

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 7 th November 2023
Application reference:	231752
Applicant:	Mr Rand (Grandglobe Ventures Ltd)
Location:	Stonehill Court, 25 Markfield Gardens, E4
Proposed development:	Prior approval for the construction of a roof extension to a detached residential building to add an additional floor (resulting in a 4 storey building) to provide 7 self-contained flats (1x2-bed, 2x1-bed & 4x3-bed) (Use Class C3). Associated works to include refuse/recycling storage and bicycle parking facilities.
Wards affected:	Chingford Green
Appendices:	None

1. RECOMMENDATION

- 1.1. That prior approval be GRANTED, subject to conditions and informatives.

2. REASONS REFERRED TO COMMITTEE

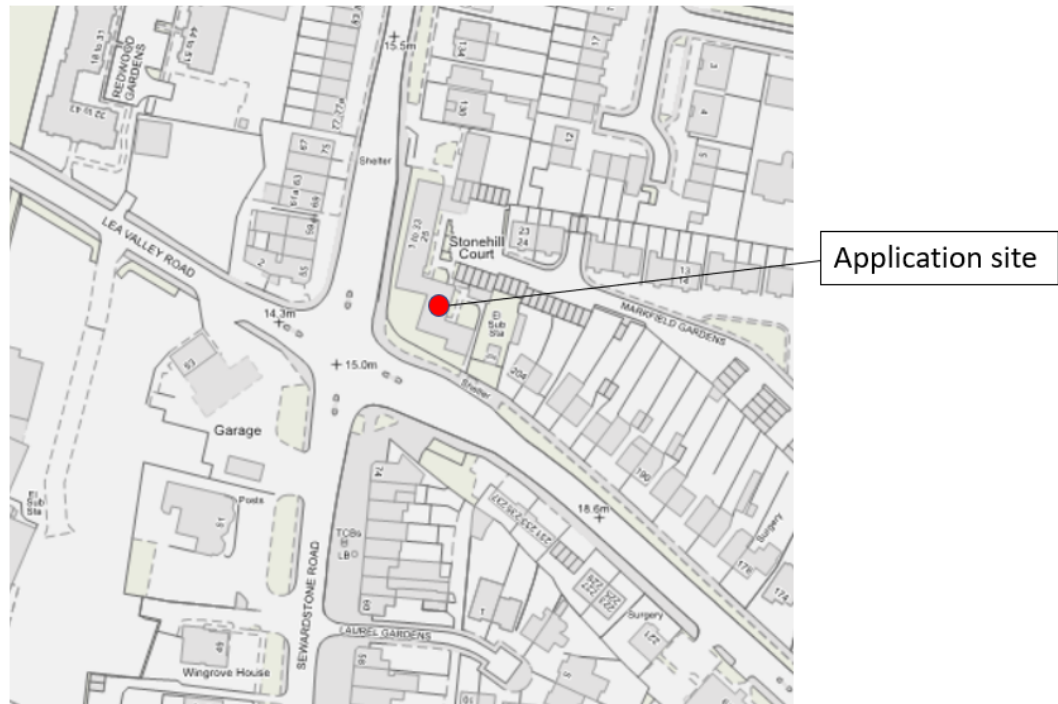
- 2.1. The application has been referred to planning committee due to the level of public interest.

3. SITE AND SURROUNDING AREA

- 3.1. The application site is a three-storey building that sits on the corner of Kings Head Hill and Sewardstone Road. The building comprises 5no. attached blocks (Block's A-E) hosting 33 self-contained flats.
- 3.2. The building articulates around its corner plot forming frontages to both Sewardstone Road and Kings Head Hill. It also forms a frontage at the end of Markfield Gardens which is a cul-de-sac. The building has a flat roof with external walls finished in brown brick, white render and off-white window frames.

- 3.3. Local topography slopes gently eastwards meaning neighbouring properties to the north and east of the application site sit either level or higher than the application site. As demonstrated in Figure 1, nearby properties at lower positions to the south and west of the application site are well spaced out from the application site given set back distances from the highway and the broad nature of the highway network outside the application site.

Figure 1 – Map of Application Site and its Surroundings



- 3.4. The surrounding area is predominantly residential in character. Development beyond the application site to the north and east along Sewardstone Road and Kings Head Hill are predominantly two-storey residential properties mostly in a semi-detached or terraced form. Beyond the application site to the south and west along the Sewardstone Road and Lea Valley Road is a more mixed character comprising both commercial and residential uses. Buildings tend to have a greater variability in the number of storeys, including a seven-storey apartment block at No.49 Sewardstone Road. Many buildings comprise ground floor premises in commercial use with upper floors used for residential purposes.
- 3.5. There is no uniform architectural style or finish within the local area with a diverse mix of designs material finishes, detailing, roof styles, heights, massing and scale.
- 3.6. The site is located within an area that has a Public Transport Accessibility Level (PTAL) 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.

3.7. 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.

3.8. The site is however within walking distance of local shops and Epping Forest.

3.9. The property is not located within a Conservation Area, is not listed and is not subject to any other Article 4 Direction.

4. APPLICATION PROPOSAL

4.1. This application has been submitted to the Local Planning Authority to determine whether prior approval is required for the construction of a roof extension to a detached blocks of flats to create an additional storey at third floor level providing 7 self-contained flats (1x2-bed, 2x1-bed & 4x3-bed).

4.2. In August 2020 the Government introduced five new permitted development rights (PDR) to allow for the upward extension of different types of residential and commercial properties to create additional homes.

4.3. These are subject to meeting various conditions set by the Government and 'prior approval' from the Council on specified matters which are set out in Section 11 of this report.

4.4. Four of the existing six stairwells will be extended to provide access to the additional storey.

4.5. Access arrangements to the application site and the existing building will be unchanged. No additional car parking is proposed. 14no. cycle parking spaces will be provided across 2no. locations within the application site adjacent building entrances.

4.6. The proposed development seeks to create an enclosed bin store for existing and proposed apartments.

4.7. The additional storey will increase the height of the existing building by 3.45m from 8.82m to 12.27m at its highest point (Block C). The footprint of the proposed additional storey will be mostly set back from the facade of the existing lower storeys.

