

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 09 January 2024
Application reference:	213516
Applicant:	Mr A Trott (Corley Bros. Builders Limited)
Location:	Garages Rear Of 28-58 Woodhouse Road, Leytonstone, London E11
Proposed development:	Demolition of existing garages and construction of a two-storey building to create 6 self-contained flats (6x1-bed) and construction of 3 two storey dwellinghouses (3x3-bed) (total of 9 residential units) (Use Class C3). Associated work to include cycle storage; refuse/recycle storage; 4 parking spaces (including 1 disabled space), landscaping and boundary treatment.
Wards affected:	Cann Hall
Appendices:	None.

1 RECOMMENDATION

1.1 Recommendation to GRANT planning permission under reference 213516 subject to conditions and the completion of a S106 Legal Agreement with the following Heads of Terms:

i. Highways –

- Section 278 agreement of the Highway Act 1980 for highway works required upon completion of the works relating to the development prior to occupation. The extent of works will include but are not limited to:
 - Renewal of crossover and refreshment of existing road markings
- Car Free Development – the development is to be classified as car-free and new residents will not be eligible for parking permits.
- A S106 request of £9,000 is requested toward improving sustainable modes of transport including walking and cycling in the vicinity of the site which will directly benefit new residents in this development.

- A contribution of £500 is requested for CLP monitoring.
 - ii. **SAMMS**- A financial contribution of £627x 9 = £5643 towards Strategic Access Management and Monitoring measures (SAMMs).
 - iii. **Monitoring Fee** - A financial contribution towards the implementation and monitoring of and securing compliance with the S106, equal to 5% of the total of all other financial contributions.
 - iv. **Legal Fees** – Payment of the Council’s legal fees for preparation and completion of the Legal Agreement.
 - v. **Carbon Offset**: Cash in Lieu payment of £13,793, based on a Carbon Levy of £95 over 30 years
- 1.2 That authority to be given to the Assistant Director of Development Management and Building Control in consultation with the Council’s Legal Services for the sealing of the S106 agreement and to agree any minor amendments to the conditions or the S106 agreement on the terms set out above.
- 1.3 In the event that the S106 agreement is not completed within 12 weeks following the date of Planning Committee, the Assistant Director of Development Management and Building Control is hereby authorised to refuse the application. In the absence of this S106 agreement, the proposed development would not be able to deliver the residential development on the site.

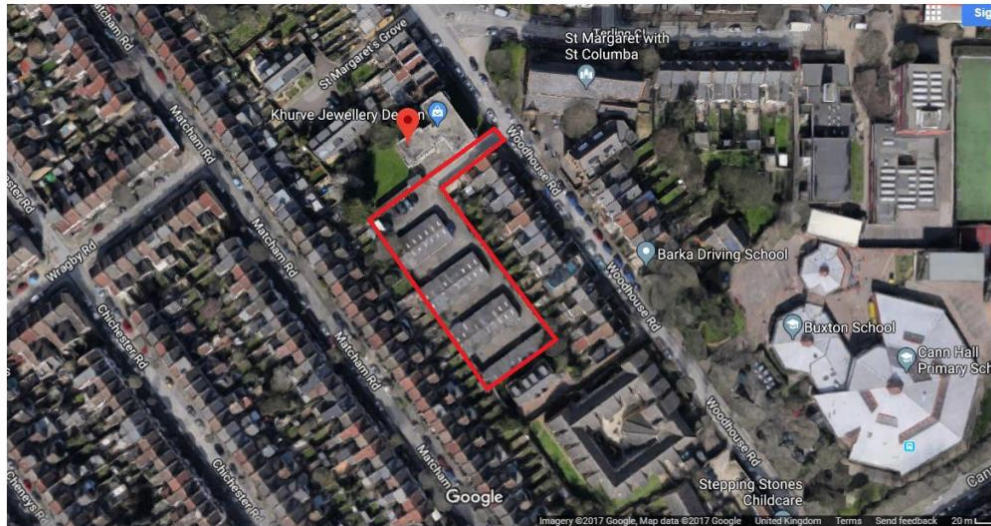
2 REASONS REFERRED TO COMMITTEE

- 2.1 The application received 22 objections during the lifetime of planning application and is presented for consideration at Planning Committee.

3 SITE AND SURROUNDINGS

- 3.1 The application site refers to a backland plot on the southern side of Woodhouse Road, about halfway between Harrow Road and Cann Hall Road, located to the rear of Nos 26 to 54 Woodhouse Road, and 34 to 66 Matcham Road. The site is accessed via a driveway situated between 54 Woodhouse Road and Rectory Court. The site is currently occupied by four single storey garage blocks, with a total of 62 garages and hard standing used for private vehicle parking.
- 3.2 The site is located on the southern side of Woodhouse Road. The surrounding area is residential predominantly comprising two storey terraced dwellings aside from Rectory Court that adjoins the site to the north. Opposite the entrance to the application site is St Margaret with St Columba Church and church hall, both of which are Grade II Listed. It is noted that there are several back land residential developments on sites located between Woodhouse and Matcham Roads.

- 3.3 The garages on site are 2.4m wide and 4.9m deep and in modern terms are too small to accommodate motor vehicles. It is understood that 11 are used to park small cars, others are either empty or used for storage. All garages are on rolling monthly leases.
- 3.4 The site is not located in a Conservation Area and not subject to any relevant Article 4 Directions.



The aerial photograph shows the location of the site

4 APPLICATION PROPOSAL

- 4.1 Planning permission is sought for the demolition of existing garages and construction of a two-storey building to create 6 self-contained flats (6x1-bed) and construction of 3no two storey dwellinghouses (3x3-bed) to a total of 9 residential units.
- 4.2 The scheme would include associated works to include cycle storage; refuse/recycle storage; 4 parking spaces (including 1 disabled space and 2 electric charging parking spaces), landscaping and boundary treatment.
- 4.3 The building would be split into two distinct blocks Unit 1 and Unit 2.
- 4.4 Unit 1 would be the first block located at the site entrance and would comprise 6 x 1-bedroom flats, with 3 flats per floor, each consisting of a double bedroom, living room, kitchen, bathroom and storage.
- 4.5 Unit 2 would be at the rear of the site, set behind Unit 1 hosting 3 x 3-bedroom houses. Internally at ground floor level there will be a living room, kitchen, dining store and WC. At first floor level, there will be an ensuite with bathroom, a single WC at landing area, a double bedroom and a single bedroom. All 3 houses will have same layout.
- 4.6 Each of the blocks would be surrounded by extensive areas of landscaping.
- 4.7 Each of the ground floor flats has been designed to have a private amenity space to the rear, with the first-floor flats having shared access to the

communal garden which would act as an attractive area of open space between the development blocks.

