urban greening, tree planting and provision of open space.

Site Address		60-74 Sewardstone Road, Chingford, London E47PR		
Ward		Chingford Green		
Site Size		0.16 ha		
Planning Designation		None		
Intensification Approach		Reinforcement		
Indicative Development Capacity	New homes (gross)	40		
	Commercial Floorspace (sqm)	496		
Site delivery phasing		2022 - 2027	2027-2032	2032-2037
Planning Status				

### Site requirements

#### 3.54.1 Development proposals should seek to:

- Optimise site capacity and deliver around 40 new homes.
- Re-provide 496sqm of commercial uses.
- Make improvements to the Kings Head Hill junction and public realm.

Fig 2. LP2 Regulation 19 Proposed Submission extract

3.6 The application site does not fall within a conservation area and is not listed. Currently there are no restrictions on permitted development rights that might affect the site other than the borough-wide Article 4 that bring HMO into planning control.

## 4. APPLICATION PROPOSAL

4.1 The application includes the construction of a part 3, part 5 and part 8 storey building to a maximum height of 26m from ground level. The ground floor will accommodate 422.5m<sup>2</sup> of commercial floorspace distributed across 4 units fronting Sewardstone Road which will be secured to ensure that they are in Class E uses appropriate to the area in which they are located.



Fig 3: North elevation

4.2 The building provides an active ground floor commercial frontage along its length facing onto Sewardstone Road. The residential component of the scheme is provided above the ground floor, in two stair and lift cores, each accessed via communal entrances situated on opposing sides of the building; one adjacent to Kings Head Hill, the other leading off Laurel Gardens to the south.

4.3 The proposal will provide 40 flats as in the following housing mix:



Unit Size	No. of Units	Mix
1b/2p	10	25.00%
2b/3p	7	17.50%
2b/4p	10	25.00%
3b/4p	6	15.00%
3b/5p	3	7.50%
4b/6-8p	4	10.00%
<b>Total</b>	<b>40</b>	<b>100.00%</b>

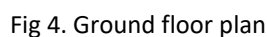
4.4 The scheme seeks to deliver 22.5% affordable housing by unit; 33 habitable rooms out of 121: 27.3% by habitable room . The proposed tenure would be 67:33 in favour of social rent as follows:

	Social Rent		Intermediate	
Unit size	No. of Units	Mix	No. of Units	Mix
1b2p	1	11%	1	11%
2b3p		0%	2	22%
2b4p	2	22%		0%
3b5p	2	22%		0%
4b/6p	1	11%		0%
<b>TOTAL</b>	<b>6</b>	<b>67%</b>	<b>3</b>	<b>33%</b>

4.5 The affordable units would be located on the 1<sup>st</sup> and 2<sup>nd</sup> floors of the development; 2 no. social rent units on the first floor and the remaining social rent and three Intermediate units located on the second floor.

4.6 Landscaping, servicing and vehicular access and a communal garden will be located to the rear of the development and will include a childrens play area of approximately 290 sq.m at ground floor level adjacent to Kings Head Hill. An additional 166.5 sq.m of landscaped communal area is provided at fifth floor level in addition to the 349.6sq.m of dedicated private amenity space provided within the development. The proposal also includes the provision of new landscaping and public realm improvements to the frontage of the development facing onto Sewardstone Road.

4.7 Short stay parking for 3 vehicles including one blue badge space will be located to the front of the building on Sewardstone Road whilst parking for 7 vehicles, including 3 disabled spaces will be located to the rear within the building. The proposal will provide 75 cycle spaces in two cycle stores within the building, a further 12 cycle spaces for the commercial units to



### 3.8 The scheme achieves an Urban Greening Factor (UGF) of 0.456.

## Scheme Amendments

4.9 The original scheme submitted comprised 41 units under the same description. The scheme initially proposed the site would be serviced from the front on Sewardstone Road. After a period of engagement with the Highways and Waste sections of the Council, the applicant accommodated all servicing of the proposal within the site at the rear. The amendment of the scheme resulted in the loss of one unit to the southern end of the site and 3 parking spaces at the rear. Reconsultation of the

amended proposal took place in June 2023. This is considered further in Section 5 of this report.

## **5. RELEVANT SITE HISTORY**

### **5.1 Planning history**

60 Sewardstone Road (includes all applications featuring the location description 60-74 Sewardstone Road)

*173437: Reconfiguration and extension of the first floor to create 7 x 2 bedroom units and 2 x 1 bedroom units. Construction of additional storey to provide 8 x 3 bedroom maisonettes (creating 9 additional units and 17 in total). Provision of a first floor shared communal amenity space, 23 new parking spaces, 48 cycle storage spaces and one loading bay. Amalgamation, change of use and extension of three existing commercial units at ground floor level to provide a large food retail (Class A1) unit. Extension and change of use of the remaining ground floor retail units (Class A1) to a flexible Class A1/A2/A3 use. New ground floor refuse and recycling. Approved 18/01/2018*

62 Sewardstone Road

No relevant records found

64 Sewardstone Road

*999/1092/CLE Certificate of lawful use as fish and chip shop (Use Class A3).*

*Approved*

*2007/1056 Formation of rear external staircase and self containment of first floor flat as shown by drawing number CAK30052007 received on 1st June 2007.*

*Refused.*

66 Sewardstone Road

*2007/0152: Change of use from A1/C3 to Metropolitan Police Safer Neighbourhoods Unit (Use Class B1) as shown on 1:1250 site plan and*

*drawings 001/P1, 100/P1, 101/P1 and 102/P1 received on 15 January 2007. Approved 12/02/2007*

*2004/1651: Change of use from retail shop (use class A1) to osteopathic clinic (use class D1). Installation of new shopfront, as shown on drawing number(s) PB01, PB02 and PB03 received on 4 October 2004. Refused 26/11/2004*

#### 68 Sewardstone Road

*2006/ 0785: Change of use of ground floor from shop (use class A1) to takeaway (use class A5) involving the erection of a single storey rear extension and the installation of an extract ventilation system at therear as shown on drawing number 1 received on 26 May 2006. Change of use of ground floor from shop (use class A1) to takeaway (use class A5). Erection of single storey rear extension. Refused 21/07/2006*  
*2004/1378: Change of use from retail shop (use class A1) to recruitment agency (use class A2), as shown on drawing numbers 1395-1 and 1395-2, received on 28 July 2004 of the planning application 2004/1378. Refused 19/10/2004*

#### 70 Sewardstone Road

*1996/0839: Change of use from retail shop to café/restaurant (Use Class A3) Approved 06/12/1996*

#### 72 Sewardstone Road

No relevant records found

#### 74 Sewardstone Road

No relevant records found

## **5.2 Pre-Application:**

The site had been a subject of a number of pre-application discussions with officers and meetings in 2017, 2018, 2019, 2020 and 2021. The submitted Design and Access Statement details these pre-application discussions which focus on the evolution of two options for the site and the process by which the current scheme was selected.

## **5.3 Planning Enforcement:**

#### 60 Sewardstone Road

IN\_534939: Unauthorised building works No action taken

62 Sewardstone Road

No records found

64 Sewardstone Road

1999/0067/DISC Enforcement investigation. Case closed.

66 Sewardstone Road

No records found

68 Sewardstone Road

No records found

70 Sewardstone Road

No records found

72 Sewardstone Road

No records found

74 Sewardstone Road

2002/0851/C: Entrance cut into hoarding : no action found

## **5.4 Planning History of Neighbouring Sites**

Stonehill Court, 25 Markfield Gardens:

*223558: Prior approval for the construction of a roof extension to a detached residential building to create a third floor providing 8 self-contained flats (4x2-bed, 3x1-bed & 1x3-bed) (Use Class C3). Associated works to include refuse/recycling storage and bicycle parking facilities.*

*Prior approval refused.*

*231752: Prior approval for the construction of a roof extension to a detached residential building to create a third floor providing 7 self-contained flats (1x2-bed, 2x1-bed & 4x3-bed) (Use Class C3). Associated works to include refuse/recycling storage and bicycle parking facilities.*

To be determined

## **6. CONSULTATION**

### **6.1 Public Consultation:**

6.2 The applicant also undertook community engagement prior to the submission of this application. This included the setting up of a website [www.sewardstoneroad.com](http://www.sewardstoneroad.com). A consultation leaflet advertised the virtual consultation session on Wednesday 15th December between 7pm and 8pm, consultation website and contact details of the project team, including a scannable QR code linking to the site, Freephone telephone line and email address to approximately 1,638 properties located in close proximity of the site. These leaflets were delivered on 6th December 2021.

6.3 Additional activities included an email to local ward Members and community groups, advising them of the consultation with the offer of a separate briefing to clarify any concerns arising from the proposal.

6.4 On 11th January 2022 a second round of letters were delivered to 1,638 properties located in close proximity of the site advertising a second consultation session on Tuesday 18th January 2022 at 7:30pm. In total 76 residents attended the sessions. As a result of the consultation the applicant team committed to dialogue with local residents.

6.5 Following the initial validation of this application, the Council sent notification letters to 165 neighbouring addresses and consultees on 14 April 2022. A press notice was published on 21 April 2022 and a notice was posted around the site on 19 April 2022.

6.6 Following the receipt of an amended scheme, the Council again sent notification letters to neighbours and consultees on 20 July 2023. Two site notices were posted around the site on 16 August 2022 and a press notice was published on 8 September 2022.

6.7 As a result of the initial round of public consultation, 52 objections were received from neighbouring properties in the submission consultation period in May 2022; 9 responses received following the re-consultation period following a minor amendment to the plans in June 2023. The table below summarises the issues raised in these letters:

Objection received	LPA Response
Lack of adequate parking provision and pressure on road network	Parking and road transport impacts are considered in Section E. (Transport and Highways) of this report.

Impact on area character of 8 storey building	This is considered in Section B. (Design and Character) of this report.
Impact on local infrastructure	Infrastructural impacts are offset via a mandatory contribution to Community Infrastructure Levy which operates at Local and Regional level.
Impact on neighbouring occupiers -privacy, outlook and overlooking	This is considered in Section D (Impact on Amenity) of this report.
Lack of affordable housing	Affordable housing is addressed in Section C. (Housing and Affordable Housing) of this report. The proposal provides 22.5% affordable housing by unit, 27.3 % by habitable room. The scheme has been viability tested and subject to an appropriate planning obligation considered acceptable as such.
Impact of servicing on Laurel Gardens	The scheme has been redesigned since its original iteration to ensure that servicing takes place within the site in order to limit the opportunity for congestion in the vicinity. This is considered in Section D, E and F of this report.
The shops will be more expensive	This is not a planning matter and cannot be addressed in this report as it lies outwith planning control
Public transport is inadequate	This point is noted as the area is rated as Level 1b PTAL.
The scheme exceeds density standards	This is considered in Section B of this report in relation to the efficient and effective use of land.
Inadequate provision for children	This is addressed at Section D (iii) of this report. Using the GLA Child Yield Calculator, the proposal would accommodate 24 children with a need for 240sq.m of playspace. This is exceeded by 50 sq.m in this development.

Loss of local views of the Forest	This is considered in Section D of this report. There are no local views which fall within the London Plan London View Management Framework (LVMF).
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6.8 Following the initial consultation period the applicant engaged a PR consultancy to carry out a consultation exercise in the local area and in May 2023 provided 32 signed leaflets supporting the scheme. Of these 3 came from e4 addresses; 5 from E10-E11 and 19 from E17. The remaining 5 came from W1, N5, N15 E6 and TW20. The responses are summarised below:

Support received	Comments
The development will provide more housing and jobs	Housing is covered in section C of this report. The comment on jobs is noted: the development replaces a former retail parade.
The proposal improves on the existing appearance of the site	This is covered in Section B of this report

## 7. Other Consultation:

Internal Consultation	Comments
Transport Policy	Cycle parking provision is well positioned and acceptable; comments on stands.
Highways	Parking overspill due to this development will still have a negative impact on the surrounding area. At this stage, Highways will not support this application and recommend refusal. . COMMENT: This is addressed in the report.



	<p>Highways are now satisfied with the refuse vehicle swept path and refuse collection arrangements. There is still a risk that drivers will not enter the delivery area. The developer should confirm who will be linked to the intercom system as there could be a delay in timing between delivery drivers notifying that they have arrived at the site and being able to access the development. The plans should show the signage provided which will aid delivery drivers to encourage them to enter the site, not just to stop and drop on the public highway. Secure by Design must be consulted with the provision of the secure access sliding gate. Planning must also discuss with Waste whether this will disrupt with refuse collection. COMMENT: A Delivery and Service plan is secured by condition 13</p> <p>The S278 Design must be amended to include the corner of the junction of Kings Head Hill and Sewardstone Road. The current S278 must tie into the edge of the adjacent building. This corner must be included to allow for an inclusive design at this location. Currently, there is a section of private land next to the residential entrance which Highways would adopt as public footway, however with a whole redesign the issue of the residential entrance could also be resolved at this stage. Highways request a meeting with the Applicant and Planning to</p>
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	<p>discuss this issue. The wording of the S278 agreement is not agreed at this stage, and will be amended once this issue has been resolved.</p> <p>COMMENT: This is included in the S106 obligation.</p>
Housing	<p>This application would deliver a 20% quantum of affordable housing, measured in habitable rooms (22% by units). This falls short of the Council's 50% habitable rooms target. The applicant has cited viability constraints for the under provision of affordable housing.</p> <p>The tenure split within the affordable is 68:32 in favour of social rented, this falls between the Council's current 60:40 target and emerging 70:30 target and would therefore be acceptable.</p> <p>The unit mix within the low cost rented would see a 33% provision of 1 beds against a target of 20%, a 50% provision of two beds against a 30% target and a 17% provision of 3 beds against a 50% target of 3 beds and larger.</p> <p>There is an under provision of social rented family sized unit on this scheme, whilst there is an over provision of family sized unit in the market tenure. The applicant needs to find a better balance between the family sized units in the social rented and market tenures. COMMENT: This has been addressed via the addition of a 3b5p unit in the social rented part of the scheme.</p>

	<p>The applicant would need to justify their proposed unit mix for the intermediate tenure.</p> <p>The applicant states that 5 units will be wheelchair accessible. This would exceed the minimum 10% requirement and would therefore be acceptable as far as number of units. It is not clear how many of these units are in the affordable tenure. We would expect an even distribution between the tenures. COMMENT: The scheme includes amendments which are discussed in the relevant section of the report.</p>
Nature Conservation	<p>No in principle objection; concern regarding the removal of the TPO tree and the need to ensure that the quality of replacement trees and planting on site is acceptable subject to strong conditions. COMMENT: Conditions are attached to ensure that suitable replacement trees are provided and maintained.</p>
Design	<p>No in principle objection. The scale and massing of the proposal is appropriate to the Strategic Location. Raised queries concerning the materials and the use of coloured tiles which are the subject of a suitable condition</p>
Environmental Health	<p>Officers have commented on the air quality and environmental impacts of the scheme. Subject to suitable mitigation secured via s106 and conditions the scheme is acceptable.</p>
Sustainable Energy	<p>No objections raised and conditions are recommended.</p>

	COMMENT: Comments are considered in the relevant section of this report and conditions attached

External Consultation	Comments
HSE	Recommended informatives concerning fire safety
Met Police (DOCO)	Following meetings with the applicant summarised in the DAS conditions are recommended in order for the scheme to be supported.
Natural England	No objection to the proposal subject to mitigation measures. These are secured via the s106 agreement and appropriate conditions
Thames Water	No objection. Recommended conditions and informatives which are attached.
National Highways	No objection

## 8. DEVELOPMENT PLAN

8.1 Section 70(2) of the Town and Country Planning Act (1990) (as amended) sets out that in considering and determining applications for planning permission, the Local Planning Authority (LPA) must have regard to considerations including the provisions of the development plan and any local finance considerations, so far as material to the application, and any other material considerations.