- 4.8. The set back of the additional storey will be enclosed with a new brick parapet wall that will extend the existing façade upwards by 0.9m. The brick will have a tone to match the existing building.
- 4.9. This application follows on from a previously refused application to create third floor level providing eight self-contained flats (4x2-bed, 3x1-bed & 1x3-bed).
- 4.10. This application was refused due to its proposed design and impact on parking stress. This application differs from the previously refused scheme in the following ways:
- Reduction in number of flats proposed from eight to seven.
 - Increased set back of additional storey from 700mm to 1200mm at (i) Block A adjacent neighbouring property at No.130 Sewardstone Road; and (ii) Block E adjacent.
 - Removal of stairwell from Block A that had no set back from lower storeys when viewed from Sewardstone Road.
 - Roof plan altered location and number of skylights, Automatic Opening Vents (AOV) and access hatch.
 - Different material finish to external walls of third floor addition from light grey zinc cladding with vertical stripes to brown tone aluminium cladding and off-white aluminium chamfered panels around windows.
 - Arrangement of windows has been revised to relate more appropriately to those existing at building.

5. RELEVANT SITE HISTORY

A. Planning

- Planning Application reference 1964/0022, for the construction of 7 x 1 bedroom, 21 x 2 bedroom and 3 x 3 bedroom flats and 34 garages.

Planning permission granted on 8/4/1964.

- Prior Approval Application reference 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 was refused on the 6/2/2023, for the following reasons:

1. The proposed development, due to its materiality and poor design, would fail to be a sympathetic addition exacerbated by its relatively elevated position which would therefore be harmful to the external appearance of the building. The proposal would be at odds with the prevailing character and appearance of the area, failing to represent a high-quality design, and this in turn also has a negative the surrounding area to the visual detriment of the general context of this suburban locality. As such, the proposed development would be contrary to policies CS15 of the adopted Waltham Forest Local Plan – Core Strategy 2012, policies DM29 of the adopted Waltham Forest Local Plan – Development Management Policies 2013, The National Planning Policy Framework 2019 (achieving well designed places), The National Design Guide: Creating Well Designed Places (2019) and Living with beauty: report of the Building Better, Building Beautiful Commission (2020).
2. The proposed development with the submission of a parking survey has demonstrated that the proposed addition of eight flats would increase parking stress within the area impacting on the existing parking/highway infrastructure, to the detriment of the immediate locality. The proposal is contrary to Policy CS7 and CS13 of the Waltham Local Forest Plan – Core Strategy (2012) and policy DM13, DM14 and DM16 of the Waltham Forest Local Plan Development Management Policies (2013), and Policy T4 of the London Plan (2021).

B. Pre-Application

- None

C. Enforcement Investigations / Notices

- None

D. Adjacent Sites

60-74 Sewardstone Road, Chingford, London, E4

- Planning Application reference 220957, for the Construction of a part 3, part 5 and part 8 storey building to facilitate 422.5 m² 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.

This application was presented at planning committee on the October 2023 where there was a resolution to grant planning permission subject to completion of s106 agreement. Once the s106 has been completed and signed, a formal decision would be forthcoming on this scheme.

6. PUBLIC CONSULTATION

6.1. The Council circulated 228 consultation letters to local residents, as follows:

- 1-24 Markfield Gardens (All)
- 1 – 33 Stonehill Court, 25 Markfield Gardens (All)
- 178 – 204 Kings Head Hill (Even)
- 44 – 59 Redwood Gardens (All)
- 51 – 85 Sewardstone Road (Odd)
- 60 Sewardstone Road
- 221 – 237 Kings Head Hill (Odd)
- 52 – 74 Sewardstone Road (Even)
- 1 – 10 Laurel Gardens (All)
- 2 – 3 Lea Valley Road (All)
- Flat 1 – 4, 130 Sewardstone Road (All)
- 132 – 144 Sewardstone Road (Even)
- 1 – 2 Wingrove House, 49 Sewardstone Road (All)
- 11 – 14 Wingrove House, 49 Sewardstone Road (All)
- 21 – 24 Wingrove House, 49 Sewardstone Road (All)
- 31 – 34 Wingrove House, 49 Sewardstone Road (All)
- 41 – 44 Wingrove House, 49 Sewardstone Road (All)
- 51 – 54 Wingrove House, 49 Sewardstone Road (All)
- 61 – 64 Wingrove House, 49 Sewardstone Road (All)
- 3 – 22 Dells Close (All)

6.2. The application was advertised via a site notice on the 01/8/2023.

6.3. The Council received a total of 23 letters, all objections, as a result of the public consultation.

6.4. The representations relating to the issues of concern raised are detailed in the table below, and are also matters which are addressed within the “Assessment” section of this report.

Objection received	Response
Design	
Domineering impact on the character of the area	Where the previous submission was refused on the basis of the appearance of the development relevant to the host building and the wider surrounding area, these matters have been addressed. The proposal is now considered to have an acceptable impact upon the character and appearance of the host property and surrounding area, as discussed in more detail Section e of this report.

Neighbouring Amenity Impact	
<ul style="list-style-type: none"> • Overlooking and loss of privacy • Overbearing Impact • Impact on daylight / sunlight • Overshadowing 	<p>Officers have undertaken their own assessment of the proposal impact, and consider that the development would not unduly harm the daylight/sunlight received by surrounding neighbouring occupiers. This is discussed further in the assessment section of the report.</p> <p>The proposal is considered to have an acceptable impact upon the residential amenity of neighbouring occupiers, as discussed in more detail Section g of this report.</p>
Dust and noise pollution during construction works	A construction management plan is to be submitted by way of condition to ensure disruption is minimised to existing residents within the building. The proposed works would also be subject to the Control of Pollution Act.
Highway/Transport Impact	
Impact on parking pressure	Parking pressure is discussed further in the assessment section of the report. A condition will be attached to enter into a formal agreement to prevent permits being issued to future occupiers should a CPZ be made and a second a clause to ensure future tenants are aware of this. This is considered acceptable and is explained in more detail in the Highways section of this report.
Issues regarding location of waste and cycle storage	Indicative details of waste and cycle parking are shown for the proposed units. A condition is to be attached to ensure that full details of the facilities are provided.
Other Matters	
Pressure on existing drainage	This would be subject to building control requirements and utility infrastructure provided by Thames Water.
Impact on local infrastructure/services	The proposal would only result in a relatively small increase in terms of level of occupancy and would not amount to overdevelopment of the site to an unacceptable degree. The development would be liable for Community Infrastructure Levy payments which are in

	place to help fund local infrastructure needs arising from new development. Details of which are outlined in an informative.
Property value decreased	This is not a valid material planning consideration.
Health and safety and risk of accidents posed by scaffolding and machinery	This would be a matter for health and safety legislation.
Potential impact on historical or cultural heritage sites	<p>The objector did not identify the specific historical or cultural heritage site to which concerns are held. The application site is not listed, locally listed or within a Conservation Area.</p> <p>The nearest statutorily or locally listed building is a Drinking Water Fountain located over 400m from the application site along Kings Head Hill. This is considered to be sufficient distance for the development not to have any negative impact on the fountain or its setting.</p> <p>The north-western periphery of the application site is located within an Archaeological Priority Zone. The proposed development will take place above an existing development and so will have no adverse impact on any heritage asset of archaeological interest.</p>
Construction activities: Disturbance to existing parking arrangements; disruption posed by large construction vehicles, and timing of construction	A construction management plan is to be submitted by way of condition to ensure disruption is minimised to existing residents within the building. The proposed works would also be subject to the control of pollution act.
Structural integrity of the existing building	This would be a matter for building control legislation.
Greater opportunities for loitering and anti-social behaviour	The proposed communal areas of the internal layout, external location of bin store and cycle parking spaces raise no concerns regarding creating additional areas for anti-social behaviour. Any anti-social behaviour is a matter for the Metropolitan Police Service.