- 4.8 To the rear of the houses (Unit 2) would be private gardens separated by close boarded fencing as is typical for the locality.
- 4.9 Within the site there would be low level lighting along the pathways and around the parking area with good levels of natural surveillance throughout the development in order that it is safe and inclusive for all. Landscaping has been introduced in key areas to ensure privacy.
- 4.10 The overall height of the development would be 2 storeys, which would be 7.2m to ridge level.
- 4.11 In terms of both Units 1 and 2, the design utilises a dual ridge which allows the use of vaulted ceilings at first floor and roof lights to be incorporated to provide internal spaces with natural light. A sedum/living roof to be incorporated for sustainable drainage benefits and ecological benefits, has allowed the removal of a central high ridge.
- 4.12 With Unit 1, the proposed building's flank elevation will be located over 19m from the 2-storey rear projection of houses fronting Woodhouse Road and almost 14m from those of the houses fronting Matcham Road. With regards to Unit 2, the proposed building would be located over 16m from houses fronting Woodhouse Road and over 14m from those to houses fronting Matcham Road.
- 4.13 No windows are included in the flank elevations of either buildings that would introduce any risk of overlooking.
- 4.14 The materials proposed in the construction of the units would be brick and render and further information will be requested by way of a planning condition.
- 4.15 The massing, fenestration, and materials of the proposal has been developed to harmonise with the existing context.
- 4.16 The refuse and cycle storage: The proposed scheme illustrates these on the site location plan located adjacent to the boundary with Rectory Court. Revised drawings were submitted to the Council which shows refuse and recycling storage, along with details of proposed finish which would be brick with a pitched tiled roof.
- 4.17 Also, the plan shows the cycle store adjacent to the rear boundary of 50 and 52 Woodhouse Road and 12 Sheffield type cycle parking stands adjacent to the communal garden area between Unit 1 and Unit 2. The cycle parking enclosure would be secure and finished with wood clad panels and a flat roof.

5 RELEVANT SITE HISTORY

A. Planning

5.1 192867-Demolition of existing garages and construction of a two-storey building to create 6 self-contained units (3 x 2 bedroom and 3 x 3 bedroom). Associated work to include cycle storage; refuse/recycle storage; 16 parking spaces (including 2 disabled spaces) and boundary treatment. Refused 19 February 2021

5.2 The application was refused for the following reasons:

1. The proposed development would be of a poor appearance and design that does not respond well to the local context. It would appear as an excessively large and bulky addition when viewed from 34 to 52 Woodhouse Road and 42 to 56 Matcham Road and is out of keeping with the established pattern of development of backland developments located to the rear of properties on Woodhouse Road and Matcham Road. The proposals would be contrary to Policies CS13 and CS15 of the Waltham Forest Local Plan - Core Strategy 2012, Policies DM29 and DM32 of the Waltham Forest Local Plan - Development Management Policies 2013, and Urban Design Supplementary Planning Document 2010.

2. The proposed development, due to its overbearing nature, would compromise the amenities of the occupants of 34 to 52 Woodhouse Road and 42 to 56 Matcham Road, resulting in a loss of outlook, privacy and consequential overlooking due to insufficient separation distances provided between the existing neighbouring dwellings and proposed new dwellings, contrary to Policies CS13 and CS15 of the Waltham Local Forest Plan - Core Strategy (2012), Policies DM29 and DM32 of the Waltham Forest Local Plan – Development Management Policies (2013) and Supplementary Planning Document 'Urban Design' (2010).

3. The application as submitted comprises of insufficient detailing, relating to -

(i) the absence of details relating to the external materials and finishes of the proposed building;

(ii) the absence of a landscaping plan; and

(iii) the absence of an Energy Statement; and

(iv) the provision of an unsatisfactory Outline Construction Logistics Plan.

As such it is not possible to establish that the development complies with Policies CS2, CS4, CS7, CS13 and CS15 of the Waltham Local Forest Plan - Core Strategy (2012) and Policies DM7, DM10, DM13, DM29 and DM32 of the Waltham Forest Local Plan – Development Management Policies (2013).

4. The proposed development would result in a substandard level of internal and external amenity for future occupiers whereby -

(i) the proposed ground floor single bedrooms do not meet the minimum 2.15m width requirement.

(ii) the proposal fails to provide private outdoor amenity space for proposed Flats 2 and 3;

(iii) the proposal fails to provide the minimum required number of cycle storage spaces; and

(iv) the proposed refuse storage location would require a paladin pushing distance in excess of 9 metres and would cause a detrimental visual impact to future occupiers.

As such the proposal would be contrary to Policy D6 of the Publication London Plan (2019), Policies CS2, CS7, CS13 and CS15 of the Waltham Forest Local Plan – Core Strategy 2012, Policies DM7, DM16, DM29 and DM32 of the Waltham Forest Local Plan – Development Management Policies 2013, Supplementary Planning Document 'Urban Design' (2010) and the Technical Housing Standards – nationally described space standard (2015).

5. The level of proposed parking would exceed the maximum standard required in this location and would result in conflict with pedestrian activity due to the lack of segregated footpath and would thus be contrary to policies DM16 and DM29 of the Waltham Forest Local Plan - Development Management Policies (2013).

B Pre-Application

5.3 The proposal site has been the subject of one previous submission for pre-application advice.

5.4 The pre-application submission, reference 174568, was for the introduction of 9 dwellings.

5.5 The principle of the development was found to be acceptable and advice with regards to the improvement of the scheme were provided by the Council's planning officers and set out below.

- The existing site operates as ancillary motor vehicle and domestic storage. The site is therefore considered to be ancillary residential and therefore the principle of formalised C3 residential use in a residential location is likely to be considered acceptable.
- Development Plan Policy DM5 in accordance with Core Strategy CS2 provides the policy context and expected dwelling mix of new residential development. The Council will not support development proposals containing only smaller homes (one and two bed). The proposed provision of nine (9) x two (2) bedroom flats would be contrary to Development Management Plan DM5. The site can provide family units and is located within an area of family dwelling houses. The applicant is encouraged to seek more three (3) bedroom units on the site to meet requirements of Policy DM5 and borough wide requirements.
- The principle of further back land residential development is likely to be acceptable in principle pending it meets the policy expectations of DM29. The use of mono pitch roofs and the creation

of three distinct part two, part three storey buildings are not objected to in design terms but the impact on the neighbouring amenity could be problematic.