8.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that “if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

8.3 The Development Plan for the site, at the time of this report, comprises the London Plan (2021), and the Waltham Forest Local Plan Core Strategy (2012), and the Waltham Forest Local Plan Development

Management Policies (2013). Other planning policies are material considerations.

### The London Plan (2021)

8.4 On the 2nd of 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 relevant to this application are considered to include but not limited to:

- GG1 – Building Strong and Inclusive Communities;
- GG2 – Making the Best Use of Land;
- GG4 – Delivering the Homes Londoners Need;
- GG5 – Growing a Good Economy;
- GG6 – Increasing Efficiency and Resilience;
- SD6 - Town centres and high streets;
- SD7 – Town Centres: development principles and Development Plan Documents;
- SD8 – Town centre network;
- SD10 – Strategic and Local Regeneration;
- D1 – London’s Form, Character, and Capacity for Growth;
- D2 – Infrastructure Requirements for Sustainable Densities;
- D3 – Optimising Site Capacity Through Design-led Approach;
- D4 – Delivering Good Design;
- D5 – Inclusive Design;
- D8 – Public Realm;
- D9 – Tall Buildings;
- D11 – Safety, Security, and Resilience to Emergency;
- D12 – Fire Safety;
- D14 – Noise;
- S4 – Playspace and Informal Recreation;

- HC3 – Strategic and Local Views;
- G1 – Green Infrastructure;
- G4 – Open Space;
- G5 – Urban Greening;
- G6 – Biodiversity and Access to Nature;
- G7 – Trees and Woodlands;
- SI1 – Improving Air Quality;
- SI2 – Minimising Greenhouse Gas Emissions;
- SI3 – Energy Infrastructure;
- SI4 – Managing Heat Risk;
- SI5 – Water Infrastructure;
- SI7 – Reducing Waste and Supporting the Circular Economy;
- SI12 – Flood Risk Management;
- SI13 – Sustainable Drainage;
- T1 – Strategic Approach to Transport;
- T2 – Healthy Streets;
- T3 – Transport Capacity, Connectivity and Safeguarding;
- T4 – Assessing and Mitigating Transport Impact;
- T5 – Cycling;
- T6 – Car Parking;
- T7 – Deliveries, Servicing, and Construction;
- DF1 – Delivery of the Plan and Planning Obligations; and,
- M1 – Monitoring.

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

8.5 The Waltham Forest Local Plan Core Strategy (2012) was adopted on 1st March 2012. The Core Strategy contains 16 policies designed to deliver the Council's vision for the physical, economic, environmental, and

social development of the Borough. These policies will be used to direct and manage development and regeneration activity up to 2026.

8.6 The policies considered relevant to this application are the following:

- CS1: Location and Management of Growth;
- CS4: Minimising and Adapting to 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;
- CS14: Attractive and Vibrant Town Centres;
- CS15: Well Designed Buildings, Places and Spaces; and,
- CS16: Making Waltham Forest Safer.

#### Waltham Forest Local Plan Development Management Policies (2013)

8.7 The document was adopted on 1st November 2013. The policies considered relevant to this application are the following:

- DM1: Sustainable Development and Mixed-Use Development;
- DM10: Resource Efficiency and High Environmental Standards;
- DM11: Decentralised and Renewable Energy;
- DM12: Open Space, Sports and Recreation;
- DM13: Coordinating Land-use and Transport;
- DM14: Sustainable Transport Network;
- DM15: Managing Private Motorised Transport;
- DM16: Parking;
- DM17: Social and Physical Infrastructure;
- DM23 Health and Well Being;
- DM24: Environmental Protection;
- DM25: Managing Town Centre Uses ;

- DM29: Design Principles, Standards and Local Distinctiveness;
- DM30: Inclusive Design and the Built Environment;
- DM32: Managing Impact of Development on Occupiers and Neighbours;
- DM33: Improving Community Safety;
- DM34: Water;
- DM35: Biodiversity and Geodiversity;
- DM36: Working with Partners and Infrastructure;
- Appendix 4 – Parking Standards;

## **9. MATERIAL PLANNING CONSIDERATIONS**

### National Planning Policy Framework (2023)

9.1 The National Planning Policy Framework (NPPF) 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.

9.2 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".

9.3 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.

9.4 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;



- Promoting sustainable transport;
- Achieve well-designed places;
- Promoting Healthy Communities;
- Meeting the challenge of climate change, flooding, and coastal change; and,
- Conserving and enhancing the natural environment.

Waltham Forest Local Plan (LP1) 2020 – 2035 (Proposed Submission Document) (2020)

9.5 Waltham Forest Local Plan (LP1) is intended to replace the current Waltham Forest Local Plan Core Strategy and Development Management Policies. It has undergone consultation and was subject to an Examination in Public in March 2022. The Council consulted on a schedule of Main Modifications from 21st July 2023 to 21st September 2023.

9.6 In line with the NPPF, Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Waltham Forest Local Plan (LP2) – Site Allocations (Proposed Submission Document):

9.7 The Site Allocations Document (Draft Waltham Forest Local Plan Part 2: Site Allocations Document (2021 – Reg 19) seeks to ensure that the London Borough of Waltham Forest promotes the right development in the right places at the right scale, creating attractive sustainable neighbourhoods as well as economic opportunities. It underwent consultation from November 2021 until January 2022. When adopted, the Site Allocations Document will represent Part 2 of the Council's Local Plan. It complements the Draft Local Plan.

### Urban Design SPD - 2010

9.8 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.

### Waltham Forest Planning Obligations SPD - 2017

9.9 This document seeks to provide transparent, clear, and consistent information for the negotiation of planning contributions and Section 106 Agreements and how these work alongside the Community Infrastructure Levy (CIL) to help deliver necessary infrastructure in the Borough.

### Waste & Recycling Guidance for Developers (2019)

9.10 The Waste & Recycling Guidance for Developers is to help those involved in designing new developments to ensure safe and secure refuse and recycling storage and collection.

### Local Finance Considerations

9.11 Natural England issued 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 CIL. It is noted that:

- It is not thought that there are any grants which have been or will or could be received from central government in relation to this development.
- The Council expects to receive income from LBWF CIL in relation to this development.
- The Council expects to receive income from Mayoral CIL in relation to this development

## **10. ASSESSMENT**

10.1 The main issues which shall be addressed within this report are as follows:

- A. Principle of Development
- B. Design and Character;
- C. Housing and Affordable Housing

- D. Impact on Amenity;
- E. Transport and Highways;
- F. Waste Management;
- G. The Environmental Impact of the Development;
- H. Sustainable Design and Energy Efficiency;
- I. Trees and Landscaping;
- J. Safety and Security;

## **A. Principle of Development**

10.2 The National Planning Policy Framework (NPPF) (2021) sets out the policy foundation for the achievement of ‘sustainable development’ This incorporates three interdependent overarching economic, social and economic objectives aimed at the delivery of a strong economy supporting healthy communities and aiding the enhancement of the natural, built and historic environment. Section 5 of the NPPF sets out the priority of boosting the supply of new homes and section 7 sets out the role that residential development can play in the functioning of designated centres. Finally, these principles are augmented in Section 11 of the NPPF which requires making the effective use of land with particular reference to the re-use of previously developed land.

10.3 These principles are reflected in the London Plan (2021) Good Growth policies GG1 and GG2 in which planning decisions should seek to enable the development of brownfield land with the aim of intensifying land use to support higher density development. Policy CS1 of the WFLP Core Strategy (2012) and Policy DM1 of the WFLP Development Management Policies (2013), also seek for development proposals to achieve an appropriate balance between physical, social, environmental, and economic considerations to ensure that these deliver key benefits to the locality.

10.4 London Plan Policies SD7 and SD8 set out the thresholds for the “town centres first” approach and the role of Neighbourhood Centres. Policies CS14 and DM25 of the adopted Local Plan accord with the London Plan approach in terms of encouraging housing in and around town centres as part of mixed use developments on the upper floors of commercial buildings and on sites where a high quality living environment

offering good levels of residential amenity, low noise levels, safe streets, personal security etc, can be created without impeding the development of primary town centre uses such as retail and other commercial uses.

10.5 The location is identified in Policy 11 - North Waltham Forest of the draft LP1 Local Plan as the Sewardstone Road Strategic Location in which up to 330 homes are to be delivered in the plan period. The overall Policy aims at Section J to:

- i. Focus new development on the area of Kings Head Hill/Sewardstone Road junction;
- ii. Contribute to the improvement of public realm and public spaces, walking and cycling accessibility and connectivity, permeability and legibility to Ponders End and wider improvements and investment in the London Borough of Enfield, and North Chingford and South Chingford District Centres, in addition to other identified routes...

10.6 The Emerging Waltham Forest Local Plan Site Allocations LP2 identifies the site as SA54, proposing that it delivers the redevelopment of the Neighbourhood Retail Parade to deliver 40 new homes, re-providing commercial uses and improvements to the Kings Head Hill Junction and associated public realm.

10.7 Noting that the site formerly comprised a 3 storey terrace of 8 ground floor commercial units with two storey maisonettes above situated in a designated Neighbourhood Retail Parade, the proposal seeks the re-provision of commercial uses in addition to an enlarged residential component of new homes, As such in contributing to the borough's housing delivery targets on an allocated site and in a sustainable location, the proposal satisfies the requirements of London Plan Policies SD7 and SD8; Waltham Forest Local Plan Policies CS1, CS2, CS14 and DM1, DM25; the Emerging Local Plan LP1 policies 11, 40, 41 and 42 and the emerging Local Plan 2 allocation. The proposal is considered to be acceptable in principle and remains to be assessed against other material planning issues, including design and character, housing mix, standard of accommodation and impact on neighbouring amenity. These issues, amongst other relevant planning considerations, shall be considered below.

## **B. Design and Character**

10.8 London Plan Policies D1, D2 and D3 set out a range of considerations for the design of new housing, enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Policy D9 sets out that boroughs should determine the locations of taller buildings in their Development Plans and that such buildings should only be developed in locations that are identified as suitable in Development Plans

10.9 Local Plan Core Strategy Policy CS2 states that the Council will seek high quality design from all new housing development to ensure it makes a positive contribution to improving the urban environment in the borough. This is elaborated in Policy CS15 which seeks the highest quality of urban design and architecture for new developments in creating functional and attractive places which respond positively to local context and character. Policy DM29 provides further detail, including that proposals should provide clear connections with the surrounding area and a coherent layout with active street frontages, have an appropriate approach to massing, and make use of visually attractive architecture and high-quality materials.

10.10 The Emerging Local Plan LP1 Policy 56 states that development proposals should reinforce or enhance local character, taking in account existing patterns of development, townscape, skyline, urban forms, building typologies, architecture, materials, and other features of local and historical significance. It adds that developments should respond appropriately to their context in terms of scale, height and massing. Following on from the requirements of London Policy D9, LP1 Policy 57 sets the minimum threshold of a tall building in the borough at 10 storeys.

10.11 Regard is paid to the aims of the report of the Building Better, Building Beautiful Commission: "Living With Beauty: Promoting Health, Well-Being and Sustainable Growth" (Jan 2020) which states that "We should...be advancing the cause of beauty on three scales, promoting beautiful buildings in beautiful places, where they are also beautifully placed" (p10).

10.12 The Council's Design Officers have reviewed and commented on the proposal. The issues raised by the development are considered below.

### *Height Scale and Massing*

10.13 The proposal involves the erection of part 8, part 5 part 3 storey building broadly located on the footprint of the demolished row of shops which had formed part of the designated Neighbourhood Retail Parade within the Sewardstone Road Strategic Location as set out in Chapter 7 Policy 11 of the Council's LP1 Local Plan at examination. The tallest element is located to the northern end of the development adjacent to Kings Head Hill, stepping down from 8 to 5 storeys southward along Sewardstone Road toward the entrance of Laurel Gardens. The proposal steps down at the eastern elevation facing into Laurel Gardens to three storeys at the rear. It is however the 8 storey element which has primarily attracted the most comment from objectors, particularly in terms of its scale and bulk, and its impact on area character. This is considered in the following paragraphs.

10.14 The height of the proposal is contextualised in its location by Stonehill Court, a three storey complex of flats situated at the northern side of Kings Head Hill opposite the site to the north Wingrove House; the seven storey block of retirement flats situated the west of the site on the opposite side of Sewardstone Road. As context, it is also noted that the Motorpoint site located to the west of the site is an allocated site (SA52) in the LP2 Proposed Submission for 385 homes. Noting that the taller element of the site is situated toward the apex of a prominent triangular streetcorner plot surrounded by extensive public realm and set back from residential houses, at approximately 26.5m in height, the proposal that the taller element of the proposal is located here is considered to represent the most efficient use of land in development terms and to be the most effective in design terms: the site is a prominent gateway location in view of its situation on the edge of the borough, and as such the design in terms of its scale bulk and massing is considered to be appropriate in its context.

10.15 South of the main 8 storey element, the stepped 5-storey massing relates well to the west-facing street front and the parade to the south of the site, in keeping with the general form and massing of the area. As such it is considered to be consonant with the aim at Policy 8 of the LP1 Local Plan of character-led intensification in in this area. In this context, the proposed form, scale and massing of the proposal is considered to be acceptable in a designated Strategic Location.

### *Layout*

10.16 As indicated, the proposal provides a strong active commercial frontage to Sewardstone Road at ground floor level along the length of the

development and clear and coherent circulation routes within the development at ground floor level leading to the communal play area and parking to the rear.



Fig 5 : Layout and Circulation

10.17 Above the ground floor, the building is served by 2 circulation cores accessed from within the communal entrance lobbies. Each core contains a lift and a stair serving all levels, both of which are designed to Firefighting standards. The northern core also includes a second, evacuation lift in line with London Plan 2021 guidance.

10.18 The northern core, accessing the 8 storey portion of the building maximises access for the units it serves to ensure the shortest possible distance from the means of vertical circulation and access to flats, in compliance with Approved Document B. In July 2023 the Government has indicated its intention to amend the Building Regulations to require residential developments over 18m to have two stair cores, following its earlier consultation in December 2022 proposing a 30m threshold. It is understood that the Government intends to publish transitional arrangements for this new requirement before the end of the year, with detailed requirements to follow next year. There is therefore ongoing uncertainty as to how developments such as this may be affected, which would in any case be dealt with through building regulations.

10.19 The southern core is positioned to enable deck access to units at upper levels. The staircases are also positioned to break the building mass on Sewardstone Road and Laurel Gardens. With the residential entrances located to the northern and southern ends of the building, the layout is overall considered successful in providing an acceptable standard of separation between the commercial and residential spaces.