7. OTHER CONSULTATIONS

Consultees	Response
Design Officers	No objections.
Waste Strategy	No comments received.
Environmental Health	No comments received.
Highways	<p>Risk of parking overspill and increased parking stress can be appropriately mitigated through a S106 legal agreement.</p> <p>If the development were to be supported, the following would be required:</p> <ul style="list-style-type: none"> • Planning condition required submission detailed Construction Logistics Plan. • Submission of a condition survey • Via s106 requirement for contribution for £7,000 is requested toward improving sustainable modes of transport including walking and cycling in the sites vicinity. • Financial contribution of -£750.00 towards monitoring of the Construction Logistics Plan. • If a future CPZ is implemented in this area, then the additional 7 units must be classified as car free & ineligible for parking permits

8. Schedule 2, Part 20 – Construction of New Dwellinghouses of The Town and Country Planning (General Permitted Development) (England) Order

- 8.1. In August 2020 the Government introduced five new permitted development rights (PDR) to allow for the upward extension of different types of residential and commercial properties to create additional homes. A new permitted development right was also introduced to allow upward extension of existing homes to create additional space.

- 8.2. These are subject to meeting various conditions set by the Government and 'prior approval' from the Council of specified matters. This application is, therefore, assessed against the criteria's set out by this legislation.

9. Determination criteria

- 9.1 The GDPO requires the Council to assess the application taking into account representations received and having regard to the NPPF. Prior approval applications must not be determined, expressly or otherwise, on the basis of Section 70(2) of the Town and Country Planning Act (1990) (as amended) or Section 38(6) of the Planning and Compulsory Purchase Act (2004), or as though the development plan must be applied.
- 9.2 However, the policies of the Development Plan for the site are material considerations in so far as they relate to the subject matter of the prior approval. The relevant documents, comprises the London Plan (2021), the Waltham Forest Local Plan Core Strategy (2012), and the Waltham Forest Local Plan Development Management Policies (2013). Other planning policies are material considerations.

Waltham Forest Local Plan Core Strategy (2012)

The Waltham Forest 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.

The policies considered relevant to this application are as follows:

- CS1: Location and Management Growth
- CS2: Improving Housing Quality and Choice
- CS4: Climate Change
- CS5: Enhancing Green Infrastructure and Biodiversity
- CS6: Promoting Sustainable Waste Management and Recycling
- CS7: Developing Sustainable Transport
- CS15: Well Designed Buildings, Places and Spaces
- CS16: Making Waltham Forest Safer

Waltham Forest Local Plan Development Management Policies (2013)

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

- DM1- Sustainable Development and Mixed Use Development
- DM2- Meeting Housing Targets
- DM4 - Residential Extensions and Alterations
- DM7 - External Amenity and Internal Space Standards
- DM14 - Sustainable Transport Network
- DM15 - Managing Private Motorised Transport
- DM16 - Parking
- DM29 - Design Principles, Standards and Local Distinctiveness
- DM30 - Inclusive Design and the Built Environment
- DM32 - Managing Impact of Development on Occupiers and Neighbours

National Planning Policy Framework (2023)

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It is material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as at the heart of the framework.

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".

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'

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

- Delivering a sufficient supply of homes
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land
- Achieve well-designed places
- Delivering a wide choice of high quality homes

The London Plan (2021)

On Tuesday 2nd March 2021 The Mayor of London published the replacement London Plan. From this date, it forms part of the Development Plan for the purpose of determining planning applications.

The 2021 London Plan supersedes the 2016 London Plan, which no longer has any effect. The relevant policies within the London Plan 2021 are:

- GG1 Building Strong and Inclusive Communities

- GG2 Making Best Use of Land
- GG4 Delivering Homes Londoners Need
- D1 London's form, character and capacity for growth
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive Design
- D6 Housing quality and standards
- D7 Accessible Housing
- D12 Fire Safety
- D14 Noise
- H1 Increasing housing supply
- H10 Housing size mix
- T5 Cycling
- T6 Car Parking
- T7 Deliveries, Servicing and Construction

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

The Draft Local Plan underwent Regulation 18 public consultation between July 2019 and September 2019 and consultation on the proposed Submission Version between 26th October 2020 and 14th December 2020. It has undergone examination and consultation on proposed modifications concluded on 21 September 2023. The plan has reached an advanced stage and weight will be given to it, in accordance with the Guidance set out in the NPPF.

The Draft new Local Plan proposes to be a “combined” document comprising 12 thematic policies and a revised spatial strategy, splitting the borough into North, South and Central Waltham Forest.

The Draft Local Plan clearly sets out the Council's growth agenda which seeks to facilitate the sustainable delivery of 27,000 new homes and 46,000sqm of employment floorspace over the next plan period. The draft policies relating to housing type and mix are reflective of the London Plan (2021).

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 12 Increasing Housing Supply
- Policy 19 Small Sites
- Policy 56 Delivering High Quality Design
- Policy 58 Residential Space Standards
- Policy 59 Amenity
- Policy 68 Managing Vehicle Traffic
- Policy 100 - Infrastructure and Developer Contributions

Other Policies

- The London Plan, Supplementary Planning Guidance – Housing (2016)

- Department for Communities and Local Government Technical housing standard – nationally described space standard.
- Supplementary Planning Document Urban Design (2010)
- Supplementary Planning Document Residential Extensions and Alterations (2010)
- Living with beauty: report of the Building Better, Building Beautiful Commission (2020)

10. OTHER MATERIAL PLANNING CONSIDERATIONS.

High Court Decisions

10.1 When considering this application, the following High Court decision needs to be taken into consideration, when the Council is assessing the relevant planning considerations, in relation section 11 (II):

- Cab Housing Limited, Beis Noeh Limited, and Rotenbe v Secretary of State for Levelling Up, Housing and Communities, Broxbourne Council, and Haringey London Borough Council [2022] EWHC 208 (Admin) (3 February 2022).