- The applicant is advised to assess the pattern of historic back land development in the location and look to follow the broad pattern of development that is broadly linear.
- The internal floor space provision for the proposed nine (9) two (2) bedroom flats appear to be within the National floor space standards requirements for two-bedroom units when measured using the scale bar provided. Considering the distances between the proposed units and the neighbouring properties the insertion of windows on the north-east and south-west elevations would not be considered in a positive light by the council.
- The submitted site plan appears to provide either designated gardens for the ground floor units or a broad form of communal gardens. In isolation the location and size of the terrace/balconies is not objected to by the council, pending pertinent obscure screening. However, the location of the balconies and terraces would further limit the location of windows on the residential units. In light of the councils concern regarding massing on the site and the relationship with neighbouring properties the existing concept plan is likely to change if it were to be considered acceptable at planning application stage. The council would welcome an element of communal space however the designated space would need to be truly communal and separate from any living accommodation.
- The impact on neighbouring residential amenity is a primarily concern in the residential location and is covered under Policy DM32 (Managing Impact of Development on Occupiers). The primary concern of the development is the impact on adjacent dwellings on Woodhouse Road, Matcham Road and the two storey dwelling house units to the south of the site. The council would urge the final design to avoid the massing of the 2.5 storey building close to the boundary and attempt to design a development that is more centred on the site thereby removing the conflict with neighbouring properties.
- Policy DM16 (Parking) seeks to effectively manage parking and to ensure the provision of safe and attractive parking facilities. The site has a PTAL rating of 2 and is therefore considered to have poor access to public transport. The plans illustrate 24 on-site parking spaces. The provision of parking on site is above the maximum standards required as stated in Appendix 4 of the Development Management policies.
- The location of the refuse storage and its accessibility is likely to be considered acceptable in its proposed location.
- All developments are required to provide sustainable technologies on the site. The development should utilise SuDS unless there are practical reasons for not doing so.

5.6 It was advised that further revisions were required to overcome the above-mentioned issues.

C Adjacent Site

5.7 Nothing Relevant

6 PUBLIC CONSULTATIONS

6.1 The initial consultation was carried out on 11/01/2022 and no public representation was received. However, in March 2023, prior to the application being concluded, the Council was advised that the surrounding occupiers had not received any consultation letters, although the records showed that they had been issued.

6.2 The decision was taken in May 2023 to carry out the consultation again to all those who would have initially been consulted. On 26th May 2023, 154 consultation letters were sent to local residents, as follows:

- Matcham Road – 11-57(Odd numbers), 20 to 84 (Even numbers)
- Cary Road – 38-40(Even numbers)
- Woodhouse Road- 15-31 (Odd numbers)18-54,60-68 (Even numbers)
- Plaxton Court 2a Woodhouse Road, E11 3PD-1-33(Both even and odd numbers)
- St. Margaret Church, E11

6.3 The application was also advertised via a site notice on the **30/05/2023**.

6.4 The Council received a total of 22 objection letters, and 1 letter of support.

Objections (Summarised)	Officer (Response)
1 letter of support which states that residential development better suited land use	Planning officers will consider these matters during the assessment of proposed scheme.
Loss of light or over shadowing	Officers consider that the proposed development, on balance, would retain satisfactory living conditions for all adjoining neighbouring properties. Overshadowing a garden area on its own will rarely constitute sufficient grounds to justify a refusal of permission. The scheme complies with local separation distance requirements for habitable room windows and officers are satisfied that no significant loss of daylight/sunlight will occur as a result of the proposed development.
Excessive Height	Based on the existing context of the site, the height is considered acceptable at 2 storeys.

	Officers are satisfied that the bulk and scale are appropriate within this site and the design is in keeping with the existing context of the area.
Narrow gaps between the buildings would promote litter and anti-social behaviour	Both of these would be controlled by way of planning conditions as the scheme needs to comply with secure by design parameters and detailed provisions and management plan of refuse facilities is also conditioned.
No information regarding proposed boundary treatment and materials is included in the current submission. Concerns raised regarding what will happen to garden boundary when garages will be knocked down.	These details are pursuant to condition. It is envisaged that where brick walls form the boundaries, these are retained and repaired if required clarified by the agent. The agent has expressed a desire to work with surrounding residents in the agreement of boundary treatment.
The scheme includes no information regarding the compliance with party wall matters	This is not planning consideration and needs to be dealt under separate party wall legislation.
Concerns were raised regarding noise, smell and disturbance	A planning condition is proposed to be included as part of any consent to ensure that the developers adhere to the hours of working and to minimise noise and disturbance within the area.
Security concerns caused by construction work.	Security during construction is dealt with through a detailed Construction Logistics Plan that would need to be submitted and approved prior to the commencement of development. This would be to ensure that there are no issues during construction
Concerns raised by adjoining occupiers regarding bin store location and specification.	The location of refuse and recycling store has been revised from its initial location. To ensure that here would be no adverse impact upon the adjacent occupiers the store would be fully enclosed. The location ensures access for Council contractors, and it meets full requirements.
Adverse impact on rear gardens of adjoining properties	Overshadowing a garden area on its own would be insufficient grounds to justify a refusal of permission.
Concerns were raised related to lack of info regarding security measures around development	This development would be no different to any other residential development. The fact a residential use is proposed vs garages actually improves security of the site and neighbouring gardens.