### *Density*

10.20 The general thrust of policy since 2021 has been towards ensuring and securing the optimal use of land in development rather than the measurement of residential density: focussing on the potential of the site rather than an area-based assessment which incorporates externalities such as PTAL. Accordingly the NPPF (2023) does not set out any prescriptive guidance with regards to residential density, encouraging optimising the capacity of sites contextualised with the use, intensity, scale, and character, the surrounding area and the size of the site.

10.21 At London level, Policy GG2 of the London Plan (2021) sets out that to make best use of the land, development must enable development of brownfield to support additional homes and workspaces and promoting higher density development, particularly in locations that are well connected by public transport, walking and cycling. Policy D3 encourages the optimisation of site capacity through the design-led approach and sets policy guidance to shape the form and layout, experience, quality and character of the new development.

10.22 Policy CS2 of the Waltham Forest Local Plan Core Strategy (2012), states the Council will seek to make the most efficient and effective use



of land in the centre. This means seeking to optimise housing densities in accordance with the London Plan SPG. The minimum requirements set out in Policy DM7 of the Waltham Forest Local Plan Development Management Policies (2013) should be met, which requires proposals to meet the minimum internal space standards and external amenity space standards.

10.23 Objectors have made the case that the proposal exceeds the density standards set out in the Council's Urban Design SPD (2010). It should be noted that these standards were taken from the previous London Plan and do not form part of the current London Plan. However, in response to objectors the density of the site has been calculated in line with the Mayor's Housing SPG (2016) guidance on calculating density of mixed-use developments. The proposed density is summarised in the table below:

Type	No.	p/h
Number of Units	40	250
Number of Hab. Rooms	127	793.75
No. Bedrooms	87	543.75

10.24 The site is situated in an area of low Public Transport Accessibility Level (PTAL) of 1b. Notwithstanding the low PTAL rating, the site is located in a designated centre: the Sewardstone Road Neighbourhood Centre which features local services, a mix of development and proximity to public transport facilities with bus stops moments away by foot. In addition Sewardstone Road is an A road - the A112 leading north to the M25 and south to the A406. Officers consider that for these reasons the area meets the London Plan definition of an urban area:

*urban* – areas with predominantly dense development such as, for example, terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a District centre or, along main arterial routes

rather than suburban:

*suburban* – areas with predominantly lower density development such as, for example, detached and semi-detached houses,

predominantly residential, small building footprints and typically buildings of two to three storeys.

10.25 As such, the densities achieved within the development are considered to be appropriate in its setting with regard to the existing designations referred to above and with particular regard paid to the status of the area in the emerging LP1 Local Plan at examination as a Strategic Location as set out in Chapter 7 Policy 11 - North Waltham Forest.

### Materials

10.26 London Plan 2021 Policies D1 and D2 seek to ensure that new developments are well designed and fit into the local character of an area. New buildings and spaces should respond in terms of their form, style, and appearance to successfully integrate into the local character of an area, with a positive relationship with the natural environment and respect and enhancement of the historic environment.

10.27 Officers support the contemporary approach to architecture in the development, noting the predominance of high quality brick finishes in the choice of materials which in general is considered to respond well to the location

10.28 Differing brick tones are intended to respond to the varying brick colours of the surrounding built context, which is predominantly from red and brown stock brick. The projecting shop frontage and balcony bays on the 1st to 7th floor levels are finished in a brown brick, with the set back treated in a red, lighter coloured brick.

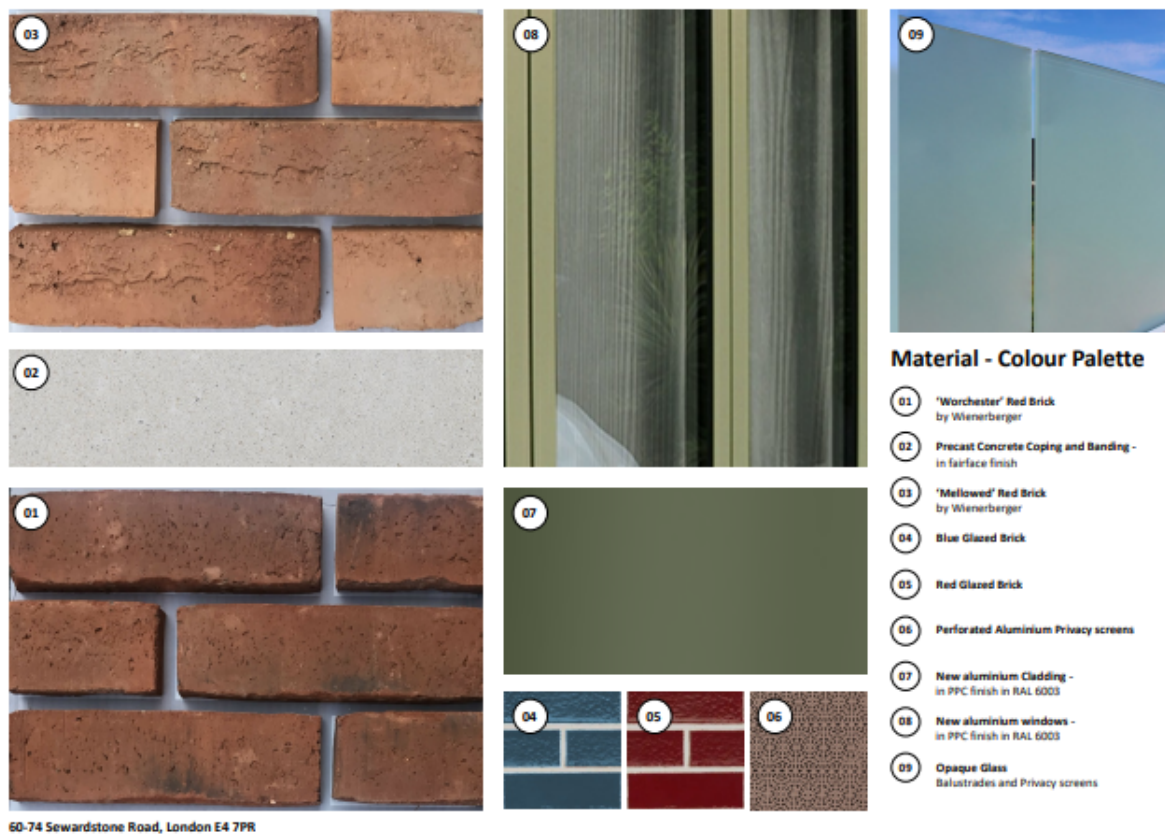


Fig 6: Brick facings

10.29 Different brick bonding and patterning as well as careful detailing will add interest and texture to the building. Concrete sills/banding is proposed where there is a change of brick tone on the same plane.

10.30 Aluminium windows and spandrel panelling in olive green are proposed for apertures, a range of which have been designed as both double and single height in various widths.

10.31 In addition to the brick indicated above, the proposal includes the use of blue glazed brick to the residential entrances at the north and south of the building and red to the frontages of the commercial units to the ground floor. This has to be considered in relation to the olive green windows, balcony and screening treatments above ground floor level.



Fig 7: Indicative illustration of windows and glazed bricks

10.32 Officers have worked with the applicant during the course of the application and consider that subject to an appropriate condition, in general the materiality of the proposal is acceptable.

### **C. Housing and Affordable Housing**

10.33 Policy H4 of the London Plan (2021) sets out the strategic target of 50% of all new homes delivered across London to be genuinely affordable, encouraging a range of tenures, including different types of affordable housing, and providing for groups with distinct housing requirements. London Plan Policy H5 sets out that planning applications

for proposals following the viability tested route should include detailed supporting viability evidence, which should be scrutinised to ensure the delivery of the maximum level affordable housing. London Plan Policy H6 sets out the tenure requirements for affordable housing; a minimum of 30% low cost rented homes and 30% intermediate products, with the remaining 40% to be determined by the local planning authority.

10.34 The Mayor's Housing SPG (2016) provides guidance on the overall approach to estimate the needs of different sorts; on the role of planning in facilitating private rented housing and addressing the requirements of distinct groups.

10.35 Waltham Forest Local Plan Policies CS2 and DM3 reinforce the London Plan policies, and seek to provide at least 50% affordable housing within the Borough over the plan period. Policy CS2 provides flexibility in assessing the level of affordable housing on a site-by-site basis to achieve the maximum available and Policy DM3 states that the Council will seek affordable-housing tenure split of 60% social/affordable rented and 40% intermediate. Emerging Local Plan Policy 14 states that the Council would expect a tenure split of 70% low-cost affordable rent and 30% intermediate on schemes of 10 or more units.

10.36 The applicant originally proposed 9 units of affordable housing on site which equates to 22% of the original 41 unit housing offer on the site. They supported their position with a viability assessment which was reviewed by the Council's independent viability advisors. This initially stated that the proposed scheme would generate a surplus of £48,360.

10.37 Following the redesign of the scheme to accommodate the internal servicing of the site, one private unit has been lost. Scheme viability has been reassessed on the basis of the affordable housing provision of 22.5% (9 out of 40 units) / 27.3% by habitable room. This assessment shows a deficit of £309,121 as the result of changes in market conditions over the lifetime of this application.

10.38 The affordable housing offer within the development remains at 9 units as previously set out. Officers are of the view that on the basis of the information provided and with regard to the viability report referenced above, that this represents the maximum offer that the scheme can provide. However, noting that the offer falls below the threshold set out by the GLA, early and late-stage review mechanisms will be required

within the s106 agreement to ensure that any future uplift is captured in the event that market conditions substantially improve.

### *Housing Mix*

10.39 In terms of the mix of dwellings proposed, Policy DM5 states that the Council will seek all housing developments to provide a range of dwelling sizes and tenures particularly focusing on the provision of larger family sized homes (three bed plus) in line with the Council's preferred housing mix in Table 6.1. The Council will generally not support development proposals containing only smaller homes (one and two bed).

10.40 Supporting paragraph 6.4 states that the Council aims to ensure each development should contribute to the creation of mixed and balanced communities by containing a mix of large and small homes overall.

10.41 The submitted proposal includes 9 units of affordable housing in the mix shown in the following table:

	<b>Social Rent</b>		<b>Intermediate</b>	
<b>Unit size</b>	<b>No. of Units</b>	<b>Mix</b>	<b>No. of Units</b>	<b>Mix</b>
1b2p	1	11%	1	11%
2b3p		0%	2	22%
2b4p	2	22%		0%
3b5p	2	22%		0%
4b/6p	1	11%		0%
<b>TOTAL</b>	<b>6</b>	<b>67%</b>	<b>3</b>	<b>33%</b>

10.42 The affordable housing offer comprises 22.5% by unit. This provides 67% at social rent and 33% intermediate shared ownership homes. The remaining 31 units would be marketed for sale. Noting that the tenure split within the affordable is 67:33 in favour of social rented, this falls between the Council's current 60:40 target and emerging 70:30 target and is considered to be acceptable.

10.43 In the light of Policy DM5 para 6.4 the proposal is considered to provide an acceptable balance of smaller and larger households within the development thereby meeting the policy aim of promoting mixed and balanced communities. The proposal divides as providing 44% of the development as smaller units whilst the remainder is considered more weighted to provide for family accommodation.

### *Accessible Units*

10.44 Policy D7 of the London Plan (2021) sets out that a minimum of 10% of new housing must meet the Building Regulations requirement under Part M4 (3) 'wheelchair user dwellings' and that all other dwellings should meet the Building Regulations under Part M4 (2) 'accessible and adaptable dwellings'.

10.45 Policy DM30 of the adopted DMP states that all development must be designed so that everyone, including disabled people, can conveniently reach, enter and use any buildings or use any open air facilities.

10.46 The proposed development would provide a total of 40 residential units, of which 4 are wheelchair accessible. There are clear indications on the submitted plans indicating 2 wheelchair units on the first floor, and 1 each on the second and third floor; with further detail provided in Plan no. 214. Para 4.2 of the submitted Design and Access Statement confirms that Units 1.01, 1.07, 2.05 and 3.07, on the first second and third floors are designated as Part M4(3) compliant wheelchair units and that all remaining units within the scheme are compliant with Part M4(2) of the Building Regulations. This is secured by condition. These units feature 1500mm turning circles shown in habitable rooms and wider vestibule space at the threshold as are doors which exceed the 900mm clear opening standard set in the Council's Supplementary Planning Document Inclusive Housing Design (2011).

10.47 Subject to a s106 obligation to promote and retain the wheelchair adaptable units for that purpose, the proposal in this regard is considered to satisfy the requirements of Policy CS2 of the adopted Core Strategy (2012); Policy 30 of the adopted Development Management Policies (2013) and the guidance set out in the adopted Inclusive Housing Design SPD (2011).

### **D. Impact on Amenity;**

#### **Living Conditions - Existing Occupiers Neighbouring Occupiers**

##### *Daylight/Sunlight*

10.48 Policy D6 of the London Plan (2021) sets out that development should provide sufficient daylight and sunlight to new and surrounding housing appropriate to context. Whilst there is no policy for assessing the impact on any loss of daylight and sunlight on neighbouring properties,

general guidance is provided within the 'BRE – Site Layout Planning for Daylight and Sunlight'.

10.49 Local Plan Policy DM32 states that when considering the impact of a new development on neighbouring amenity, the Council should have regards to overshadowing, access to daylight and sunlight, and loss of privacy, and shall only find development acceptable where it would not cause an unacceptable loss of amenity to adjoining or future occupiers of the development.

10.50 The application is supported by a Daylight and Sunlight Report which considers the effect of proposed development at 60-74 Sewardstone Road upon daylight and sunlight within the proposal itself and to the following external properties at :

- Stonehill Court
- 204 Kings Head Hill
- 235 Kings Head Hill
- 237 Kings Head Hill
- 1 Laurel Gardens
- 58 Sewardstone Road

### Internal Assessment

10.51 In terms of internal amenity within the development itself, all habitable rooms receive good levels in excess of the relevant BRE targets. The Average Daylight Factor (ADF) results demonstrate that all 100% of the rooms meet the daylight criteria for their respective room use.

10.52 The provision of dual aspect units across the scheme has helped to ensure good levels of compliance for Annual Probable Sunlight Hours (APSH) with c.82% of the main living rooms meeting the Building Research Establishment (BRE) recommendations. When considering the main living spaces within 90 degree of due south, which the BRE considers as the main focus for sunlight, this compliance increases to c.93%. This is an excellent level of compliance for a large residential scheme and is considered to be acceptable as such.

### External Assessment



10.53 The BRE guidance outlines three detailed methods for calculating daylight: the Vertical Sky Component (VSC), the No-Sky Line (NSL) and the Average Daylight Factor (ADF). The VSC and NSL are primarily used for the assessment of existing buildings, while the ADF test is generally recommended for proposed rather than existing dwellings.

10.54 The submitted report concludes that all of the neighbouring properties meet the BRE guidelines for VSC and NSL daylighting. Whilst there are 2 instances where technical deviations occur to single flank windows serving dual aspect spaces within 1 Laurel Gardens and 58 Sewardstone Road, both meet the guidelines when considering the mean VSC effect with all neighbouring rooms experiencing no noticeable shift in daylight penetration to the rooms (the NSL). Overall the APSH assessments show that all of neighbouring receptors to the site fully achieve the BRE guidelines for Annual Probable Sunlight Hours. Accordingly it is considered that the proposal does not result in unacceptable adverse impacts to future and neighbouring occupiers in terms of daylight and sunlight.