The judgment relates to the appeal decisions "APP/W1905/W/20/3265298", "APP/Y5420/D/21/3268817", and "APP/Y5420/D/21/3277589".

Each of these appeal decisions related to an application for prior approval under Part 1 Class AA of the GPDO (i.e. "enlargement of a dwellinghouse by construction of additional storeys").

In summary the judgement found the following:

- "impact on the amenity of any adjoining premises" is not limited to the impact on "overlooking, privacy and the loss of light". For example, it can include the impact on other aspects of amenity such as "outlook, noise and activity".
- "impact on the amenity of any adjoining premises" is not limited to the impact on properties that "abut, or are contiguous with, the subject property". For example, it can include the impact on other properties that are "neighbouring premises" (note: these do not have to be "residential premises").
- The assessment of the "external appearance of the dwellinghouse" is not limited to "the design and architectural features of (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway". For example, it can include the external appearance of other elevations such as a side elevation that doesn't front a highway or a rear elevation (note: these do not have to be "public facing elevations").
- The assessment of the "external appearance of the dwellinghouse" is not limited to the impact of that appearance on the "subject property itself". For example, it can include the impact of that appearance on "neighbouring premises and the locality".

11. ASSESSMENT

11.1 In assessing this application, the Council can only consider the criteria as set out in Class A of Schedule 2, Part 20 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

11.2 For any development to fall within the provisions of permitted development, the application site should not fall within a Conservation Area and Permitted Development rights should not have been removed by any previous planning consents. The development meets these provisions. The Council is therefore required to carry out an assessment in two parts, as follows:

11.3 There are various technical criteria's setting the limitations to the application, which vary depending on the type of property, these include:

- Age of building
- Minimum existing building height
- Maximum total height
- Maximum additional height
- Minimum floor to ceiling height of additional floors
- Provision of only flats
- Engineering operations only for strengthening walls or foundations and installation of utilities

11.4 The full list of criteria in which the application would need to fall within is attached to Appendix 1 of this report. Officers have assessed the development against these technical criteria, and find the development complies with these provisions, as set out in Appendix 1. Assessment under provisions of Class A.1 do not form part of the considerations brought forward to planning committee, as these are not a matter of planning judgement.

(II) Material Planning Considerations

11.5 Paragraph A.2 of the Town and Country Planning Act Schedule 2, Part 20 – Construction of New Dwellinghouses of The Town and Country Planning (General Permitted Development) (England) Order sets out the material planning considerations the Council would need to consider as part of Upwards Development Application.

11.6 These relate to the following and form a part of the officer's assessment in the remainder part of the report, and are considerations put forward for Planning Committee for consideration.:

- (a) transport and highways impacts of the development;
- (b) air traffic and defence asset impacts of the development;
- (c) contamination risks in relation to the building;
- (d) flooding risks in relation to the building;
- (e) the external appearance of the building;

- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; and
- (h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State, and
- (i) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building; and
- (j) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building
- (k) Internal Space Standards

a. Transport and Highways Impact of the Development;

• Car Parking

- 11.1. Policy T4 of the London Plan (2021) states development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed.
- 11.2. Development should not adversely affect safety on the transport network. Policy CS7 of the Local Plan Core Strategy (2012) states the Council will facilitate growth and regeneration in a sustainable manner and promote sustainable travel by requiring Transport Assessments and Travel Plans where appropriate in support of planning applications to determine potential transport impacts and to demonstrate how the development minimises and mitigates the expected impacts.
- 11.3. Policy DM13 of the Local Plan - Development Management Policies (2013) also seeks to ensure that development is properly integrated with the transport network by requiring development proposals to submit Construction Logistics Plans.
- 11.4. The existing 33 apartments rely on 8. formal in-curtilage parking spaces and an additional 6no. informal parking spaces. The informal parking spaces, accessed from Markfield Gardens, are undefined and share the existing area of hardstanding with refuse bins.
- 11.5. The proposal does not provide any additional in-curtilage parking spaces. However, it seeks to improve the existing parking arrangement by formally delineating spaces for 4no. of these informal spaces and formally enclosing the bins creating a safer parking arrangement for vehicle users and pedestrians. The 8no. existing formal parking spaces will remain unchanged with the remaining 2no. informal parking spaces also unchanged under the proposal.
- 11.6. In-curtilage parking within the application site is currently privately managed and enforced through an appointed car park management company (UK Car Park Management). Permits to use the in-curtilage parking spaces are

provided by the management company on a first come first served basis with permits not being bay specific.

- 11.7. The site does not sit within a Controlled Parking Zone. The Council's Highways Officers were consulted as part of the application and have noted that increased parking stress caused by proposed development on the surrounding roads can be dealt with via condition should CPZ be forthcoming in the future.
- 11.8. As part of the assessment of the previously refused application at the site, it was considered that the submitted parking survey 'demonstrated that the proposed addition of eight flats would increase parking stress within the area impacting on the existing parking/highway infrastructure, to the detriment of the immediate locality'.
- 11.9. On this occasion, the current application has been supported by an updated Transport Statement detailing parking conditions within the locality of the site, including the results of a Parking Stress Survey. The survey was carried out in line with the Lambeth methodology which is a standard way of surveying residential on-street parking pressures in London within 200m walking distance of an application site, overnight on two different nights, when parking occupancy is expected to be highest as most residents are expected to be home then. There is no requirement to conduct additional surveys over a longer period of time and more days to form a view about existing on-street parking pressures local to the site.
- 11.10. The addition of 7 units would likely create a need of up to 5 additional parking spaces. Furthermore, whilst the information submitted within the Transport Statement highlights that Markfield Gardens itself has no capacity for any additional parking, the parking stress survey results show that there is sufficient spare capacity within 200m walking distance of the site to accommodate the additional on-street car parking demand arising from the development proposals. What is more, there are a number of properties within the locality that benefit from off-street parking and therefore reducing the reliance upon on-street parking places for existing local residents.
- 11.11. As set out in Policy T6 criterion C of the London Plan (2021) it importantly states that:

An absence of local on-street parking controls should not be a barrier to new development, and boroughs should look to implement these controls wherever necessary to allow existing residents to maintain safe and efficient use of their streets.
- 11.12. This policy therefore expects Council's to positively consider car free developments even in the absence of a CPZ as it should not be a barrier to enable new development to come forward. This has been tested in a recent appeal decision on Larkshall Road in Highams Park whereby the car free appeal scheme was not controlled by a CPZ and parking stress was very

high, yet was allowed citing Policy T6. The same should be applied here for consistency in decision making.