	A planning condition is included which includes that scheme should comply with secure by design parameters.
Concerns were raised regarding proposed landscaping arrangement for the proposed development as existing submission lacks information about it.	A planning condition is included which includes the provision of a Landscape Management Plan. The condition requires the developer to provide long-term design objectives, management responsibilities and maintenance schedules for all landscape areas. Moreover, the condition also demands the implementation of the approved Landscape Management Plan prior to the first occupation of the approved development and shall be maintained for the lifetime of the development.
Concerns were raised regarding principle of back land development and conversion of garages into residential units.	<p>The application site is a brownfield site which currently comprises privately owned parking garages. The supporting text to the policy H2 (small sites) states that sites with a PTAL of 3 – 6 or within 800m of a station or town centre will play an important role in contributing towards the housing target for small sites. However, this does not preclude residential development on these sites. Historic development on backland sites located between Woodhouse Road and Matcham Road demonstrate a precedent for residential development in similar locations.</p> <p>Furthermore, the site is located within a residential area, and is surrounded by residential development.</p> <p>As such, the Council does not object to the principle of the scheme, being the demolition of the existing parking garages and construction of residential dwellings and considers this principle would be consistent with Policies H1, H2, CS2 and DM2.</p>
Inappropriate layout and increased density. One comment was also received suggesting construction of single storey bungalows.	Planning officers have no concerns related to proposed layout and density. These are not overwhelming with regards to surrounding context and there are 2 storey

	dwelling in an area. The houses are no higher than existing.
Comments received regarding re consultation and some missing properties in the first round of consultation.	A re-consultation was carried out and site notices were put up in order to ensure that all relevant stakeholders and neighbours are consulted as stated above.
Not a good precedent	The proposed development is in line with the neighbouring development and is not at odds or alien addition to the existing context.
Orientation and appearance not acceptable	Planning officers are satisfied with the proposed orientation and appearance.
Land Height differential-the surrounding properties height not reflected on proposed plans and concerns raised that ground level of development site may be higher than them	Condition would be added in the decision notice to confirm site levels prior to commencement
Increased traffic generation	Materially less traffic will be generated from the site than when compared to the existing use which comprises 62 garages plus hardstanding.
Inadequate parking for the amount of people living in the properties	Generally, the Council only supports car free development for new developments within an area covered by a CPZ. However, in this instance 4 new parking spaces were proposed which are considered suitable. Furthermore, the future residents would not be eligible for residential parking permits to park on the surrounding streets within the CPZ.

6.6 The applicant was made aware of the issues raised as a result of the consultation response. The application was revised, where the refuse and cycle stores were relocated.

6.7 A further consultation was carried out on 06/11/2023 giving residents 14 days to comment on the revised scheme. This resulted in 2 further responses reiterating previous comments.

7 OTHER CONSULTATIONS

7.1 The Council circulated consultation letters to statutory internal and external consultees on the 24/06/2022, as follows:

7.2 The Council's highways team provided detailed comments, which are listed below. The comments from other statutory consultees were summarised in the separate table.

Highways Comments:

Highways suggested that proposed car parking spaces will not be accepted as it does not meet the parking policy standards which state all sites must be car free irrespective of CPZ areas or PTAL levels. The parking spaces should be removed from the proposed plans.

This site is within a CPZ and must be classified as car-free with future residents not being entitled to parking permits.

Cycle storage has been provided and is in a secure, covered and convenient location. Transport Policy should be consulted with regards to storage capacity and specification.

Officer comment – The site has PTAL rating of 2, the proposed 4 parking spaces including 1 disabled parking space and two with electric charging points are considered acceptable by the planning officers. The site was also previously used for parking and the development will enter into S106 agreement to ensure that future occupiers of the development would not be eligible for residents parking permits thereby negating any impact on the CPZ zone. A car park management plan would also be required to control on-site parking and indiscriminate parking within the site.

Summary of planning conditions or legal matters

Planning condition:

- A Detailed CLP must be provided as a planning condition prior to commencement.
- A condition survey will be required of the adjoining carriageway and footways on Woodhouse Road
- Servicing and delivery strategy
- SuDS

Legal matters:

- A S106 contribution of £500 is requested towards monitoring of the CLP.
- This site is within a CPZ and must be classified as car-free with future residents not being entitled to parking permits.
- A S106 request of £9000 is requested toward improving sustainable modes of transport including walking and cycling in the sites vicinity which will directly benefit new residents in this car free development.

- Unless otherwise instructed, the developer must ensure the development is built to existing public highway levels. Water from a private development cannot be discharged onto public highways.
- An application for Highway Works will be required. The work should include:
 - Renewal of crossover and refreshment of existing road markings
- The application will need to accompany a plan to be submitted for approval and estimate. Works will be carried out by the Council and funded by the developer.

7.3

Consultees	Response
Environmental Health	Requested the following conditions with regard to following <ul style="list-style-type: none"> • Asbestos • Contamination
Design	No comments were received
Waste Management	No comments were received.
London Fire Brigade	Comments received. Were unable to comment on the suitability of the proposals at this point. It is unclear from the information provided whether Fire Brigade access, facilities and the provision/location of hydrants demonstrate compliance with the functional requirements of the Building Regulations, particularly in regard to B5; access and facilities for the fire service. Officer comment – A condition has been added in the decision notice in this regard as current submission lacks the suitability of proposal with regards to London Fire Brigade requirements

8 DEVELOPMENT PLAN & MATERIAL PLANNING CONSIDERATIONS

DEVELOPMENT PLAN

8.1 **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:

- GG2 Making the best use of land
- GG4 Delivering the homes Londoners need
- Policy D1 London's form, character and capacity for growth
- Policy D4 Delivering good design
- D6 Housing Quality and Standards
- Policy H1 Increasing housing supply
- Policy H2 Small Sites
- Policy SI 12 Flood risk management
- Policy SI 13 Sustainable drainage
- Policy T6 Car Parking

8.2 **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:

- Policy CS2 Improving Housing Quality and Choice
- Policy CS4: Climate Change
- Policy CS5: Enhancing Green Infrastructure and Biodiversity
- Policy CS13: Promoting Health and Well Being
- Policy CS15: Well Designed Buildings, Places and Spaces

8.3 **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:

- Policy DM2 Meeting Housing Targets
- Policy DM7: External Amenity and Internal Space Standards
- Policy DM16: Parking
- Policy DM29: Design Principles, Standards and Local Distinctiveness

- Policy DM32: Managing Impact of Development on Occupiers and Neighbours
- Policy DM34: Water
- Policy DM35: Biodiversity and Geodiversity

MATERIAL PLANNING CONSIDERATIONS

Shaping the Borough – London Borough Waltham Forest Draft Local Plan Part One Submission Draft:

The Waltham Forest Local Plan (LP1) will replace the current Waltham Forest Local Plan Core Strategy and Development Management Policies. It has undergone consultation and examination. The Council consulted on a schedule of Main Modifications from 21st July 2023 to 21st September 2023.