#### *Privacy and Overlooking*

10.55 Within the vicinity of the proposal, the principal impacts of the development are considered to fall upon:

1 Laurel Gardens

237 Kings Head Hill

#### 1 Laurel Gardens

10.56 This property is a bungalow-style house which features a dormer loft conversion and a single storey extension to the rear. The property runs along the eastern boundary of the site and features a pair of patio doors in the flank of the rear extension which face the application site. These are considered to serve a habitable room. However the property is separated from the application site by a substantial brick wall which obscures the view of the ground floor of the site.

There are no windows on the gable end of the proposed development that face on to Laurel Gardens, hence the impacts are considered in terms of the remainder of the development.

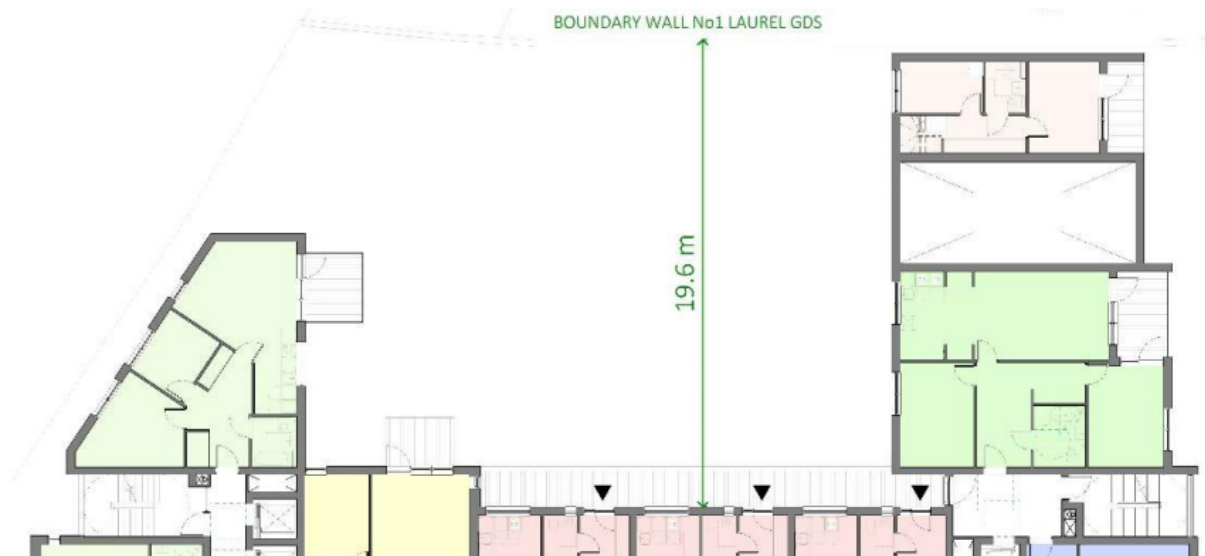


Fig 6: 1<sup>st</sup>-2<sup>nd</sup> Floor separation distance from 1 Laurel Gardens

10.57 The building line of the southern core is in excess of 19.5m from the boundary at 1st and 2<sup>nd</sup> Floor Levels. (Fig 6) This extends to 21m at 3<sup>rd</sup> Floor and 4<sup>th</sup> Floor levels. (fig 7)

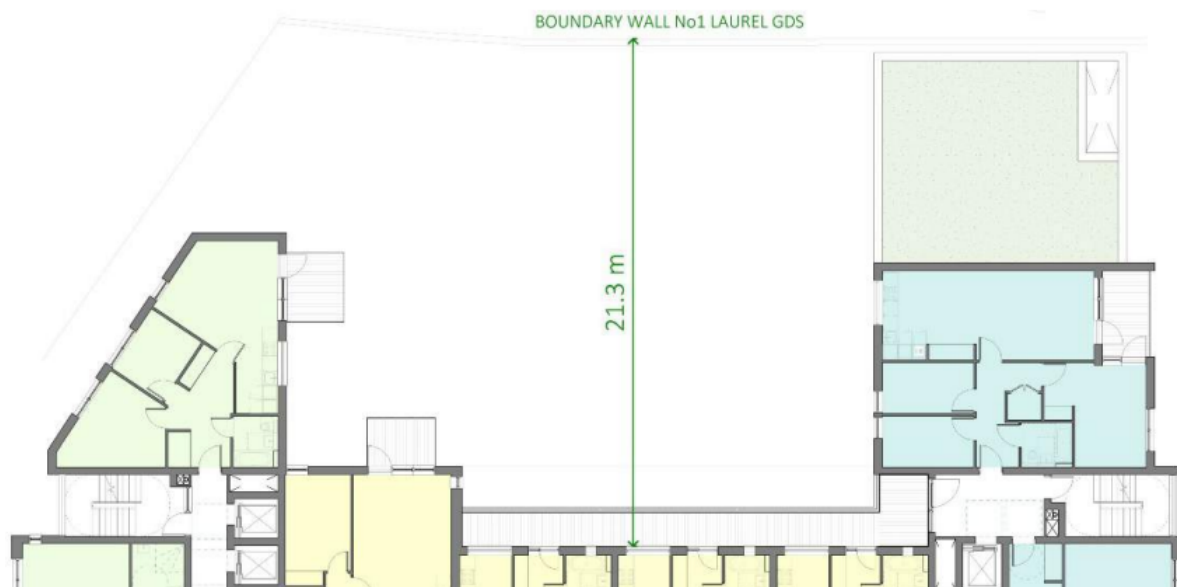


Fig 7: Fig 6: 3<sup>rd</sup>-4<sup>th</sup> Floor separation distance from 1 Laurel Gardens

10.58 In addition external terraces serving east-facing 1 bed Units over 1<sup>st</sup> -6<sup>th</sup> Floor Levels of the north core have been designed to effectively have southerly aspect (fig 8) with balconies screening the eastern aspect to prevent direct overlooking in to the garden of No1 Laurel Gardens, as

well as protecting the privacy of the residents using the external amenity space.

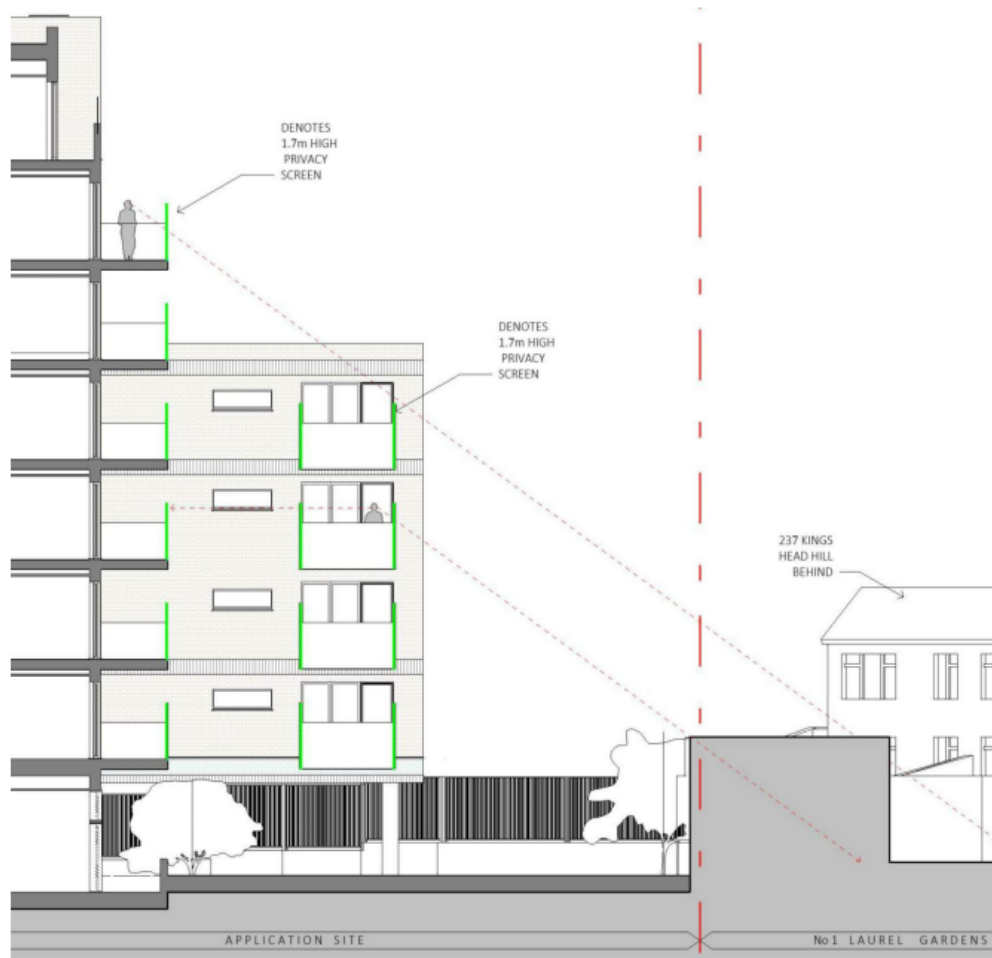


Fig 8: Terrace screening to 1 Laurel Gardens

10.59 External terraces serving units in the rear wing of the 8 storey north core have been designed to be south facing with primary outlook away from the neighbouring garden. Additionally, the terraces are to be fitted with privacy screens on the eastern flank to prevent any direct overlooking into the garden of No1 Laurel Gardens in addition to protecting the privacy of the residents using the external amenity space. The square proportions of the terraces also reduce the opportunity for overlooking on to neighbouring properties. At 5th Floor Level, the usable space of the Communal Amenity space is set back from the parapet by 1.5m ensuring that users cannot directly overlook the gardens of neighbouring properties from the parapet. In addition, a 1.7m high privacy screen on the eastern edge of the amenity space further ensures no overlooking.

### 237 Kings Head Hill

10.60 Whilst 237 Kings Head Hill does not share a boundary with the application site, it does have windows of habitable rooms looking towards the site in a southwesterly direction as does its paired neighbour 235, located further to the northeast of the application site. The nearest window facing the site is in excess of 28m to the nearest window within the development. (fig 9)



Fig 9: 1st floor Separation distance to 237 King Head Hill

10.61 There is no direct facing relationship between the windows and the separation distance is considered to be acceptable noting that there are no units above second floor on the part of the building shown. The guidance concerning separation distances set out in LBWF Urban Design SPD (adopted February 2010) is noted with regard paid to the assessment of locational factors suggested in the SPD. No windows in the proposed development look on to the garden of the property.

10.62 It is noted that there is a specific objection relating to the impact of the proposal upon 235 Kings Head Hill. However as indicated, this property is paired with 237 and situated further to the north east away from the proposal. There are no topographical or locational factors that would result in a different conclusion being reached in this assessment in relation to 235.

10.63 There are no residential buildings facing directly opposite (to the west) of the application site. The massing of both options achieves minimal to no impact on access to daylight, and maintaining privacy of, the surrounding existing buildings.

10.64 Objectors have referred to loss of views of Forest land that would arise from the development. The built environment context of the proposal is referred to elsewhere in this report as it is the scale of the development. There are no protected views in this area as no part of the borough falls within the London Plan London View Management Framework (LVMF) . The issue of building height is considered in para 8.8 of this report and it is not overall considered that there is any significant loss of view of the Forest. Whilst there may be some reduction of view of the Reservoirs from Kings Head Hill, this is not considered to be of the magnitude that would warrant refusal of this application.

10.65 In light of the above, it is considered that the proposed development would not have unacceptable harmful impacts in relation to the loss of daylight or sunlight within or without the property, or overshadowing or the unacceptable loss of privacy to adjacent properties. Consequently, the proposal satisfies the requirements of Policies CS13 and DM32 of the Local Plan.

## **Living Conditions - Future Occupiers**

### *(i) Internal Space Standards*

10.66 The London Plan Policies D4 'Delivering Good Design' and D6 'Housing Quality and Standards' (2021) seek to scrutinise the qualitative aspects of a development in terms of spatial quality and standards. Given the high-density of the development, careful consideration should be given to the proposed form, layout, external amenity spaces and accessibility to ensure good standard of residential accommodation.

10.67 Local Plan Policy CS2 requires high quality design for new housing development that has the ability to adapt to changing needs of residents to ensure that the development delivers a healthy and sustainable community with appropriate spatial standards and adequate levels of residential amenity.

10.68 Local Plan Policy DM7 states that the Council would ensure that all new residential development would be of the highest quality both internally and externally in terms of the space provided.

10.69 The Department for Communities and Local Government Technical Housing Standard – Nationally Described Space Standard sets the requirements for internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy. The London Housing Design Guide (Interim) sets the standards for each of the habitable rooms and amenity spaces based on their level of occupancy.

10.70 Table 3.1 under London Plan Policy D6 (2021) 'Housing Quality and Standards' state the minimum internal floor areas expected for the proposed residential units. The policy seeks for high quality and functional layouts that are fit for purpose. In addition, Table 3.2 under London Plan Policy D6 (2021) provides qualitative aspects that should be taken into consideration, such as legibility, orientation, privacy, visual outlook, and circulation.

<b>Dwelling Type</b>	<b>London Required standards GIA metres/m2)(per dwelling)</b>	<b>Plan Space (sq. metres/m2)</b>	<b>Proposed Space Standards, (sq. metres/m2)</b>
<b>1 bed, 2 person (x10)</b>	50 sq.m plus 1sq.m storage		50.31 sq.m +1.70 sq.m (x6) 53.67 sq.m +1.70 sq.m (x1) 57.45 sq.m + 1.53sq. m (x3)
<b>2 bed 3 person units (x7)</b>	61sq.m plus 2 sq.m storage		62.36 sq.m +2.55 sq.m (x4)

		72.76 sq.m +2.06sq.m (WC unit) (x3)
<b>2 bed 4 person units (x10)</b>	70 sq.m plus 2sq.m storage	70.3 sq.m + 2.16 sq.m (x5)  70.07sq.m +2.95sq.m (x1)  72.76sq.m + 2.20sq.m (x3)  82.13 sq.m + 2.68 sq.m (x1 DDA)
<b>3 bed 4 person unit (x6)</b>	74 sq m plus 2.5 sqm storage	74.9 sq.m + 1.93 sq.m (x 1)  75.74 sq.m + 1.68 sq.m (x 1)  76.2 sq.m + 2.88 sq.m (x 2)  82.62 sq.m+ 2.87 sq.m (x 1)  87.56 sq.m+ 2.41 sq.m (x 1)
<b>3 bed 5 person unit (x3)</b>	86 sq. plus 2.5 sq.m storage	87.55 sq.m + 3.27sq.m (x2)  94.24 sq.m + 3.42sq.m (x1)
<b>4 bed 6 person unit (x1)</b>	99sq.m + 3sq.m storage	109.17sq.m + 3.67sq.m (x1)

<b>4 bed 8 person unit (x 3 )</b>	117sq.m storage	+	3sq.m	129sq.m sq.m storage (x3)	+6.12
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10.71 The above table demonstrates that the units would meet or exceed minimum overall space requirements as detailed within the London Plan.