11.13. Since the previous decision to refuse, it has been considered that to address Highways concerns with regard to potential parking overspill directly generated by the proposed development, in the event parking stress were to increase to unsustainable levels and a CPZ was introduced, all future occupiers except blue badge occupiers would not be entitled to a permit. This will be secured by a condition requiring a legal agreement to be entered into. This has been used in a recent neighbouring scheme 60-74 Sewardstone Road which committee resolved to grant permission for 40 units (application reference: 220957).

11.14. Overall, the submitted information shows that there would be sufficient capacity within the local network to accommodate the potential increase in car parking demand arising from the development. The development therefore accords with the aforementioned policies and would overcome the previous refusal in relation to the impact upon local parking conditions / highway infrastructure. Officers consider that the proposed scheme, subject to securing planning obligations via condition can successfully be car free for the additional units should a CPZ be introduced given public transport accessibility, Enjoy Waltham Forest agenda, Waltham Forest's Service Strategy Charter, and the Mayor's 2041 strategic target to reduce car dependency by promoting active travel for health and wellbeing for all future developments in all locations.

- Cycle Parking

11.15. Policies CS7 and DM14 of the adopted Local Plan requires a minimum of 4, 2 cycle storage space for each of the 2 flats, which would need to be secure and convenient cycle parking spaces for dwellings with 2+ bedrooms, in accordance with the Council's Cycle Parking Standards. Policy T5 in the London Plan 2021 requires all residential dwellings above 2 persons to provide 2 long-stay spaces per dwelling.

11.16. The proposal includes 14 additional cycle storage spaces, These are safely and conveniently located in two locations adjacent entrances to the building from both the Sewardstone Road and Markfield Gardens sides of the building. Cycle storage provision is therefore in compliance with the aforementioned policies. There are no cycle storage spaces currently available for existing residents of the blocks. However, further detail would be required in terms of the cycle parking enclosure. As such these aspects of the development would be secured by a way of planning condition to ensure that the development complies with the objectives of adopted Local Plan policy DM16.

• Construction/Demolition

- 11.17. A Construction Management Plan (CMP) would be required and secured by a planning condition. The purpose of the CMP is to help the developer minimise the construction impacts related to both on-site activity and the transport arrangements for vehicles servicing the site, whilst setting out the detailed procedures, sequencing and methodology to be followed by the project team to deliver the scheme. The Council's Highways Team have commented on the submitted detail and have raised some areas of clarification. These elements could be adequately dealt with as part of the full details to be provided as part of the aforementioned condition.
- 11.18. The proposal would not require significant levels of demolition and therefore the proposal would not give rise to concerns in relation to producing excessive levels of dust / pollution that would warrant further details other than to comply with the Control of Pollution Act.
- 11.19. Given the above, the impact of the proposed development upon on-street parking pressure and highway safety would not warrant refusal of the application and overcomes the 2nd reason for refusal as part of application reference 223558.

b. Air Traffic and Defence Asset Impacts of the Development;

- 11.20. The Council raises no concerns in relation to this matter, as it would not be relevant given the site location.

c. Contamination Risks in Relation to the Building;

- 11.21. The proposed works would be on the roof of an existing building, and therefore there would be no issues of contamination risks.

d. Flooding Risks in Relation to the Building;

- 11.22. The site falls within a Flood Zone 1, and it is not considered that development to the airspace by way of one additional floor, would result in any significant additional impact in respect of flooding.

e. The External Appearance of the Building Including;

- 11.23. As noted above, the High Court judgement in Section 10, the assessment of the "external appearance of the dwellinghouse" is not limited to the impact of that appearance on the "subject property itself". For example, it can include the impact of that appearance on neighbouring premises and the locality.
- 11.24. The proposed development seeks to construct an additional fourth storey above the existing three storey element, with setbacks incorporated on all sides. The setback of the additional top floor from the outer edge of the existing façade would measure 0.7-1.2m.

- 11.25. The proposed additional floor would be considered to harmonious with the existing building. New windows would largely replicate the size of and align with those on the existing floors below, the lightweight cladding material harmonises with the existing/original materials, the window frames reflecting the style of the existing and incorporating solid panels that are also found below some windows in the existing building. Sufficient set-backs to the front, side and rear of the existing footprint would significantly reduce its visual impact. Its recessive relationship with the floors below would appear as a roof/ a cap to the top of the existing building, materially different from the front façade below that would serve to reduce the perception of the mass and overall bulk of the extension.
- 11.26. As such, the massing and the overall bulk of the extension would remain compatible with the host building and the elevational treatment would be in keeping with the appearance of the existing building, and as such, is acceptable in design terms.
- 11.27. It is accepted that the resultant building with accommodation at roof level would be taller than the current building on site. However, given the standalone form and scale of the existing building, the one additional floor level with set-backs to each elevation, would not appear significantly more dominant than the existing building. The use of good quality materials, the alignment of the fenestration, increase in set-backs and reduction in height and the separation distances to that of the more traditional housing stock within the locality mean the design can successfully integrate into it the surrounding area.
- 11.28. It is also important to point out that within the locality there is a variety of different architectural forms with varying building heights to the nearby buildings. The existing building forms a frontage onto Sewardstone Road and Kings Head Hill but the articulation of the building means the existing building is set back from the corner of the site adjacent the junction of Sewardstone Road, Kings Head Hill and Lea Valley Road. Moreover, Block A of the existing building, which is located adjacent neighbouring property No.130 Sewardstone Road, has a generous set back from the highway network. The set back is significantly greater than No.130 Sewardstone Road. The topography of the local area rises eastwards from the application site. Adjacent properties on Kings Head Hill and Markfield Gardens therefore appear the same height or taller than the existing building. Given the above, the sensitivity to physical changes in the area, such as that proposed, is relatively low. The sensitive application of materials further lessens the visual impact of the development on the street scene and host building.
- 11.29. Whilst the previous submission under application reference 223558 was refused under the assessment of this condition, it is considered the alterations to remove the projecting staircase, fenestration design and to the

materiality of the proposed extension, is sufficient to overcome the previous reason for refusal. Officers therefore consider the proposal is acceptable with regards to satisfying the assessment of this condition and would overcome the 1st reason for refusal as part of application reference 223558.