- 8.4 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).
- 8.5 The Draft new Local Plan proposes to be a “combined” document comprising 12 thematic policies and a revised spatial strategy, splitting the borough into North, South and Central Waltham Forest.
- 8.6 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 56 Delivering High Quality Design
 - Policy 58 Residential Space Standards
 - Policy 59 Amenity
 - Policy 68 Managing Vehicle Traffic
 - Policy 74 Conservation Areas
 - Policy 81 Biodiversity and Geodiversity

National Planning Policy Framework (2023)

- 8.7 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.
- 8.8 For decision-taking the NPPF states that the presumption means “approving development proposals that accord with an up-to-date

development plan without (Item 4.1) 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.

- 8.9 The specific policy areas of the NPPF considered to be most relevant to the of this application are as follows:
- Delivering a wide choice of high-quality homes;
 - Achieve well-designed places; and
 - Conserving and enhancing the natural environment.

Other Material Considerations

- 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 Revised Planning Obligations (2017)

Epping Forest Special Area of Conservation

- 8.10 Waltham Forest shares a boundary with the Epping Forest Special Area of Conservation and following research in the form of a visitor survey by Footprint Ecology, has been found to fall within a wider Zone of Influence (ZOI) based on the distance the majority of visitors will travel to visit Epping Forest SAC. This report identified that 75% of visitors travelled up to 6.2Km to the SAC and as result of the whole of the London Borough of Waltham Forest falls within this ZOI for recreational pressure. All new residential development within this ZOI constitutes a LSE (Likely Significant Effect) on the sensitive interest features of the SAC through increased recreational pressure, either when considered 'alone' or 'in combination'. According an "Appropriate Assessment" has been carried out on this application.
- 8.11 The Council as Local Planning Authority is obliged to ensure that any grant of planning permission would have sufficient mitigation measures in place so as to ensure that there would be no harmful impact on the Epping Forest SAC arising from LSE. The Local Planning Authority is a "competent authority" under the Habitat Regulations and is legally obliged to take Natural England's advice into account in decision making and attach great weight to it.
- 8.7 For schemes comprising one or more units of residential accommodation a new package of costed Strategic Access Management Measures (SAMM) has been prepared by the City of London Conservators of Epping Forest. This Mitigation Strategy has been agreed by all of the partners in the agreement and is in the process of adoption. A new SAMM levy is now in operation which requires a contribution of £627 per unit from all new

residential schemes. Natural England is supportive of this approach, provided the total expected contribution is delivered to the City of London Conservators to support the delivery of SAMM in Epping Forest SAC. Community Infrastructure Levy (CIL) would secure financial contributions towards the SANGS, allocated to projects within the relevant catchment area, as identified in the strategy.

- 8.8 Should there be a forthcoming approval for this application the development, based on current circumstances and regulations would be liable for £627 x 9 payment towards the Epping Forest SAMM levy.

Local Finance Considerations

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

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

9 ASSESSMENT

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

- A.** Principle of Development
- B.** Urban Design
- C.** Living Conditions- Existing Occupiers
- D.** Living Conditions and Accessible Housing- Future Occupiers
- E.** Trees and Local Biodiversity
- F.** Highway and Transport Impact
- G.** Waste Management
- H.** Environment and Sustainable Design
- I.** Planning Obligations

A. The Principle of Development

- 9.2 Policy H1 of the London Plan states that to ensure housing targets are achieved, boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their planning decisions, especially sites with PTALs of 3-6 and small sites.

- 9.3 Policy H2 of the London Plan states that boroughs should pro-actively support well-designed new homes on small sites (i.e. those below 0.25ha) through planning decisions in order to increase the contribution of small sites to meeting London's housing needs and to provide opportunities for a variety of locations, housing types and developers.
- 9.4 Policies CS2 and DM2 seek to ensure a continuous supply of homes to meet a range of housing needs, and seeks to protect existing housing stock. Specifically, Policy CS2 states that previously developed, particularly unused or underused land, should be prioritised for residential development to maximise the number of quality homes in the borough, and that effective and efficient use of land should be made by seeking to optimise housing densities.
- 9.5 The application site is a brownfield site which currently comprises privately owned parking garages and the site has an area of 0.2 ha. The supporting text to the policy states that sites with a PTAL of 3 – 6 or within 800m of a station or town centre will play an important role in contributing towards the housing target for small sites. However, this does not preclude residential development on these sites. Historic development on backland sites located between Woodhouse Road and Matcham Road demonstrate a precedent for residential development on these sites.
- 9.6 The site comprises single storey blocks of garages, each garage has a width of 2.4m and 4.9m deep and are too small to accommodate modern motor vehicles. It is understood that 11 are used to park small cars, others are either empty or used for storage. In this instance, their loss would be acceptable; particularly as they do not provide any aesthetic value to the surrounding context. The proposal would replace these garages with a 2-storey development of houses and flats, the site is located in a residential area and the existing use is not considered suitable for its surroundings.
- 9.7 Furthermore, the site is located within a residential area, and is immediately surrounded by residential development. As such, the Council does not object to the principle of the scheme, being the demolition of the existing parking garages and construction of residential dwellings and considers this principle would be consistent with Policies H1, H2, CS2 and DM2.
- 9.8 The proposal would make a positive contribution to the area and accord with local and national land use policies, which among other things, aims to optimise housing provision and choice in sustainable locations.
- 9.9 The proposal would be considered acceptable given the context of the site, in line with Policies CS2, DM2, DM5 and DM7 of the Waltham Forest Local Plan - Core Strategy (2012) and Development Management Policies (2013).