10.72 The London Plan policy also requires that a single bedroom has a floor area of at least 7.5m<sup>2</sup> and a double (or twin bedroom) has a floor area of at least 11.5m<sup>2</sup>; the development is able to meet and exceed these bedroom space requirements and the Local Plan requires a minimum standard of 8 sqm for single and 12 sqm for double bedrooms. The proposed bedrooms would accord with these requirements.

10.73 In terms of internal head height, the nationally described space standard sets a minimum ceiling height of 2.3 metres for at least 75% of the gross internal area of the dwelling. To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space.

10.75 In light of this, the application proposal would satisfy the requirements for the provision of internal space in accordance with National and Local space standards.

*(ii) External Space Standards*

10.76 In terms of amenity space standards, London Plan Policy D6 Housing quality and standards requires a minimum of 5 sqm of private outdoor space to be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant, unless there are higher local standards. Furthermore, the minimum depth and width for all balconies and other private external spaces should be 1.5m. in order to be considered usable. The Local Plan also states where there is local plan policy sets its own amenity space provision in terms of the context of its Borough, this should be applied.

10.77 The Waltham Forest Development Management Policy DM7 states that for flatted development - a minimum of 10 sq. m amenity space to be



provided per bedroom. (e.g: 2 bed flat - 20 sq. m and 3 bed flat - 30 sq.m) and amenity space in the form of balconies should be at least 5sq.m.

10.78 The proposal comprises 40 units with which there are a total of 87 bedrooms. Accordingly the proposed development is required to provide 870sq.m of amenity space to accord with Policy DM7 of the Waltham Forest Local Plan Development Management Policies (2013). Residential amenity space is to be provided in form of communal external amenity spaces including communal gardens and child playspace and new areas of public realm to the front of the building

10.79 The scheme provides 367sq.m of private amenity space for 40 units/87 bedrooms. In addition 456.6 sq.m of communal amenity space is located within the development; at the ground and fifth floor. The overall amenity space provision is approximately 823.29 sq.m. The quantum of amenity space per floor is set out below:

Floor	Private Amenity sq.m
Ground	0.00
1st	100.54
2nd	58.25
3rd	63.80
4th	63.00
5th	23.00
6th	23.00
7th	35.10
<b>subtotal</b>	<b>366.69</b>
Communal	456.60
<b>TOTAL</b>	<b>823.29</b>
DM7 Req	870
Variance	-46.71

10.80 The proposal demonstrates a minor shortfall equating to approximately 1.16sq.m per unit. The scheme is within approximately 400m of open SANG to the north in Sewardstone Road and approximately 600m from Mansfield Park to the south of the site. Given the benefits of the scheme in terms of its contribution to the borough's long term Local

Plan housing targets in an identified location and noting the natural constraints of the site location, it is not considered that this short fall in and of itself is sufficient to warrant refusal of the scheme as there is no identified deficit in access to local open space for future occupiers in the interest of their long term health and well-being.

*(iii). Child Play Space*

10.81 It is noted that one objection to the development suggests that there is inadequate provision for children within the development. The proposal includes 290 sq.m of communal child play space at ground floor level. The GLA population yield calculator estimates a total of 24.1 children would be expected within the proposed development which require 240.6sqm. The proposal would provide 290 sqm and is considered acceptable in this regard.

10.82 Overall, the development is considered acceptable in relation to Policies CS2 and CS13 of the adopted Core Strategy (2012) and Policy DM7 of the adopted Development Management Policies (2013)

## **E. Transport and Highways;**

10.83 The National Planning Policy Framework (2023) at para 104 sets out that transport issues should be considered at the earliest stages of plan-making and development proposals in order to ensure that the impact of development on the transport networks can be assessed and that opportunities to promote the use of active travel and public transport are prioritised. This is carried forward in paras 110 -113 which amplify these priorities in a placemaking context, harnessed to need to ensure safe and suitable access to the site for all users.

10.84 London Plan (2021) Policies T1 and T5 set out proposals should support the delivery of the Mayor's Healthy Streets transport strategy which aims to ensure that by 2041 80% of all trips in London are to be made by walking cycling or public transport. Policy T6 sets out the thresholds for car parking in new development which should be restricted in line with levels of existing and future public transport in the area. Maximum car parking standards are set out in Table 10.3.

10.85 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.

10.86 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.

10.87 Policy DM14 of the Waltham Forest Local Plan Development Management Policies (2013) encourages sustainable travel.

10.88 Policy DM16 of the Waltham Forest Local Plan Development Management Policies (2013) seeks to effectively manage parking and to ensure the provision of safe and attractive parking facilities by encouraging car-free and car-capped development in locations that are highly accessible by public transport and require proposals to provide for well designed, high quality facilities in accordance with the Council's maximum car parking standards and minimum cycle parking standards.

10.89 Waltham Forest Local Plan LP1 at examination (2020) Policy 68 - Managing Vehicle Traffic sets out that proposals which (A) provide parking in less well-connected areas (eg the application site) must be accompanied by a robust Transport Assessment; and that (B) parking must not exceed maximum London Plan standards and those at Appendix 1 of LP1 and finally (C) that all development should provide DDA spaces in accordance with best practice set in the London Plan and LP1.

10.90 The Council's Highways Team have considered the application and have withheld support to the scheme on the grounds that there is no CPZ in effect in which to prevent parking permits for future residents. Notwithstanding, the Highways Team recommend S278 and S38 works, and S106 contributions, which are outlined in Section 1 of the committee report, be secured for the following works which include but are not limited to:

- Renewal of both footways in Laurel Gardens
- Renewal of the footway along the frontage of the site on Kings Head Hill
- Provision of new layby on Sewardstone Road
- Provision of new southbound cycle lane on the footway
- Public Realm improvements on the frontage of the site on Sewardstone Road to include; tree planting subject to the

location of utilities, soft landscaping, cycle parking and other features to be agreed.

- Review and amendments to Traffic Orders and extension of no waiting/loading restrictions in the Drysdale and Mansfield Hill area
- Renewal of road markings in the vicinity.
- A S38 agreement will be required for Highways to adopt two small triangular pieces of land on the corners of the building on the Sewardstone Road frontage.
- S106 contributions of
- £1500 towards monitoring of the CLP.
- £25,000 towards the consultation of a CPZ
- £15,000 towards the Waltham Forest North West – Sewardstone Corridor Flood Study.
- £60,000 toward improving sustainable modes of transport including walking and cycling in the vicinity which will directly benefit new residents in this development. This would be for further cycle improvements near to the site.
- A condition survey to ensure that if the public highway is damaged as a result of the construction works, any damage would be reinstated by the Council and funded by the developer.

### *Car parking*

10.91 The scheme is accompanied by a Transport Statement by TTP Consulting which analyses the provision of parking in the area. The scheme provides on site internal parking for up to 7 cars including 3 spaces reserved for Blue Badge holders; the provision is in accordance with London Plan standards and local aspirations with the Council seeking to reduce car ownership and usage. In addition the scheme provides 3 short-stay shopper parking spaces which includes a blue badge holder space.

10.92 It should be noted that most objections to this scheme focus on parking and highways impacts. Highways colleagues refer to parking overspill due to this development which could still have a negative impact on the surrounding area. At this stage, Highways maintain an objection to the proposal noting that parking policy is currently being updated with the *potential* of Controlled Parking Zones at new developments being implemented to protect existing residents. Highways state that they can

provide an update later this year. However officers consider that this position is in conflict with planning policy and has the effect of imposing a de facto moratorium on development with no certainty of a position being arrived at by a fixed date.

10.93 Highways note that the overnight surveys in the TTP Statement demonstrate that there is adequate capacity within 200m of the site to park should the demand arise, and that the Applicant is willing to make a £25,000 contribution towards the implementation of a new Controlled Parking Zone along Drysdale Road and Mansfield Hill. Accordingly in the absence of a local CPZ, there is no current mechanism by which the site could be made car-free in line with general practice in Council planning decisions. In line with recent precedents (eg. 222505 New Road, Landscape Contractors Yard, Land adjacent to Larkwood Leisure Centre, E4 9EY; July 2023) the applicant is willing to enter into an agreement to secure the following:

- In the event that a CPZ is implemented in the future, with the exception of existing blue badge holders, this site must be classified as permit - free with no existing or future residents being entitled to parking permits.

### *Blue Badge Spaces*

10.94 The application site indicates 3 blue badge spaces for occupiers within the ground floor parking area complying with London Plan Policy T6.1 as this equates to 43% of the 7 spaces (and 75% of wheelchair units) from the outset of the development proposals which is considered satisfactory. The policy also requires that developers demonstrate how an additional bay could be provided with one designated disabled persons parking space per dwelling in future upon request as soon as existing provision is insufficient. The applicant has advised that this could be achieved by repurposing existing non-blue badge spaces as required. The mechanism by which this could be achieved will be provided via a Parking Management Plan which will be secured by condition.

### *Cycle Parking*

10.95 London Plan standards at Policy T5 Table 10.2 for residential development requires 1.5 cycle parks per studio/1 bed units, and 2 spaces

for all other residential units. This would equate to 75 residential cycle spaces. The Policy requires that the provision should be fit for purpose, well-located and secure.

10.96 Appendix 4 of the Local Plan (2013) sets out the Council's cycle parking standards. The minimum cycle parking provision for the residential element is 60 cycle spaces for future residents. According to the emerging plan Local Plan in Appendix 1, the provision would be for 88 spaces. The submitted scheme provides a total of 77 cycle parking spaces located within 2 secure cycle stores inside the building footprint at Ground Floor level. Each store serves an adjacent core and has been sized to accommodate the necessary number of cycle parks as follows:

	Sheffield	2-Tier	Large Format	Totals
Bike Store 1	10 (31%)	20 (63%)	2 (6%)	32 spaces
Bike Store 2	14 (30%)	30 (66%)	2 (4%)	45 spaces
Combined	24 (31%)	50 (64%)	4 (5%)	77 spaces

10.97 The stores are located off a path running the full length of the back of the building and can be accessed by pedestrians/cyclists from either Sewardstone Road or Laurel Gardens. The stores feature provision for larger bikes such as cargo or family bikes in addition to Sheffield standards and Josta two tier racks.

10.98 The ground floor commercial units feature space for one cycle within each unit and short term visitor cycle parking for 12 cycles is proposed in public realm to the front of the site in the form of 6 Sheffield stands.

10.99 The Transport Policy team have commented on the proposal which is considered to offer a good standard of cycle provision within the scheme. As such the proposal is considered to be acceptable in this regard.

### *Electric Vehicle Charging Points (EVCP)*

10.100 London Plan (2021) Policy T6.1 set outs the EVCP requirements and that 20% of spaces should have active charging facilities. Based on the proposed provision of 3no. disabled spaces for this development, all 3no. parking bays on-site would have active charging facilities secured by condition. The remaining 80% have been designed to be capable of

accommodating EVCPs in the future This exceeds the requirement and therefore accords with policy T6 London Plan which is welcomed.

10.101 The allocation of active electric vehicle charging points would be secured as a condition to any planning permission.

### *Travel Plan*

10.102 A Travel Plan has been prepared by TTP Consulting to accompany the planning application. This has been reviewed by officers considered broadly acceptable which endorses and encourages Active Travel Behaviour Change Initiatives for the new residents, visitors, and families visiting and utilising the new development. This is to ensure a legacy of significant behavioural change is implemented and sustained bespoke training for families and staff should be offered to promote car free lifestyles. Headings include:

- Travel Packs

- Measures to Encourage Walking

- Measures to Encourage Cycling

- Measures to Encourage Public Transport Use

- Measures for People with Disabilities and Impairments

- Measures to Discourage Single Occupancy Car Use

- Measures to manage Visitor Travel

10.103 To endorse and encourage successful implementation of these strategies, the above measures will be as part of an agreed Travel Plan secured by way of a s.106 legal agreement.

10.104 Subject to approval, a Travel Plan will be secured, implemented and monitored by way of legal agreement which will include the appointment of a Travel Plan Coordinator for the site to be responsible for overseeing the implementation of the Travel Plan Action Plan for a period of 5 years with yearly reviews.

### *Servicing and Access*

10.105 The submitted Delivery and Servicing Management Plan prepared by TTP Consulting confirms that the delivery and servicing requirements of the proposed development will take place at the rear of the Ground Floor from within the site with vehicular access from Laurel Gardens.

Servicing would take place within the site and is not considered to obstruct access giving the assessment of the swept path analysis.

10.106 Notwithstanding this, a detailed Delivery and Servicing Management Plan will be secured by condition subject to planning approval to include the detailed design and waste collection arrangements for waste collection associated with the other uses. This document will also provide detail on the management of the servicing bays, and necessary enforcement measures, and how the delivery and servicing arrangements will adhere to the Mayor's Vision Zero approach.

10.107 As such, subject to conditions, it is considered that the proposal is in accordance with Policy DM32 of the Local Plan (2013) and Policy T7 of the London Plan (2021).

### *Construction Logistics Plan*

10.108 Policy T7 of the London Plan (2021) set out the policy for assessing the effects of development on transport capacity.

10.109 Policy DM13 of the Local Plan (2013) states that the Council will ensure that development is properly integrated with the transport network by requiring development proposals to submit Construction Logistics Plans, Delivery and Servicing Plans and the uptake of the Freight Operators Recognition Scheme where appropriate in accordance with the London Freight Plan and coordinated with travel plans.

10.110 Policy DM15 of the Local Plan (2013) states that the Council will ensure the most efficient use of the borough's available highway network by requiring development to connect to the highway network in a way that encourages road users to use the most appropriate road in accordance with Waltham Forest's road hierarchy and discouraging through-traffic from using local roads and avoiding individual access direct to the Transport for London Road Network, Strategic Road Network and district distributor roads.

10.111 The Council's Highways development requested a number of changes and clarifications to the submitted Outline Construction Logistics Plan (OCLP) prepared by TTP Consulting. This has been the subject of dialogue between the applicant and Highways and subject to approval this can be secured by condition in line with Policy T7 of the London Plan (2021).

### **F. Waste Management;**



10.112 Policy SI7 of the London Plan (2021) seeks to reduce waste and support the circular economy.

10.113 Policy CS6 of the Core Strategy (2012) promotes the prevention and reduction of waste and requires new developments to provide adequate and well-designed internal and external storage facilities for residual waste and recycling.

10.114 Policy DM32 of the Local Plan (2013) states that new developments should ensure that the provision of adequate facilities for the storage, collection and disposal of refuse is well secured.

10.115 The applicant has addressed the Council's requirements for residential and commercial waste within the submitted Delivery and Servicing Plan and adhered to the Council's 'Waste and Recycling Guidance for Developers, Storage and Collection Requirements' (2019). Following initial comments from officers from Highways and from Waste, the scheme has been redesigned to accommodate servicing within the development in order to reduce the impact on the residents of Laurel Gardens from servicing activities at the site. The provision includes two secure and covered bin stores serving residential units located at Ground Floor within the building footprint, accessed from the path running the full length of the back of the building. Each store serves an adjacent core and has been positioned to ensure compliant carrying distances for residents from their front doors.