11.30. Overall, the proposed development is considered to have an acceptable impact upon the character and appearance of the area given the context of the site. The proposal is considered to sit acceptably within the character of the area relating to the surrounding built form and reflecting neighbouring properties. It is considered that the proposed development would comply with the requirements of Draft Local Plan Policy 56, Policies D4 & D6 of the London Plan 2020 CS15 of the Local Plan and Policy DM29 of the Local Plan.

f. The Provision of Adequate Natural Light in all Habitable Rooms of the New Dwellinghouses;

11.31. London Plan Policy D6 states that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. Policy CS2 of the Local Plan states that all new residential units will be required to be of high quality and design. Policy DM32 (Managing Impact of Development on Occupiers). The policy aims to ensure that daylight/sunlight, outlook and privacy are maintained for existing occupants and their neighbours in their homes and gardens as well as for the intended occupants of new habitable rooms.

11.32. The proposed development, owing to the internal layout, position and size of the fenestration, together with the orientation of the building and relative lack of obstruction from surrounding buildings, would be similar to that found within the existing building on the floor levels below in terms of layout and size and considered acceptable in ensuring an adequate level of natural light enters all habitable rooms of the development proposal.

11.33. The proposal would be in accordance with policy CS2 of the Waltham Forest Local Plan Core Strategy (2012), policy DM32 of the Development Management Policies (2013) and Policy D4 of the London Plan (2021).

g. impact on the amenity of the existing building and neighbouring premises including overlooking, privacy, and the loss of light;

11.34. Policy DM4 and DM32 of the Development Management Policies Local Plan (2013) seeks to manage the impact of new development on neighbouring amenity to ensure that daylight/sunlight, outlook and privacy is maintained for existing occupiers.

11.35. It is noted that a daylight/sunlight report was submitted that assessed the neighbouring properties which has been reviewed by officers, the conclusion

of the reports shows that the habitable room windows of neighbours would have an acceptable level of daylight/sunlight within the proposal.

- 11.36. The daylight/sunlight report evaluated the daylight impacts of the development on neighbouring sensitive receptors against the widely recognised BRE Guidelines. 142 windows have been tested using the Vertical Sky Component Assessment of which 130 meet BRE guidance. There are 12 windows in Stonehill Court that would experience a noticeable reduction in daylight; these are either very marginally below the threshold to be noticeable, or retain VSC values of 20% which is considered acceptable with an urban area, or serve non-habitable rooms (kitchens).
- 11.37. Daylight impacts were also assessed using the No Sky Line Assessment. 136 rooms have been tested of which 133 meet BRE guidance. The properties effected are 130 Sewardstone Road and Flat 6 at Stonehill Court. However, the rooms effects are bedrooms and kitchens smaller than 13sqm which are considered less important than living rooms under BRE guidance. The loss of daylight is considered to not be of a magnitude noticeable to occupants.
- 11.38. With regards sunlight impacts, BRE guidance is applied through Annual Probable Sunlight Hours Assessment which includes a test comparing sunlight experienced at existing windows to that experienced when the development is complete. This assessment was applied to 69 windows on neighbouring properties considered most sensitive to loss of sunlight. There is only one window serving the kitchen of second floor Flat 15 of Stonehill Court where annual and winter sunlight levels are not met. However, when the sunlight in this window is compared with the corresponding window at ground floor level, the second floor window receives more sunlight. As such, it is considered that levels of sunlight are appropriate to not negatively impact the use of this kitchen. The impact of sunlight on amenity and garden areas is also assessed under the Sun on Ground assessment. No amenity space or garden area failed to meet BRE guidance in this respect.
- 11.39. Adopting the flexible approach to these Guidelines in accordance with The London Plan, Supplementary Planning Guidance – Housing (2016), it is concluded that daylight and sunlight levels remain reasonable and there would not be an unacceptable loss of daylight experienced by the occupiers of neighbouring properties. Solar glare and overshadowing are not considered to be an issue with the proposed development. Officers evaluated the findings of the daylight/sunlight report and consider it to be robust. Officers agree with its conclusions.
- 11.40. Habitable rooms in the 7no. flats proposed have also been assessed with regards daylight and sunlight. Acceptable levels of daylight and sunlight will be experienced within the proposed development.
- 11.41. Regarding the amenity of occupants of the existing building, the proposed addition would not harmfully overlook the existing flats or cause loss of light,

due to the nature of the proposal simply adding built form to the top of the existing building and its principal part.

- 11.42. The neighbouring property No. 23/24 Markfield Gardens sits at an angle to the application site and whilst the site benefits from side windows these are secondary and obscure glazed and as such the development would not be detrimentally impacted by the proposed additional floors.
- 11.43. No. 130 Sewardstone Road flatted block is situated in the similar building footprint and as such the proposal would not exceed the building line and would not detrimentally impacted by the proposed additional floor.
- 11.44. No. 11 Dells Close sits opposite the site and is set approximately 20m away. Given the addition of a single floor and the separation between the sites it is considered that the proposal would not detrimentally impacted by the proposed additional floor.
- 11.45. Due to the above considerations, given the proportions and the relationship between the proposal and the neighbouring properties, it is not considered that this scheme would be detrimental to the amenities of the occupants of any neighbouring property in terms of loss of daylight or sunlight and outlook or privacy and in compliance with Policies D1 of the London Plan 2020, CS2, CS15 of the Waltham Forest Local Plan Core Strategy (CS) 2012 and Policy DM32 of the Council's Development Management Policies (DMP) 2013.

h. whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State, and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

- 11.46. There are no protected views that would be harmed as a result of this development.

i. where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building

- 11.47. The resulting building would be no higher than 18 metres.

j. where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building, and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

- 11.54 The proposal would not require this as set out in the fire risk condition as the resulting building would be no higher than 18 metres.

k .INTERNAL SPACE STANDARDS

- 11.55 With effect from 6 April 2021, the GPDO will not permit any residential development where the gross internal floor area is less than 37 square metres in size, or which does not comply with the Technical housing standards – nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.
- 11.56 The Technical Housing Standards – nationally described space standard (2015) sets out the required minimum internal standards for new residential units for each unit depending on the level of occupancy calculated by the number of beds and bedspaces provided within them.
- 11.57 The standards require that a single bedroom has a floor area of at least 7.5m² and a double (or twin bedroom) has a floor area of at least 11.5m². The table below demonstrates that the units would exceed the minimum overall space requirements as detailed within the London Plan