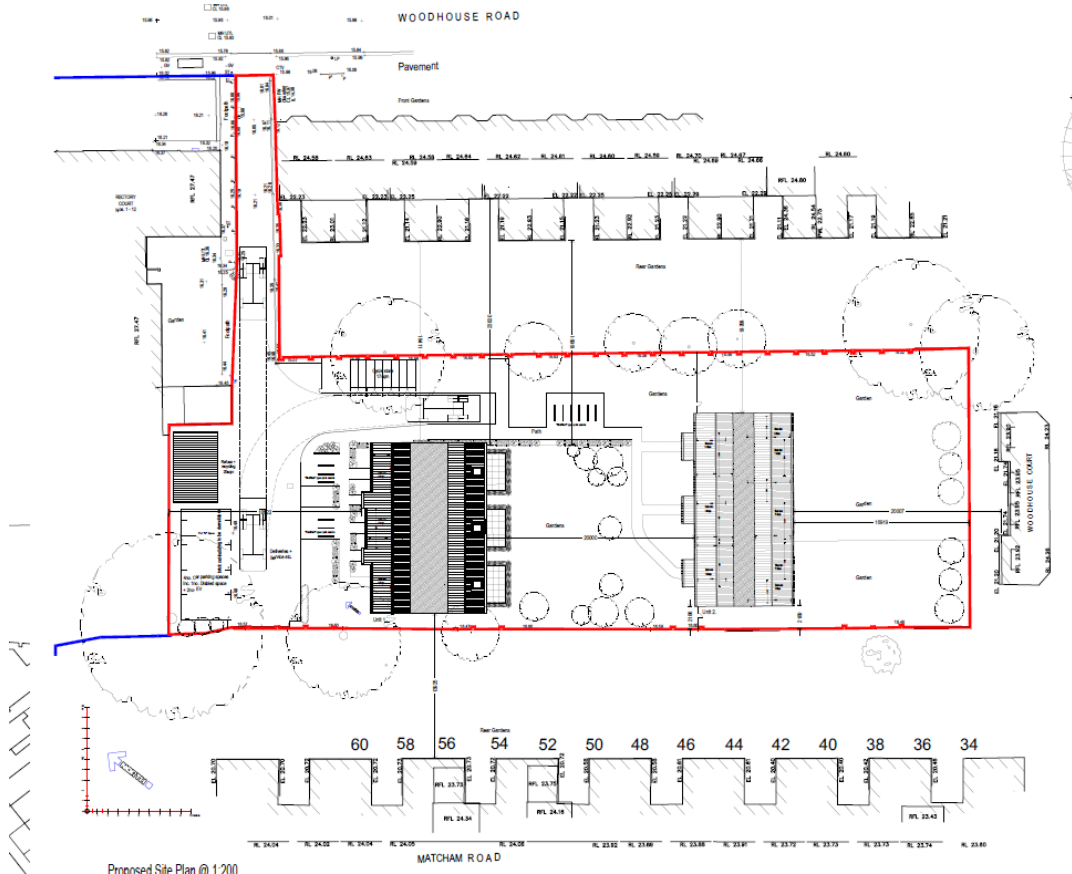
B. Urban Design

- 9.10 Policy DM29 (Design Principles) together with Policy CS15 (Design) seeks to ensure a high standard of urban and architectural design for all new development. Developments should enhance local character, taking account

of patterns of development, respond to their context in terms of scale, height and massing and identify design.

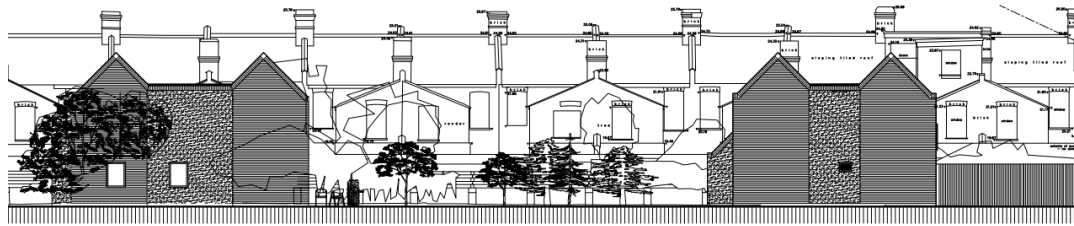
- 9.11 The proposed scheme has been split into two separate buildings orientated 90 degrees to the existing terraces to Woodhouse and Matcham Roads and reduced in height to the previous scheme. Officers are satisfied that the design approach in terms of size, scale, massing and orientation. The two buildings are arranged on this site as per the drawings below:

Proposed site plan



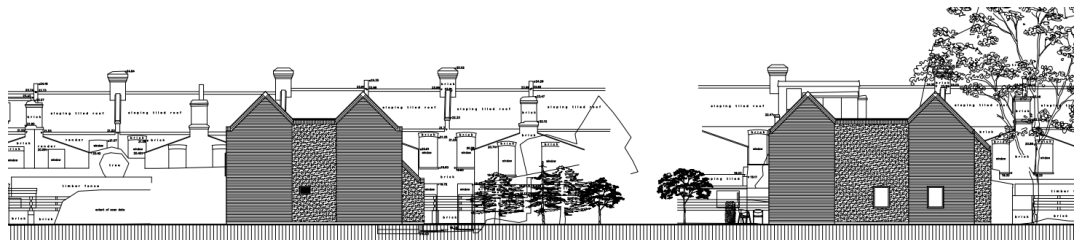
- 9.12 The orientation of the current scheme, being rotated 90 degrees, reflects neighbouring backland schemes and importantly avoids rear-to-front and rear-to-rear relationships. The scheme proposes two buildings with views from each overlooking a central open area with each being set away from sensitive boundaries and incorporating a subordinate linear design to respect the overriding character set by adjacent houses.

- 9.13 It is acknowledged that there is a ground level difference across the site with Woodhouse Road properties being higher than those on the opposing Matcham Road. This is demonstrated on the elevation plans which shows the height relationship of the proposed properties to the existing. Confirmation of the site levels would be conditioned for agreement prior to any commencement of development.



South West Elevation as Proposed

Relationship to Woodhouse Road properties



North East Elevation As Proposed

Relationship to Matcham Road properties

- 9.14 The submitted scheme is acceptable in terms of design and developed with regard to context, rhythm and scale. The architectural approach responds to the rhythm and pattern of the terraced street and incorporates interesting contemporary features and materials.
- 9.15 The buildings would not include any second-floor accommodation utilising vaulted ceilings, which secures a further 0.5m reduction in overall height compared to the previously refused scheme. By further reducing the mass, bulk and scale of the building the development would be subservient in terms of height when compared to adjacent properties.
- 9.16 It is considered that the development under consideration given its design, layout, height, scale and materials would be acceptable within the existing urban form in the vicinity and the wider locality in accordance with Policies 7.4 and 7.6 of the London Plan (2016), Policy CS15 of the Waltham Forest Local Plan - Core Strategy (2012) and Policy DM29 of the Waltham Forest Local Plan - Development Management Polices (2013).