10.116 A Bulky Waste Store is located at Ground Floor and located equidistant from both cores for use by all residents.

10.117 The proposed collection strategy will be as follows:

10.118 Residents will be responsible for bringing waste down to the respective communal secure waste stores. On collection day, building management will transfer bins to a temporary holding store located within the site adjacent to vehicular access on Laurel Gardens where collection will be done through the Local Authority at the same time as servicing Laurel Gardens from within the site.

10.119 The access from Laurel Gardens has been designed to allow access for adequately sized refuse vehicle.

10.120 Following collection, and on the same day, bins will empty bins will be returned to their respective bins stores by building management

10.121 The Waltham Forest Waste & Recycling Guidance for Developers states that per unit in residential premises with shared refuse facilities, provision is as follows:

- Waste per unit type:
  - Studio/1bed units 200Ltr - 100Ltr each for both General waste and recycling
  - Units 2 bed or more: 240Ltr - 120Ltr each for both General waste and recycling

Based on the above requirements the following storage capacity (per week) will be provided for servicing each bin store:

- Bin Store 1 serving 17No units:
  - 2No 1100ltr bins for general waste
  - 2No 1100ltr bins for recycling
  - 1No 240Ltr bin for food waste
- Bin Store 2 serving 24No units:
  - 7No x 1bed units -  $7 \times 200 = 1400\text{ltr}$
  - 17No x 2bed and over -  $14 \times 240 = 4080\text{ltr}$
  - 3No 1100ltr bins for general waste
  - 3No 1100ltr bins for recycling
  - 2No 240Ltr bin for food waste

10.122 In line with London Borough Waltham Forest Waste & Recycling Guidance for Developers, waste provision for retail floor space should be in line with the following

- 4 cubic metres waste storage for every 1,000 m<sup>2</sup> gross floor space.
- 70% of this capacity must be retained for the storage of separated waste for recycling

10.123 The proposals include the provision of 452.49m<sup>2</sup> of commercial/retail floor space. As such there is a requirement for 1.812m<sup>2</sup> of waste.

- 3No 660ltr bins are proposed
  - 2No 660ltr bin for recycling

1No 660ltr bin for general waste

10.124 Storage will be within a secure waste store within the building footprint of the Ground Floor.

10.125 Waste collection will be arranged by commercial tenants with collection from the rear.

10.126 As such, it is considered that any waste management/servicing could be achieved through an updated Delivery and Servicing Plan as previously indicated to be secured by condition in accordance with Policy CS13 of the adopted Waltham Forest Core Strategy and Policy DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

## **G. The Environmental Impact of the Development;**

10.127 Policy CS13 of the Core Strategy aims at the improvement of the health of the borough's residents and Policy DM24 of the Development Management Policies seeks to control and mitigate pollution in all its forms including noise (and vibration), light, smell as well as land, water and air based. The Council's Environmental Health team have assessed the proposed development and their conclusions and recommended conditions are set out below.

### *Contaminated land*

10.128 The site is brownfield land which had formerly been occupied by a row of shops with housing above. Environmental Health officers have commented on the proposal with regard to the potential for asbestos contamination on the site and the attachment of a suitable condition is recommended.

### *Air Quality*

10.129 Waltham Forest is the subject of a borough wide Air Quality Management Area (AQMA). Developments which may have a significant impact on air quality or, in an area where the existing air quality environment is poor and so will have a significant impact on the development; will require a contribution towards implementation of the Air Quality Action Plan (AQAP). As the development is likely to cause deterioration in local air quality and is located near a location of high relative exposure a contribution to the AQAP is required.

### *Noise*

10.130 The application is accompanied by an Environmental Noise Impact Assessment Report compiled by PC Environmental Ltd. This report concludes that in order to meet BS8233:2014 and London Borough of Waltham Forest internal noise level requirements, double glazing and trickle ventilation is specified.

10.140 In relation to the impact of any fixed plant and/or equipment related to the commercial premises on the ground floor, it is not anticipated that equipment would produce noise levels exceeding 32 dBA at the nearest residential window on the 1st floor.

10.141 Environmental Health Officers have been consulted and have not commented on the proposal. Officers are mindful of potential noise and vibration during the construction period and expect that this will be mitigated through the implementation of a range of best practices noting that the applicant is required to engage with residents as part of the Construction Environmental Management Plan (CEMP).

#### *Epping Forest Special Area of Conservation*

10.142 The proposal is situated within the 6.2km Zone of Influence (ZOI) of the Epping Forest Special Area of Conservation (SAC) and is within 400m of its nearest part at Pole Hill. Accordingly the proposal is required to demonstrate through a scheme level HRA that it will deliver mitigation against specific Likely Significant Effects (LSE) in the Forest as a result of development. Owing to its location within 400m of the SAC, the proposal will result in additional urbanising impacts. Natural England have been consulted in the process of the Appropriate Assessment of the HRA and raise no objection to the development subject to the addition of conditions that will ensure

- that the CEMP includes measures to suppress dust and noise during construction and that construction vehicles are routed away from the SAC, and
- Interpretation boards will be put up in the communal areas and hallways of the residential section of the new building. These boards will provide information regarding the history, flora and fauna of the nearby reservoirs and adjoining land of Sewardstone Road to promote the SANGs as places to visit over the nearby SAC.

10.143 Overall, subject to suitable conditions being satisfied, the proposal is considered acceptable in relation to Policies CS5 and CS13 of the adopted Waltham Forest Core Strategy and Policies DM12, DM24 and

DM35 of the adopted Waltham Forest Development Management Policies (2013) and Policy 83 of the Waltham Forest Local Plan LP1 at examination.

## **H. Sustainable Design and Energy Efficiency;**

10.144 The NPPF (2023) establishes a presumption in favour of sustainable development. It encourages proposals, which support renewable and low carbon energy and associated infrastructure. It further states that, in determining planning applications, LPAs should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated that it is not feasible or viable; and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. The NPPF (2023) also encourages LPAs to adopt proactive strategies to mitigate and adapt to climate change.

10.145 Policy SI2 of the London Plan (2021) sets out a carbon dioxide reduction target for regulated emissions only 35% against Building Regulations. This policy also requires major developments to be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:

- Be lean: use less energy and manage demand during operation.
- Be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly.
- Be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site.
- Be seen: monitor, verify and report on energy performance.

10.146 Policy SI3 of the London Plan (2021) states 'where a heat network is planned but not yet in existence the development should be designed to allow for the cost-effective connection at a later date'.

10.147 Policy CS4 of the Waltham Forest Local Plan Core Strategy (2012) requires new developments to minimise carbon emissions in accordance with the London Plan (2016) energy hierarchy and requires developers to investigate opportunities for linking into existing or proposed decentralised

energy networks. The policy also requires developments to be designed in a manner that minimises the use of water.

10.148 Policy DM11 of the Waltham Forest Local Plan Development Management Policies (2013) states that all major developments are required to be designed to be able to connect to a Decentralised Energy Network (DEN). Policy DM10 of the Waltham Forest Local Plan Development Management Policies (2013) seeks to secure sustainable management and high environmental standards by requiring development to be designed to achieve the Council's stepped targets towards zero-carbon, in accordance with the London Plan (2016).

10.149 Policy DM11(A) of the Waltham Forest Local Plan Development Management Policies (2013) states 'Requiring development of one or more units or greater than 100sqm located in the proximity of an existing or committed future Decentralised Energy Network to assess opportunities for, and to implement links into, existing or future committed decentralised energy networks, unless it can be demonstrated that an efficient connection is not feasible in accordance with the following thresholds;

- Development of one or more units or greater than 100sqm located within 200m of an existing or committed future Decentralised Energy Network,
- Major development located within 500m of an existing or committed future Decentralised Energy Network, and
- Development of more than 50 units located within 1000m of an existing or committed future Decentralised Energy Network.

10.150 Policy DM34 of the Local Plan (2013) states that residential development proposals should implement water efficiency measures to achieve usage of less than or equal to 105 litres per person per day.

10.151 The application is accompanied by an Energy and Sustainability Statement prepared by EB7. The Council's Energy and Sustainability Officer (ESO) advises that the proposal would deliver buildings using SAP10 carbon factors a reduction exceeding the target in regulated emissions, site wide, against Part L 2013 baseline. The development is expected to achieve 35% reduction overall.

### Carbon Emissions

10.152 The London Plan sets out a CO2 reduction minimum, for regulated emissions only, 35% and target of 50% against Building Regulations 2021 using SAP10 carbon factors as calculated using the GLA Energy Reporting Tool. It is also required that domestic units achieve 10% from Be Lean measures.

10.153 Under SAP10 carbon factors, the development is predicted to achieve a reduction of 67.67% in regulated emissions, site-wide, against a Part L baseline. This well exceeds the London Plan (2021) target of 35% for major development.

10.154 At the local level and in more detail, Waltham Forest currently require an on-site emissions reduction of 35% for all developments.

10.155 The Energy and Sustainability Statement indicates a total carbon offset contribution to achieve 100% reduction for the proposed development to be secured by s.106 legal agreement. This has been reviewed by the Council's ESO and set at £50,017.

#### Sustainable design

10.156 GLA Sustainable Design and Construction SPG sets out the sustainable design principle are integral to proposals including construction and operation and must be incorporated from the beginning of the design process.

#### *Energy – Demand Reduction (Be Lean) and Overheating*

10.157 Policy SI4 of the London Plan (2021) requires development proposals to minimise adverse impact on the urban heat island through design, layout, orientation, materials and the incorporation of green infrastructure. Policy DM10 of the Local Plan (2013) requires new developments to be designed with regard to sustainable principles.

10.158 The Energy and Sustainability Statement confirms that the demand reduction measures deliver an 11% saving against the baseline for the development which exceeds the GLA target of 10% reduction at the Be Lean stage. As such, the scheme meets and exceeds the GLA's target for energy efficiency savings.

10.159 With regards to air permeability, the development proposes 4.0m<sup>3</sup>/m<sup>2</sup>/hr. As advised by the Council's Energy and Sustainability officer, the air permeability values are acceptable. In addition, the proposed U-values are considered acceptable as is the proposed lighting and lighting controls.

10.160 The proposed approach to the cooling hierarchy includes minimisation of avoidable internal heat generation through energy efficient design, reducing the amount of heat entering a building in summer through orientation, shading, reflected heat effect (albedo), fenestration, insulation and green roofs and wall; managing the heat within the building through exposed internal thermal mass and high ceilings and the removal of heat via passive and mechanical ventilation. The CIBSE TM59 thermal modelling has been partially undertaken in relation to the residential floorspace. The assumptions underlying this modelling are considered to be reasonable, and all of the areas assessed under TM59 pass the overheating criteria under DSY1 conditions – moderately warm summer, with a return period of seven years. Subject to conditions to secure the strategy set out in the report, the Council's Sustainability Officer is broadly satisfied the strategy.

10.161 As such, subject to conditions, the proposed development is consistent with Policy SI4 of the London Plan (2021) and Policy DM10 of the Local Plan (2013).

*Energy - Low Carbon Supply (Be Clean)*

10.162 Policy SI3 of the London Plan (2021) states that major development proposals should select energy systems in accordance with the following hierarchy:

- Connection to existing heating or cooling networks;
- Site wide CHP network; and
- Communal heating and cooling.

10.163 The accompanying Energy Statement confirms that it is not feasible to connect to an existing District Heating Network (DHN) and that the developer is proposing the use of air to water heat pumps to provide heating and hot water to the flats system, in conjunction with a roof mounted 13.53kWp PV array to generate electricity on site in order to offset an element of the buildings carbon emissions. The commercial units would assume the use of point of use DHW systems. The Council's ESO is content with this approach and has raised the issue of the affordability of heat to the residents and has recommended that a condition should be imposed to ensure compliance with the heat Trust Scheme in line with GLA energy policy guidance.



10.164 As such, the proposal is considered in accordance with the requirements of Policy SI3 of the London Plan (2021) and Policy DM10 of the Local Plan (2013).

#### *Energy – Renewable Energy (Be Green)*

10.165 Policy SI2 of the London Plan (2021) and Policy DM11 of the Local Plan (2013) states that major development should seek to reduce the site's carbon emissions through on-site renewable energy, to ensure that the proposed renewable system is appropriate to the location and does not significantly adversely affect the development, or local amenity of neighbourhoods, and the environment, including air quality.

10.166 The primary source of the proposed energy supply is from Air Source Heat Pump (ASHP) which are a renewable source of energy and are expected to deliver high percentage of the site's energy needs. Per the measures outlined above, and given the development is exceeding its carbon targets, this can be accepted.

#### *Water Efficiency*

10.167 Policy SI5 of the London Plan (2021) require new developments to demonstrate how it will achieve a water consumption of less than 105l/person/day. The non-residential components should achieve the equivalent of an 'Very Good' rating on the water elements for BREEAM. Water reuse should be considered for inclusion in the development to meet both water efficiency and sustainable drainage requirements.

10.168 Policy DM34(c) of the Local Plan (2013) states that development proposals should:

- Implement water efficiency measures to achieve usage of less than or equal to 105 litres/person/day for residential developments.
- Incorporate water saving measures and equipment for any new development of greater than 100sqm.

10.169 The applicant has provided water calculations which demonstrate that the domestic properties would achieve a water usage above the Waltham Forest policy target of 105 l / person / day and information on the water specification has been provided. The applicant has been advised and has agreed to a condition which reduces excess consumption to 105 litres/person/day in the event that permission is granted.

10.170 As such, subject to condition, the proposal is considered to accord with Policy DM34 of the Local Plan (2013) and Policy S15 of the London Plan (2021).

## **I. Trees and Landscaping;**

10.171 The 2023 NPPF highlights the important contribution that trees make to the character and quality of urban environments in addition to climate change adaptation and mitigation. The Framework seeks to ensure that new streets are treelined and that opportunities are taken to incorporate trees elsewhere in developments in addition to ensuring that existing trees are retained.

10.172 Policy D8 of the London Plan (2021) requires proposals to encourage and explore opportunities to create new public realm where appropriate, ensuring that public realm is well-designed, safe, accessible, inclusive, attractive, well connected, related to the local and historic context, and easy to understand, service and maintain. Landscape treatment, planting, street furniture and surface materials should be of good quality, fit-for-purpose, durable and sustainable. Lighting, including for advertisements, should be carefully considered and well-designed in order to minimise intrusive lighting infrastructure and reduce light pollution.