	Minimum standards required (sqm)	Unit	Accords
		Flat 34 – 2b3p	
Gross Internal Area (sqm)	61	61.7	Yes
Double bedroom	11.5	13	Yes
Single bedroom	7.5	10.1	Yes
Built in storage	2	2	Yes
		Flat 35 – 1b1p	
Gross Internal Area (sqm)	37	37.5	Yes
Built in storage	1	1.5	Yes
		Flat 36 – 3b5p	
Gross Internal Area (sqm)	86	92.5	Yes
Double Bedroom	11.5	14.7	Yes
Double Bedroom	11.5	12.6	Yes
Single Bedroom	7.5	9.2	Yes
Built in storage	2.5	3.8	Yes
		Flat 37 – 3b5p	
Gross Internal Area (sqm)	86	89.1	Yes
Double Bedroom	11.5	14.7	Yes
Double Bedroom	11.5	14	Yes
Single Bedroom	7.5	8.6	Yes
Built in storage	2.5	4.5	Yes

		Flat 38 – 3b5p	
Gross Internal Area (sqm)	86	96.9	Yes
Double Bedroom	11.5	12.1	Yes
Double Bedroom	11.5	13.9	Yes
Single Bedroom	7.5	8.1	Yes
Built in storage	2.5	3.1	Yes
		Flat 39 – 1b1p	
Gross Internal Area (sqm)	37	37.1	Yes
Built in storage	1	1.7	Yes
		Flat 40 – 3b5p	
Gross Internal Area (sqm)	86	89.6	Yes
Double Bedroom	11.5	12.2	Yes
Double Bedroom	11.5	12.2	Yes
Single Bedroom	7.5	8.4	Yes
Built in storage	2.5	2.5	Yes

11.58 All proposed units are considered to satisfy the minimum space standard requirements including the gross internal area, storage space requirements, floor to ceiling heights and bedroom space sizes in accordance with the Technical housing standards – nationally described space standard (March 2015).

12 Other Matters

Supporting Material Works to Existing Building

12.1 Two windows serving the second floor communal stairwells in Blocks A and B will be altered to be enlarged and become openable to provide a minimum 1sqm ventilation. These will also serve as a means of escape during a fire for existing residents. These works are permitted under the Town and Country Planning Act Schedule 2, Part 20 – Construction of New Dwellinghouses of The Town and Country Planning (General Permitted Development) (England) Order in association with the proposed upward extension.

Relevant Legislation Conditions

12.2 Class A also sets out various conditions that the applicant/developer is required to comply with, which relate to:

- The development must be completed within a period of 3 years starting with the date prior approval is granted.
- The developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.
- The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.
- An informative is to be attached to the decision to make clear to the applicant of their responsibilities.
- Any new dwellinghouse created under Class A is to remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Epping Forest SAC

12.3 The site falls within the zone of influence of the Epping Forest SAC. No mitigation has been provided against the impact of potential additional recreational disturbance arising from the impact of this development on this area however Regulation 75 of the Habitats Regulations provides that it is a condition of the planning permission granted by the GPDO in these cases, that development which is (a) likely to have a significant effect on a European site or offshore marine site, alone or in combination with other plans or projects and (b) not directly connected with or necessary to the management of the site, must not begin until the developer has received written notification of the approval of the LPA under Regulation 77. As such an informative shall be added to the Decision Notice to inform the applicant and detail what is required to be submitted for the relevant mitigation.

12.4 Any forthcoming approval will apply the necessary conditions and informatives addressing the matters set out above.

13 CONCLUSION OF ASSESSMENT AGAINST PERMITTED DEVELOPMENT REGULATIONS

13.1 All provisions of Class A of Schedule 2, Part 20 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) are satisfied by the scheme.

14 RECOMMENDATION

14.1 Based on the assessment above, the Planning Committee is recommended to grant prior approval, subject to conditions and informative, for the following reasons:

14.2 The position, scale, mass, detail and alignment of the proposed extension to the existing building is considered acceptable in relation to this specific site and the character and appearance of the area. The proposal would not cause

unacceptable harm to the living conditions of neighbouring residents or upon on-street parking conditions.

- 15.3 All provisions of Class A of Schedule 2, Part 20 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) are satisfied by the scheme.

16 CONDITIONS AND REASONS

- 16.1 The development hereby authorised must be completed not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect. The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and that notification must be in writing and include- (i) the name of the developer; (ii) the address or location of the development; and (iii) the date of completion.

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

- 16.2 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:

- A-DR-01-3001 Rev P02, A-DR-11-2001 Rev P02, A-VS-11-4001 Rev P02, A-DR-01-1003 Rev P02, A-DR-10-1001 Rev P02 dated 12th July 2023
- A-DR-11-1002 Rev P02, A-DR-11-1001 Rev P02, A-DR-01-3001 Rev P02, A-DR-01-2001 Rev P02, A-DR-01-1003 Rev P02, A-DR-00-1002 Rev P02, A-DR-01-1001 Rev P02, A-DR-00-1001 Rev P02 and A-DR-00-0001 Rev P02 dated 14th June 2023
- Transport Statement dated July 2023
- Planning Fire Safety Statement dated 10th July 2023
- Design and Access Statement dated July 2023
- Daylight and Sunlight Assessment dated June 2023

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

- 16.3 Prior to the commencement of the development, a schedule of materials and exact product references to be used for the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include:

- a) Facing Brickwork(s) to be used in the parapet wall, showing the colour, texture, pointing and perforated brickwork shall be provided;
- b) window reveals,
- c) Aluminium cladding and panels;
- d) Roof capping;
- e) down pipes, rainwater pipes or foul pipes

f) Any other materials to be used.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

Reason: To safeguard the visual amenities of the area in accordance with Policy CS15 of the adopted Waltham Forest Local Plan - Core Strategy (2012) and Policies DM4 and DM29 of the adopted Waltham Forest Local Plan - Development Management Policies (2013).

16.4 Prior to the occupation of the development hereby approved the applicant shall have entered into a formal agreement with the Council to restrict future occupiers of the proposed development from obtaining a parking permit in any future controlled parking zone affecting the site or any zone adjacent, with the exception of persons with disabilities.

Reason: To ensure the proposal does not compromise parking, highway safety, and the free flow of traffic in the area in accordance with Policies CS7, CS13 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM15 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

16.5 Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the premises shall be used as dwellinghouse within the meaning of Class C3 only and shall not be used for any other purpose including any purpose within Class C3 unless approval is obtained to a variation of this condition through the submission of a planning application.

Reason: To protect the amenities of adjoining occupiers, in order to comply with Policy CS13 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).

16.6 Prior to the commencement of the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

Reason: To protect the amenities of adjoining occupiers, in order to comply with Policy CS13 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).

16.7 No development shall take place on site whatsoever, until a Detailed Construction Logistics Plan has been submitted to and approved in writing by the local planning authority. The logistics plan shall include details of site

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

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

- 16.8 Prior to the first occupation of the development, full details of refuse storage facilities, including the level and type of provision, location and impact on visual amenity, 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 which shall be provided prior to first occupation of the development hereby approved and shall thereafter be maintained as such for the lifetime of the development.

Reason: To ensure that adequate arrangements are made for the storage and collection of refuse and recycling and to comply with Policies CS6, CS13 and CS15 of the adopted Waltham Forest Local Plan - Core Strategy (2012) and Policies DM23, DM24 and DM32 of the adopted Waltham Forest Local Plan - Development Management Policies (2013).

- 16.9 Prior to the first occupation of the development, details of the type and location of secure and covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until a minimum of 10 cycle parking spaces for users of the development, have been installed in accordance with the approved details. Such spaces shall be retained thereafter for this use only.

Reason: To promote sustainable modes of transport in accordance with Policies and in the interest of security and sustainable development, in compliance with Policies CS6, CS13, CS15 and CS16 of the adopted Waltham Forest Local Plan - Core Strategy 2012 and Policies DM13, DM14, DM23, DM24 and DM32 of the adopted Waltham Forest Local Plan - Development Management Policies (2013).

- 16.10 Prior to the commencement of development on site, the developer is required to carry out a condition survey of the adjoining carriageway and footways on Markfield Gardens and at the rear of block A fronting Sewardstone Road. This will be required prior to the commencement of any works to include a wider scope than the developments immediate frontage to include all junctions using for vehicle routing.

The condition survey will need to be submitted to the Council's Highways team for records and will need to include a site plan showing the location of the photographs. The condition survey will be required in addition to the

highway works, to ensure, if the public highway is damaged as a result of the construction works this would be reinstated by the Council and funded by the developer.

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

17 INFORMATIVES

17.1 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development may be liable to pay the London Borough of Waltham Forest Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Waltham Forest CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2019. One of the development parties may now need to assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at CIL@walthamforest.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window. Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Waltham Forest Council website at <https://walthamforest.gov.uk/content/community-infrastructure-levy>.

Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>. Note: The Mayoral CIL Charging Schedule (MCIL1) (adopted 2012) will be superseded by MCIL2 Charging Schedule; and will take effect from 1 April 2019. The London Borough of Waltham Forest has been moved from Band 3 to band 2, increasing the MCIL2 rate from £20 to £60 per sq. m (excluding indexation).

17.2 Under Article 3(1) of the General Permitted Development Order and regulations 73 to 76 of the Conservation of Habitats and Species Regulations 2017 (as amended), a development **must not be begun** or continued before the developer has received written notice of the approval of the local planning authority. This will require the LPA to ensure the development undertakes the appropriate process to obtain written approval from the Council in its duty as competent authority and the applicant will be required to enter into a legal agreement to secure the relevant mitigation. Further information can be

obtained from: <https://www.walthamforest.gov.uk/planning-and-building-control/planning-policy/protecting-epping-forest>

17.3 The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within their ownership.

17.4 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.

17.5 This notice is without prejudice to your responsibilities under any other legislation.

Appendix 1

Assessment of the proposed development against the text found in Paragraph A of the Order:

Permitted Development	Officer Response
A. Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all—	Complies - The host property relates to a detached block of flats.
a. engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;	Complies - The works would be carried out in accordance with the operations permitted under A1(j) of this class.
b. works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;	Complies - The proposal does not include a plant room.
c. works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;	Complies - The existing stairwell will be extended to the extended part of the building.

d. works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.	Complies - The plans show the construction of a new cycle and bin store to support the new dwellings.
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Assessment of the proposed development against the text found in Paragraph A.1 of the Order:

Permitted Development	Officer Response
A.1 Development is not permitted by Class A if -	
a. the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, MA, N, O, P, PA or Q of Part 3 of this Schedule;	Complies - The existing building was not granted under Class M, N, O, P, PA or Q of Part 3 of this Schedule (change of use).
b. above ground level, the building is less than 3 storeys in height;	Complies - The total development stands at three storeys in height.
c. the building was constructed before 1st July 1948, or after 5th March 2018;	Complies - The building was granted planning permission in 1964 and thereafter constructed.
d. the additional storeys are constructed other than on the principal part of the building;	Complies - The additional storey will only be constructed on the principal part of the building (i.e. the main building excluding any front, side or rear extension of a lower height, whether this forms part of the original building or a subsequent addition).
e. the floor to ceiling height of any additional storey, measured internally, would exceed the lower of —	
i. 3 metres; or	
ii. the floor to ceiling height, measured internally, of any of the principal part of the existing building, whichever is the lesser, where such heights are measured internally	Complies - The floor to ceiling height of the additional storeys would not exceed the measurements set out in (i) and (ii).

f. the new dwellinghouses are not flats	Complies - The proposed dwellings are to be used as flats.
g. the height of the highest part of the roof of the extended building would exceed the height of the highest part of the existing building by more than 7 metres (not including plant in each case);	Complies - The height of the highest part of the roof of the extended building would not exceed the height of the highest part of the existing building by more than 7 metres.
h. the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres	Complies - The height of the highest part of the roof of the extended building would not be greater than 30 metres.
i. development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;	Complies - No visible support structures are shown on the proposed elevations.
j. development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to— (i) strengthen existing walls; (ii) strengthen existing foundations; or (iii) install or replace water, drainage, electricity, gas or other services;	Complies - The proposal would not involve any engineering operations other than those relating to the aforementioned.
k. in the case of Class A.(b) development there is no existing plant on the building;	Complies - There is no existing plant on the building.
l. in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;	Complies - There is no existing plant on the building.
m. development under Class A.(c) would extend beyond the curtilage of the existing building;	Complies - Development under Class A.(c) would not extend beyond the curtilage of the existing building.
n. development under Class A.(d) would— (i) extend beyond the curtilage of the existing building; (ii) be situated on land forward of a wall forming the principal elevation of the existing	Complies - Development under Class A.(d) would not (i) extend beyond the curtilage of the existing building nor would it be (ii) situated on land forward of a wall forming the principal elevation

<p>building; or (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;</p>	<p>of the existing building or (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building.</p>
<p>o. the land or site on which the building is located, is or forms part of— (i) article 2(3) land; (ii) a site of special scientific interest; (iii) a listed building or land within its curtilage; (iv) a scheduled monument or land within its curtilage; (v) a safety hazard area; (vi) a military explosives storage area; or (vii) land within 3 kilometres of the perimeter of an aerodrome.</p>	<p>Complies - The site does not form part of any of the land as described in para (o).</p>