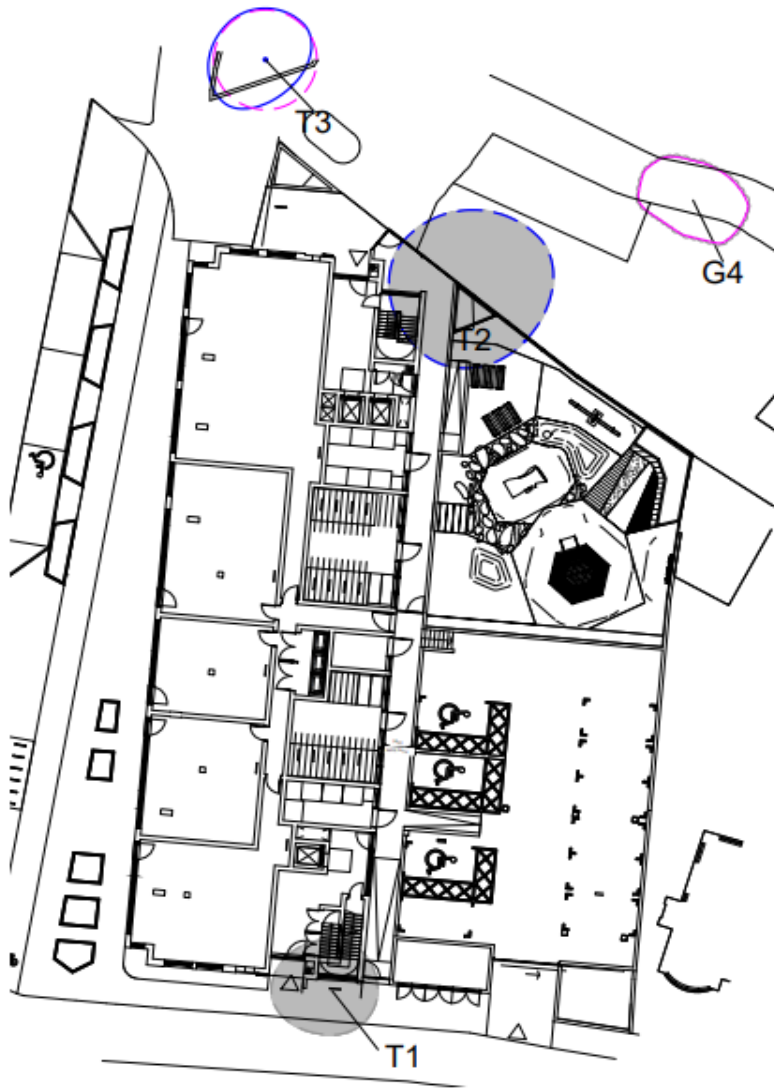
10.173 Policy 81 of the emerging LP1 Local Plan sets that proposals should seek to protect and enhance biodiversity and that proposals will not normally be granted planning permission where they pose adverse direct or indirect effects on any land or area within the identified Sites of Importance to Nature Conservation (SINC). Policy 82 of the emerging Local Plan additionally sets out that development proposals should. take particular account of existing trees on the site and on adjoining land and seek to retain trees of significant amenity, historic or conservation value. In addition the emerging policy requires that proposals should not give rise to any threat, immediate or long term, to the continued well-being of trees of significant amenity, historic or ecological/habitat conservation value and demonstrate that retained trees can be satisfactorily protected from construction impacts and site works. Where there are retained trees, they should be positively integrated as part of a well-considered, sustainable soft landscaping scheme.

10.174 Policy CS5 of the Core Strategy (2012) seeks to protect existing healthy trees and encouraging the planting of new trees as well as protecting and enhancing biodiversity.

10.175 Policy DM35 of the Local Plan (2013) states that the loss or damage of trees should be avoided where possible; and where this cannot be achieved mitigation and compensation measures should be outlined and implemented.

10.176 Policy DM12 of the Local Plan Policies (2013) states that development proposals should optimise physical and visual access between the built environment and open space. The policy also seeks to enhance green infrastructure and maximise access to open spaces within the borough by improving connectivity within the green infrastructure network.

10.177 The application is supported by an Arboricultural Report (Tim Moya Associates) which identifies 4 local trees on or adjacent to the site. The Report recommends the removal of the two trees on the site which are annotated as T1 and T2 on the plan extract below.



10.178 The Report notes that the remaining local trees are sufficiently far from the site as to remain unaffected by the development. It is noted that T2, the tree to the northern aspect of the site is the subject of a Tree Preservation Order (TPO). The application proposes the removal of both trees to directly facilitate the development of the main structure of the building, which occupies the positions of T1 and T2. The proposal provides mitigation for the loss of these trees via a Tree Strategy which proposes the addition of 33 new trees for the ground floor (including within public realm) and the 5<sup>th</sup> floor terrace per the indicative diagram below:

10.180 In terms of the overall landscaping of the proposal, the overall commitment to greening in the development is welcomed and it is accepted that the proposal achieves an Urban Greening Factor score of 0.456 which is acceptable in terms of the development.

10.181 Officers are of the view that the loss of the TPO tree T2 will need to be balanced by a commitment to planting and maintaining significant trees that can be brought to maturity on this site. Accordingly appropriate

conditions are proposed and subject to such conditions, the development is acceptable as such.

## **J. Safety and Security;**

### *Secured By Design*

10.182 Policy D11 of the London Plan sets out policy requirements that ensure all new forms of development to incorporate acceptable levels of safety and security measures and ensure that buildings remain resilient to emergencies and policy CS16 of the Waltham Forest Local Plan Core Strategy (2012) seeks to create safe, secure and appropriately accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion.

10.183 The applicant has provided evidence of engagement with Designing Out Crime Officers (DOCO) on Crime Prevention and Secured by Design (SBD) on 13/01/22. Comments have been included in the Design and Access Statement (DAS) in Section 4.5 and the meeting minutes with amendments in the Appendix were as discussed. DOCO referred further comments to the final design were sent to the Architects on 24/02/22. Otherwise the MPS are generally satisfied with the scheme subject to appropriate conditioning and the scheme is considered acceptable as such

### *Fire Safety*

10.184 The London Plan (2021) Policy D12 'Fire Safety' states that all major development proposals should be accompanied by a Fire Statement in the interests of fire safety and to ensure the safety of all building users, all development proposals. In order to achieve the highest standards of fire safety proposal must ensure that they:

- 1) identify suitably positioned unobstructed outside space:
  - a) for fire appliances to be positioned on
  - b) appropriate for use as an evacuation assembly point;
- 2) are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures;
- 3) are constructed in an appropriate way to minimise the risk of fire spread

- 4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users;
- 5) develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in;
- 6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

10.185 The application is accompanied by a 2 part Fire Statement prepared by suitably qualified FDC Consult UK engineers, outlining the approach and provisions relating to fire safety of the proposed development against the requirements of London Plan Policies.

10.186 The Health and Safety Executive have reviewed the statement and consider the scheme acceptable with regard to firefighting access subject to a comment concerning the availability of a hydrant in situated in the adjacent public realm. This will be advised as an informative.

10.187 As such it is considered that the proposed development is acceptable in relation to London Plan (2021) Policy D12, and CS16 of Core Strategy (2012).

## **11. Planning Obligations**

11.1 Section 106 Legal 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 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.

11.2 In terms of the S106 Agreement, the required Heads of Terms, having regard to planning policy, the Waltham Forest Local Plan Revised Planning Obligations SPD (2017) and the Waltham Forest Local Plan Affordable Housing and Viability SPD (2018), for this development relate to the Heads of Terms as outlined in Section 1 of this report.

## **12. ADDITIONAL CONSIDERATIONS**

### **Public Sector Equality Duty**

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

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.



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

## Human Rights

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

12.3. 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.

## 13. CONCLUSIONS

13.1. The report provides officer's comprehensive consideration of the planning application and its supporting documentation, including the further/additional information submitted and any representations received.

13.2. The conditions set out in the agreed s.106 Heads of Terms (set out in paragraph 1.1 of this committee report) would ensure that any adverse impact of the scheme is mitigated against and the positive aspects of the proposal advanced by the applicant are carried out through the implementation.

13.3. The report has considered the proposals in light of the adopted and emerging development plan policies and other material considerations or representations relevant to the environment effects of the proposals.

13.4. Overall, officers have given careful consideration to the material considerations and where impacts are forecast to arise from the proposed development, adequate mitigation measures have been introduced to make the proposed development acceptable in planning terms.

## **14. RECOMMENDATION**

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

14.2. In the event that the Section 106 legal agreement is not completed within a reasonable timeframe following the date of Planning Committee, the Assistant Director of Development Management and Building Control is hereby authorised to refuse the application in consultation with the Chair. In the absence of this Legal Agreement, the proposed development would not be able to deliver the residential development on the site. The implication of this happening is that the opportunity for securing the provision of affordable housing would be lost. Additionally, financial and non-financial contributions would be lost, which otherwise would be secured by s.106 legal agreement.

### **Conditions**

#### ***Time Limit***

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

*Approved Plans and Documents*

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:

**Drawing Reference(s):** 102 Rev E, 110 Rev M, 111 Rev I, 112 Rev I, 113 Rev H, 114 Rev G, 115 Rev H, 116 Rev H, 117 Rev H, 118 Rev H, 140 Rev G, 141 Rev H, 170 Rev F, 171 Rev F, 172 Rev H, 173 Rev G, 210 Rev B, 211 Rev B, 212 Rev B, 213 Rev B, 214 Rev C, 215 Rev D, 216 Rev C **dated:** 02/06/2023

**Drawing Reference(s):** 223 Rev C, 224 Rev B, 313 Rev A **dated:** 18/03/2022

**Drawing Reference(s):** 001 Rev C, 002 Rev C, 010 Rev C, 040 Rev C **dated:** 02/03/2022

**Drawing Reference(s):** 217 Rev A, 310 Rev A **dated:** 15/02/2022

**Drawing Reference(s):** 070 Rev B **dated:** 28/01/2022

**Document(s) Entitled:** Material – Colour Palette (undated), Design & Access Statement Rev G (04/08/2023), Design & Access Statement - Landscape Chapter Rev 7 (May 2023), Summary of Highway Changes (05/06/2023), Urban Greening Factor (26/05/2023), Combined Masterplan (26/05/2023), Terrace Masterplan (25/05/2023), Ground Floor Masterplan (26/05/2023), K&M Traffic Survey (March 2021), Appendix 1 – Site Plan Drawing No. 110 Rev C (23/11/2021), Appendix 2 – Appraisal (undated), Appendix 3 – Market Revenues (18/02/2022), Appendix 4 – Detailed Cost Plan Rev B (15/02/2022), Travel Plan (February 2022), Transport Statement (February 2022), Statement of Community Involvement (February 2022), Environmental Noise Assessment (16/02/2022), Daylight & Sunlight Report (23/02/2022), Flood Risk (FRA) and Sustainable Urban Drainage System (SuDS) Strategy Report (19/01/2022), Fire Safety Overview Issue 2 (28/02/2023), Fire Statement - for London Plan Issue 2 (28/02/2022), Energy & Sustainability Statement (10/02/2022), Appendix A - BRUKL Output Document (13/12/2021), Appendix B - BRUKL Output Document (13/12/2021), Appendix C - BRUKL Output Document (13/12/2021), Appendix D – unable to open document, Appendix E – Overheating Analysis (December 2021),

Delivery & Servicing Plan (February 2022), Construction Logistics Plan (February 2022), Biodiversity Net Gain Assessment (24/01/2022), Arboricultural Report (February 2022), Air Quality Assessment (18/02/2022),

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

### *Materials*

3. Prior to the completion of above slab levels and notwithstanding any indications shown on the submitted plans, samples and a schedule of materials to be used in the external surfaces of the development hereby permitted 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 ensure a satisfactory appearance in accordance with Policies CS12 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM28 of the Waltham Forest Local Plan – Development Management Policies (2013)

### *Construction Environmental Management Plan*

4. Prior to the commencement of any part of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of the following:

- 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
- Construction Vehicle Access Strategy to demonstrate that appropriate measures are taken to avoid disruption to the Epping Forest Special Area of Conservation
- Likely noise levels to be generated from plant
- Details of any noise screening measures
- Proposals for monitoring noise and procedures to be put in place where agreed noise levels are exceeded

- Where works are likely to lead to vibration impacts on surrounding residential properties, proposals for monitoring vibration and procedures to be put in place if agreed vibration levels are exceeded.

Note: it is expected that vibration over 1mm/s measured as a peak particle velocity would constitute unreasonable vibration.

- The method statement shall make reference to and comply with The Mayor of London's supplementary planning guidance (SPG) 'The control of dust and emissions from construction and demolition'

<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/control-dust-and-emissions-from-construction-and-demolition>

In particular the applicant shall:

- Submit for approval an Air Quality (dust) risk assessment
- Submit for approval an Air Quality & Dust management Plan
- Equipment and plant used on site shall comply with the requirements for 'Non-Road Mobile Machinery' (NRMM)
- Submit a for approval Dust monitoring programme
- All the above submissions shall have regard to the Mayor's SPG

Reference shall be made to:

- BRE four part Pollution Control Guides 'Controlling particles and noise pollution from construction sites'.

BS 5228: Noise and vibration on construction and open sites Unexploded Ordnance Desktop Survey

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 CS5, CS13 of the adopted Waltham Forest Core Strategy (2012) and Policies DM12, DM14, DM15, DM24 DM32 and DM35 of the adopted Waltham Forest Local Plan – Development Management Policies (2013) ) and comply with the Policy SI1 of the London Plan and the GLA NRMM LEZ.

5. No further development shall commence until a detailed Construction Logistics Plan has been submitted to and approved in writing by the local planning authority. The Construction and Logistics Plan and Delivery and Servicing Plan must be submitted using the TfL template and guidance found here: [www.constructionlogistics.org.uk](http://www.constructionlogistics.org.uk). The logistics plan shall include details of site access, journey planning, access routes, hours of deliveries, 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 and the Construction and Logistics Plan should be implemented 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 WFLP Core Strategy (2012) and Policies DM14 DM15, DM24 and DM32 of the adopted Waltham Forest Local Plan– Development Management Policies (2013) and Policy T7 of the London Plan (2021)

#### *Highways Condition Survey*

6. Prior to the commencement of any development on the site a specification for a highway site condition survey to assess the condition of highway before and after construction works shall be submitted to and approved in writing by the local planning authority. The highway condition survey shall then be carried out in accordance with the approved timescales contained within the approved specification and it shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied. Any damage to the highway incurred as a result of the construction works, will have to be reinstated by the Council but funded by the developer, in accordance with the timescales and details agreed as part of the survey.

REASON: In the interest of pedestrian and highway safety, to comply with Policy CS7 of the Waltham Forest Local Plan – Core Strategy (2012) and Policy DM14, DM15 and DM32 of the Waltham Forest Local Plan – Development Management Policies (2013).

#### *Non-Road Mobile Machinery*

7. 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 the Mayor's SPG: The Control of Dust and Emissions during Construction and Demolition, to comply with Policy SI1 of the London Plan (2021).

#### *Infiltration of Surface Water*

9. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework, in accordance with London Plan (2021), Policy SI12; WFLP Core Strategy (2012) Policy CS4 and WFLP DMP (2013) Policy DM34.

#### *Car Parking Management Plan*

10. Prior to first occupation of the residential development hereby approved a Car Parking Management Plan for that component shall be submitted to and approved in writing by the Local Planning Authority. The Car Parking Management Plan for each component shall include but not be limited to the following:

- Outline the process for allocating bays to blue badge holders (including passive bays should they be required);
- Details on how enforcement will manage the authorised bays;
- Details on how enforcement will manage unauthorised parking and loading;
- Details on how loading will be managed, including what happens if any parked vehicles become blocked in; and
- Details on how residents will be charged for the use of the electric vehicle charge points, which should be an individual charge for each use of the charge point, in line with other public network charges.

The allocation of active electric vehicle charging points would be secured as a condition to any planning permission.

The blue badge car parking spaces shall be laid out and allocated in accordance with the approved Management Plan(s) and shall be made available for the purposes of parking vehicles in association with the development and for no other purpose. The development shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.

REASON: In the interests of highway and pedestrian safety in accordance with Policies CS7 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policies T6, T6.1, T6.2, T6.3 and T6.5 of the London Plan (2021)

11. Prior to commencement of development and notwithstanding any indication on the submitted drawings, details of electric vehicle charging point locations and technical specifications shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained as such thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of effective provision of safe and well designed parking facilities in accordance with Policies CS7, CS15 and CS16 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM16 of the Waltham Forest Local Plan Development Management Policies (2013).

### *Cycle Parking*

12. Notwithstanding the cycle parking detail provided on the approved plans, prior to the commencement of any above ground slab level works the applicant will provide detailed and scaled drawings of the proposed cycle parking provision. The cycle parking details shall provide for a proportion of Sheffield stands and shall demonstrate how no less than 5% of all provision for cycle parking is provided on Sheffield stands with wider spacing (1.8m spacing, or 900mm side space if wider cycles are expected just on one side of a stand), and that any door to a cycle parking area will be automated, in accordance with the London Cycling Design Standards. The cycle parking thereby approved shall be retained and not used for any other purpose and maintained in good working order.

REASON: To comply with London Cycle Design Standards, Policy CS7 of the Waltham Forest Local Plan – WFLP Core Strategy (2012), Policy



DM14, DM15 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013), and Policy T5 of the London Plan (2021).

#### Delivery and Servicing Plan

13. A Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The DSP shall make reference to safety measures that will be in place to reduce conflicts between service vehicles manoeuvring in the private car park and other users (cycle stores, disabled parking and any other pedestrians) and shall also include details on how delivery vehicles are restricted during peak periods.

REASON: In the interests of pedestrian and highway safety, in compliance with Policies CS6, CS15 and CS16 of the Waltham Forest Local Plan Core Strategy (2012), Policies DM13, DM14, DM23 of the Waltham Forest Local Plan Development Management Policies (2013) and Policy T5 of the London Plan (2021). Noise

14. Noise from all new building services plant for the lifetime of the development shall be controlled to a level not exceeding the typical underlying background noise level (LA90) during the time of plant operation at a position one metre external to the worst affected' window of the noise sensitive dwelling. The underlying background LA90 shall be determined in the absence of the new plant noise. This assessment shall be completed in accordance with BS4142: 'Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas'.

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), and Policy D14 of the London Plan (2021).

#### *Sound Insulation*

15. Prior to the commencement of the development above slab level for any block, a sound insulation scheme shall be submitted to and approved in writing by the Local Planning Authority for that block, which will incorporate details of sound insulation to be installed in order to manage noise and disturbance. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall demonstrate that the proposed sound insulation will achieve a level of protection which is at least +5dB above the Approved Document E

standard (Dwelling houses and flats) for airborne sound insulation and - 5dB for impact sound insulation. The development shall be carried out in accordance with the approved scheme and shall be fully implemented prior to the development hereby approved first being brought into use and shall thereafter maintained as uch for the lifetime of the development.

REASON: To protect the amenities of occupiers and the surrounding area, in order to comply with Policies CS13 and CS15 of the adopted Waltham Forest Local Plan Core Strategy (2012), and Policies DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013)

### *Contamination*

16. 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).

Parking management plan to secure BB parking and raise to min 7%

### *Secure By Design*

17. Prior to commencement of development details of 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 of Crime Officers. The development shall be carried out in accordance with the agreed details and maintained as such thereafter.

Reason: In the interest of security and to protect the living conditions of existing and future residents in the locality in accordance with Policy D11 of the London Plan (2021) Policy CS16 Of the adopted Waltham Forest Local Plan Core Strategy (2012) and Policy DM33 of the of the Waltham Forest Local Plan Development Management Policies (2013)

18. Prior to occupation, each building of 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.

REASON: To ensure inclusive development in accordance with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012) and DM Policies DM7 and DM9 of the Development Management Plan (2013).

19. Prior to occupation of each block, details relating to the entrances, including gates, entry control system, display of postal numbers and position of letter box facilities for that block shall be submitted to and

agreed in writing by the Local Planning Authority. The agreed measures shall be fully implemented as approved and thereafter maintained for the lifetime of the development.

REASON: In the interest of security and sustainable development, in compliance with Policies CS15 and CS16 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM13, DM14, DM29 and DM33 of the Waltham Forest Local Plan Development Management Policies (2013).

#### Fire Statement

20. Prior to commencement of development, notwithstanding demolition, site clearance and preparation, ground works, additional measures and information in order to fulfil the firefighting access arrangements for the development shall be submitted to the local planning authority for approval. These measures may include the following: provision of sprinkler system/firefighting shafts/dry rising mains. The submitted details will be subject to approval by the Fire Authority.

REASON: In order to protect the living conditions and safety and security of the occupants in line with Policy D12 of the London Plan (2021) and Policies D5 and D12 of the London Plan (2021).

#### *Residential Standards*

21. All residential units 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 ensure inclusive development in accordance with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012), DM Policies DM7 and DM9 of the Development Management Plan (2013 and Policy D7 of the London Plan (2021).

The residential units identified as wheelchair accessible in the submitted drawings hereby permitted shall be built to The Building Regulations (2010) Access to and use of Buildings, Approved Document M (2015 as amended), Volume 1: Dwellings, M4(3): Wheelchair user adaptable dwellings.

REASON: To ensure inclusive development in accordance with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policies

DM7 and DM9 of the Waltham Forest Local Plan Development Management Policies (2013) and Policy D7 of the London Plan (2021).

22. The private / communal amenity spaces shall be laid out and implemented in accordance with the approved plans and shall not be used for any other purpose. The balconies and communal amenity spaces shall be retained for the use of the occupiers of the development for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the amenities of adjoining occupiers and the surrounding area in order to comply with Policy CS13 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM29 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

#### *Children's play*

23. Prior to occupation of the development details of the proposed children's play equipment in relation to play areas shown on the approved plans will be submitted to and approved in writing by the local planning authority. The details must demonstrate that playspace and equipment within the development is available to all and is not segregated by tenure.

REASON: In order to ensure adequate and appropriate children's play equipment is provided in accordance Policy S4 of the London Plan (March 2021).

#### *Habitat boxes*

24. Prior to the commencement of development on site, notwithstanding site investigation and clearance works, demolition and constructions to slab level, details of the bat/bird/ habitat boxes shall be submitted to and approved in writing by the local planning authority. The bat/bird/ habitat boxes shall be installed prior to first occupation of the development hereby approved and shall thereafter be maintained in accordance with the approved details 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).

### *Ecological Assessment*

25. 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).

### *Hard and Soft landscaping*

26. 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 any permeable areas. 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).

27. Prior to the commencement of the development on site, notwithstanding site investigation and clearance works and construction to slab level, a Landscape Management Plan, which includes long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in

writing by the Local Planning Authority. The approved Landscape Management Plan shall be implemented prior to the first occupation of the development hereby approved and thereafter maintained for the lifetime of the development

REASON: To ensure the well-being of the trees and in the interest of 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).

### *Tree planting*

28. Prior to the completion of development to first floor slab level, a comprehensive scheme of tree planting on the site shall be submitted to the LPA and approved in writing. All trees shall be planted in accordance with the approved details, plans, specifications, and times and in accordance with British Standard BS4043 -Transplanting Root-balled Trees and BS4428 - Code of Practice for General landscape operations.

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).

29. If within a period of 5 years from the date of planting trees, hedges, and soft landscaping or any replacement planting, is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree, hedge or associated soft landscaping with the scheme, of the same size and species as that originally planted shall be planted at the same place within the first available planting season, 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).

### *Boundary Treatment*

30. Prior to the construction of roof slab level, details relating to the siting, design and height and finish of all new walls, gates, fencing, railings, and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out solely in accordance with the approved details, 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).

### *Energy and Sustainability*

31. Prior to the occupation of any part of the development hereby permitted, a report demonstrating how the scheme reduces the carbon dioxide emissions of the development by at least 35% compared to the 2021 Building Regulations shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall reference the measures set out in the Energy Statement accompanying the

planning application, but shall explain what measures have been implemented in the construction of the development. The development and energy efficiency measures shall thereafter be retained.

REASON: In the interests of the sustainability and energy efficiency of the development and to meet the requirements of policy SI2 of the London Plan and Waltham Forest Policy DM10 and Policy CS4 of the Waltham Forest Local Plan Core Strategy.

32. Prior to commencement completed tables 9 and 10 of the GLA EnergyAssessment guidance must be completed and approved by WFBC detailing energy demand, availability and flexibility.”

REASON: In the interests of the sustainability and energy efficiency of the development and to meet the requirements of policy SI2 of the London Plan and Waltham Forest Policy DM10 and Policy CS4 of the Waltham Forest Local Plan Core Strategy.

33. Prior to commencement a full overheating report and modeling must be provided and approved by WFBC detailing the buildings performance and demonstrating that TM52/TM59 targets are met under DYS1 weather



conditions. DSY2 and DSY3 modeling must also be provided. This must demonstrate that the risk of overheating in these scenarios has been reduced as far as practical and that all passive measures have been explored if required to reduce risk, including reduced glazing and increased external shading.”

REASON: In the interests of the sustainability and energy efficiency of the development and to meet the requirements of policy SI2 of the London Plan and Waltham Forest Policy DM10 and Policy CS4 of the Waltham Forest Local Plan Core Strategy.

### *Overheating*

34. No occupation for each block shall take place until internal blind details or alternative to address overheating for specified residential units in that block have been submitted to and approved in writing by the local planning authority.

REASON: To order to ensure any overheating would be minimised and to explore any other approaches to minimise overheating 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) and Policy SI4 of the London Plan (2021).

### *Waste Management*

35. Prior to first occupation of any part of the development hereby permitted, a Waste Management Strategy (for residential and nonresidential), which sets out a scheme for the storage and disposal of waste and recycling, including details of methods for collection and enclosures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and the refuse stores brought into use prior to first occupation of any of the dwellings hereby permitted and shall be retained as such together with the approved Waste Management Strategy being operated for the lifetime of the development.

REASON: In the interests of highway and pedestrian safety in accordance with policies CS7 and CS15 of the Waltham Forest Local Plan Core Strategy (2012).

### *Water reduction*

36. Prior to the commencement of development 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.

REASON: To minimise the water use of the development, in accordance with the requirements of Policy SI5 of the London Plan (2021).

### *Surface Water Drainage*

37. Prior to the construction of roof slab level, specifications of a surface water drainage system based on sustainable drainage principles to include details of design, implementation, adoption, maintenance and management shall be submitted to and approved in writing by the Local Planning Authority. 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 Waltham Forest Local Plan - WFLP Core Strategy (2012) and Policy DM34 of the Waltham Forest Local Plan – Development Management Policies (2013).

### *Thames Water Conditions*

38. No development shall be occupied until confirmation has been provided that either:- 1. Surface water capacity exists off site to serve the development or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Or 3. All Surface water network upgrades required to accommodate the additional flows from the development have been completed.

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 Waltham Forest Local Plan - WFLP Core Strategy (2012) and Policy DM34 of the Waltham Forest Local Plan – Development Management Policies (2013).

39. No development shall be occupied until confirmation has been provided that either:- 1. Foul water Capacity exists off site to serve the

development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

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 Waltham Forest Local Plan - WFLP Core Strategy (2012) and Policy DM34 of the 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.

2. 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.

3. The submitted Construction Environmental Management Plan shall include details of:

Site hoarding

Wheel washing

Dust suppression methods and kit to be used

Bonfire policy

Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999

Confirmation if a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors Copy of an asbestos survey.

4. The application is subject to both the Mayoral and the Waltham Forest Council Community Infrastructure Levy.

5. It is the 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.

6. In relation to the SAMMS + obligation, the LPA wishes that the rich history and prehistory of the site and its surroundings be conveyed to the public. The interpretation scheme should be researched and designed by a recognised historical or archaeological interpretation specialist with appropriate experience

7. For information on the NRMM Low Emission Zone requirements and to register NRMM, please visit <http://nrmm.london/>.

8. The AQDMP can form part of the Construction Environmental Management Plan (CEMP). The AQDMP shall include the following for each relevant phase of work (demolition, earthworks, construction and trackout):

1. A summary of work to be carried out;

2. Proposed haul routes, location of site equipment including supply of water for

damping down, source of water, drainage and enclosed areas to prevent contaminated water leaving the site;

3. Inventory and timetable of all dust and NO<sub>x</sub> air pollutant generating activities;

4. List of all dust and emission control methods to be employed and how they

relate to the Air Quality (Dust) Risk Assessment;

5. Details of any fuel stored on-site;

6. Details of a trained and responsible person on-site for air quality (with knowledge of pollution monitoring and control methods, and vehicle emissions);
7. Summary of monitoring protocols and agreed procedure of notification to the local authority; and
8. A log book for action taken in response to incidents or dust-causing episodes and the mitigation measure taken to remedy any harm caused, and measures employed to prevent a similar incident reoccurring.
- 9 .Developments assessed to be medium risk or greater for any of the steps required in an Air Quality and Dust Risk Assessment (AQDRA) regular or continuous PM10 monitoring should be carried out on site. Baseline monitoring should commence 3 months before the commencement of works and continue throughout all construction phases. Details of the equipment to be used, its positioning, additional mitigation to be employed during high pollution episodes and a proposed alert system should be submitted to the Council for approval. No demolition or development shall commence until all necessary precommencement measures described in the AQDMP have been put in place and set out on site. The demolition and development shall thereafter be carried out and monitored in accordance with the details and measures approved in the AQDMP. The IAQM "Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites" details appropriate monitoring for the scale of the site or project.
- 10.The applicant must seek the advice of the Metropolitan Police Service 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.
11. You have been granted planning permission for a development in a flood risk area. We strongly advise that you sign up to the free Flood Warning Direct service.
12. In relation to Conditions 36 -39, the applicant is advised of the detailed comments from Thames Water:

Dear Sir/Madam Re: 60-74, SEWARDSTONE ROAD, LONDON, E4 7PR  
Waste Comments There are public sewers crossing or close to your

development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes> With the information provided, Thames Water has been unable to determine the Foul water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage, but have been unable to do so in the time available and as such, Thames Water request that the following condition be added to any planning permission. "No development shall be occupied until confirmation has been provided that either:- 1. Foul water Capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://www.thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval. With the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for SURFACE WATER drainage, but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. "No development shall be occupied until confirmation has been provided that

either:- 1. Surface water capacity exists off site to serve the development or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Or 3. All Surface water network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section. Water Comments On the basis of information provided, Thames Water would advise that with regard to water network infrastructure capacity, we

would not have any objection to the above planning application. Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-need-to-follow-if-you're-considering-working-above-or-near-our-pipes-or-other-structures>. <https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes> Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

Supplementary Comments Management of surface water from the site should follow policy 5.13 of the London Plan. Typically, greenfield runoff rates of 5l/s/ha should be aimed at using the drainage hierarchy. The hierarchy lists the preference for surface water disposal as follows; Store Rainwater for later use > Use infiltration techniques, such as porous surfaces in non-clay areas > Attenuate rainwater in ponds or open water features for gradual release > Discharge rainwater direct to a watercourse > Discharge rainwater direct to a surface water sewer/drain > Discharge rainwater to the combined sewer