C. Living Conditions – Existing occupiers

- 9.17 Planning policies are designed to protect the living conditions of nearby residential occupiers. They aim to manage impact of new development and ensure that the living conditions of existing residents are not adversely affected as a result of i) loss of daylight and sunlight to primary habitable windows such as living rooms, bedrooms and kitchen over 13 sq.m. ii) outlook as a consequence of increased sense of enclosure iii) privacy as a

result of an intrusive, direct and uninterrupted view from a main room, to bedrooms, living rooms, dining rooms, or iv) excessive noise as a result of intensified land use.

- 9.18 Assessment of the amenity impacts of the development on the surrounding residential properties is given below.

(i) Privacy & Overlooking

- 9.19 In order to protect privacy and to enable residents to feel comfortable in their own homes, the SPD Urban Design requires a separation distance of 20m between the windows of habitable rooms and kitchens in opposing dwellings.
- 9.20 Due to the 90-degree orientation of the blocks, only Unit 2 would face opposing windows. This would be to the south-east of the site with Woodside Court, a 2-storey residential development with roof dormers facing the proposal site. The proposed block would be a distance of 20 m from the opposing windows of Woodside Court and complies with this standard.
- 9.21 The SPD Urban Design also requires developments with habitable rooms overlooking existing private gardens to be set back 5m per storey from the common boundary. As such, the first floors of each block facing the rear amenity area of Rectory Court and Woodside Court must be set back at least 10m from the boundary. This standard is satisfactorily complied with.
- 9.22 In light of the above, it is considered that the scheme would not cause unreasonable overlooking to the surrounding occupiers.
- 9.23 In relation to overlooking within the proposed development, between the blocks, these should also be a minimum of 20m between opposing habitable room windows. The distance between these blocks would be 20m and thus would comply with the requirement.

(ii) Outlook

- 9.24 In addition to compliance, privacy and overlooking standards compliance of the proposed scheme it is considered that the proposed building siting would also not result in loss of outlook to the properties facing Woodhouse and Matcham Roads whereby the proposed building would not have an overbearing impact on the rear gardens due to sufficient separation distances.
- 9.25 It is considered that the proposed development would be sufficiently set back from Rectory Court and Woodhouse Court such that the scheme would not result in an overbearing impact on these properties and would not cause a detrimental loss of outlook to the occupiers.

(ii) Daylight/Sunlight

- 9.1 The Council's SPD on Urban Design states that there must be a minimum of 12m between habitable rooms that would face blank flank walls to maximise daylight and sunlight as far as possible. The plans indicate that there would be no windows in the flank elevation of Units 1 and 2 between Matcham Road properties and Woodhouse Road. These flank walls would

be positioned no less than 16m from the original rear projection of houses fronting Woodhouse Road, and 13.9m from those fronting Matcham Road.

- 9.2 Many of these houses to Woodhouse Road retain an original single storey rear projection at the end of the 2-storey projections that have a depth of approximately 2.5m. The position of the proposed Units would meet the required separation distance of the ground and upper floor windows.
- 9.3 Similarly, the houses fronting Matcham Road also have single storey rear projections at the 2-storey projections with a depth of 2m. The nearest houses to Unit 1 would be 54-60 Matcham Road. The separation distance to the 2-storey projections would meet the required standard. In relation to the ground floor projections, the ground floor rooms within the rear projections of 54 and 56 Matcham Road are non-habitable rooms, and those at 58 and 60 are obscured by extensive vegetation and mature trees. As these will be within 11.9m of the flank wall to Unit 1 this would satisfactorily meet the requirement.
- 9.4 In addition to meeting these separation distances the scheme complies with the 25-degree rule set out in BRE guidelines, therefore there would be no material impact on daylight/sunlight and no additional analysis is required.
- 9.5 The Council considers that although the scheme may result in some limited overshadowing of the rear gardens of the properties fronting Matcham Road, it is unlikely to cause a detrimental loss of sunlight and daylight to the neighbouring properties. It is noted that based on sufficient separation distances the scheme would not result in any such loss and is fully compliant with BRE guidelines.

(vi) Noise and disturbance

- 9.6 Concern has been expressed from objectors about the impact on the surrounding occupiers by reason of noise and disturbance during the construction phase. This concern would be for a temporary period. Much would be mitigated through the required Construction Method Statement/Management Plan that would be secured by way of condition for the construction phase of proposed development.
- 9.7 It is acknowledged that the proposed development, in full occupation would increase activity on the site but this is likely to be an improvement over the use of the existing 62 garages with no control. The application site is situated within an urban location and as such, the proposal for further residential development of an acceptable density is unlikely to cause any further noise and disturbance issues in addition to those already experienced within the area. Furthermore, The Council's Protection Services (part of Environmental Health Team) has reviewed the application and did not raise any concerns in terms of noise implications.
- 9.8 As such, it is considered that the proposal would not significantly harm the amenity of neighbouring occupiers in excessive noise nuisance and complies with Policies DM32 and CS13.
- 9.9 Overall, in light of the above, it is considered that the proposal would not harm the amenity of neighbouring occupiers as a result of excessive noise

nuisance. As such the proposal complies with Policies DM32 and CS13 of the Local Plan.

Living Conditions – Future occupiers

- 9.10 Policy CS2 states that all new housing units will be required to be of a high quality and design and that new homes should also be accessible to all members of the borough. Policy DM7 of the Waltham Forest Local Plan seeks to ensure that all new residential development is of the highest quality internally and externally which includes:
- 9.11 Seeking to ensure that proposals meet the minimum internal space standards, useable spaces with appropriate room shape are created with better circulation space with provision of storage space and ensuring that all proposals for residential development should have access to an element of private space and should meet the minimum external space standards.
- 9.12 The Waltham Forest Design Charter seeks new developments to provide high quality, spacious and adaptable rooms and living areas. The scheme incorporates a master bedroom and a bathroom on the first floor.
- 9.13 Policy D6 requires a minimum floor area of 7.5sq.m. with a minimum width of 2.15m for a single bedroom and 11.5sq.m. for a double bedroom. Policy D6 requires dwellings with two or more bedrooms to have at least one double bedroom, the first of which must have a minimum width of 2.15m for a single bedroom and 11.5sq.m. for a double bedroom. Policy D6 requires dwellings with two or more bedrooms to have at least one double bedroom, the first of which must have a minimum width of 2.75m and any other double bedrooms a minimum width of 2.5m.
- 9.14 The current scheme proposes 9 units as follows:

Dwelling Type	Proposed Space Standards GIA (sq. metres/m2)	London Plan Required Space Standards GIA	Proposed Space standards/against London Standards
Flat 1-1b2p	52m2	50m2	Complies
Flat 2-1b2p	51m2	50m2	Complies
Flat 3 -1b2p	50m2	50m2	Complies
Flat 4-1b2p	51m2	50m2	Complies
Flat 5-1b2p	50m2	50m2	Complies
Flat 6-1b2p	51m2	50m2	Complies
House 1-3b5p	102m2	93m2	Complies
House 2-3b5p	102m2	93m2	Complies
House 3-3b5p	102m2	93m2	Complies

Dwelling Type	Bedrooms Proposed Size	Bedrooms Required Size
Flat 1	12.7m ²	Single 7.5 Sq.m. Double 11.5 Sq.m-Complies
Flat 2	12.9m ²	Single 7.5 Sq.m. Double 11.5 Sq.m-Complies
Flat 3	12.7m ²	Single 7.5 Sq.m. Double 11.5 Sq.m-Complies
Flat 4	12.45m ²	Single 7.5 Sq.m. Double 11.5 Sq.m-Complies
Flat 5	12.2m ²	Single 7.5 Sq.m. Double 11.5 Sq.m-Complies
Flat 6	12.45m ²	Single 7.5 Sq.m. Double 11.5 Sq.m-Complies
House 1	1 - 14m ² 2 - 11.5m ² 3 - 7.95m ²	Single 7.5 Sq.m. Double 11.5 Sq.m-Complies
House 2	1 - 14m ² 2 - 11.5m ² 3 - 7.95m ²	Single 7.5 Sq.m. Double 11.5 Sq.m-Complies
House 3	1 - 14m ² 2 - 11.5m ² 3 - 7.95m ²	Single 7.5 Sq.m. Double 11.5 Sq.m-Complies

9.15 The above table demonstrates that the units would comply or exceed the minimum overall space requirements. The proposed one-bedroom flats all have double bedrooms in terms of floor area. In terms of the minimum room widths, all the bedrooms in the one-bedroom flats would be required to have a minimum width of 2.75m. All of the proposed units have regular rectangular shaped rooms which satisfy the minimum width requirements. Officers noted that all units are dual aspect units which is welcomed.

9.16 In light of this, the application proposal would meet the minimum internal space standards in accordance with Policies CS2, DM7 and DM29 of the Waltham Forest Local Plan - Core Strategy (2012) and Development Management Policies (2013)

External Space Standards

9.17 Policy D6 states that where there is no higher local standard, at least 5sq.m. of private outdoor amenity space should be provided for a 1b2p flat. Policy DM7 states that a minimum of 10sq.m. for a 1b flat and 60 sq.m. for a three-bedroom dwellinghouse. Therefore, Policy DM7, being the higher standard, prevails. The policy requires an element of private amenity space, which can be combined with communal space.

9.18 The SPD Urban Design states that outdoor amenity space is an essential part of any residential development and emphasis should be placed on the quality and usability of these spaces.

9.19 In relation to proposed Flats 1-6, the proposed amenity space would not comply with Policy DM7. Flats 1-3 would each have a private patio of 6.2m², but the remaining flats, being on the upper floors would not. However, the scheme would provide approximately 236m² of communal amenity space between the two proposed buildings.

9.20 The private outdoor amenity space for the houses is proposed as follows:

Dwelling Type	Proposed Space Standards, GIA (sq. metres/m2)	LBWF Required Space standards GIA (sq. metres/m2)(per dwelling)	Proposed Space standards/against LBWF Standards
House 1	292 m2	60 sqm	Exceeds
House 2	103 m2	60 sqm	Exceeds
House 3	164 m2	60 sqm	Exceeds

9.21 The private outdoor amenity space for Houses 1-3 would comply with the London Plan requirement. Access would also be available to the communal amenity space.

9.22 As such, it is considered that in relation to the proposed flats and failure to provide sufficient private amenity space, the provision of substantial communal space would compensate in relation Policy DM7, as it would be unlikely to cause a significant adverse impact to the occupiers of Flats 1-6 and is considered to be acceptable in this instance for the non-family units.

Accessible Housing

9.23 Policy CS2 states that new homes should be accessible to all members of the community and capable of adaptation as the needs of future residents change. Policy DM30 requires the application of inclusive design principles at the outset of the design process for any new development.

9.24 London Plan Policy D5 requires inclusive design that takes accessibility, diversity, and the need for social interaction into account. Policy D7 requires that at least 10% of relevant new homes meet Building Regulation requirement M4(3) for wheelchair-user dwellings, where the scheme is of 10 units or more. As the proposed scheme is for 9 units, all should meet requirement M4(2) for accessible and adaptable dwellings.

9.25 The Emerging LP1 Policy 16 have similar requirements to Policy D7 of the London Plan.

9.26 The houses and ground floor flats would be able to meet M4 (2) as they provide level access to the entrance, but the upper floor flats are access via stairs and therefore level access cannot be secured. However, the London Plan accepts that securing M4 (2) may not be possible in these circumstances and therefore this is acceptable. In light of the above, the proposed development would be acceptable in terms of the accessibility of the residential accommodation, M4 (2) would be secured by condition for the houses and ground floor flats. As such, the proposal would be in accordance with Policies CS2 and DM30, Emerging LP1 Policy 16 and London Plan Policies D5 and D7.

E. Trees and Local Biodiversity

- 9.27 In terms of Biodiversity and Geodiversity Policy DM35 of the Development Management Policies (2013) advises that A) Development proposals will not normally be granted planning permission where they pose adverse direct or indirect effects on any land or area within the identified Sites of Special Scientific Interest (SSSI), Sites of Importance to Nature Conservation (SINC), Special Areas of Conservation (SAC), RAMSAR sites, Special Protection Areas (See Schedules 13 to 16 and 24 to 26 and the Policies Map) or to protected or priority species.
- 9.28 The application site does not fall within any of the above designations and the application site does not contain any trees with protection value. Furthermore, the site is a garage site and there is very little green space within the site and as such the proposed scheme, which includes a significant amount of garden and landscaped areas would be a significant improvement on the present conditions.
- 9.29 A condition is recommended to secure a significant scheme of hard and soft landscaping to ensure that the amenity areas and rear gardens are appropriately designed, maintained and retained as such for the lifetime of the development.
- 9.30 It is considered that the proposed scheme, subject to pre-commencement conditions relating to a landscaping and maintenance plan would comply with Policies DM35 (Biodiversity) and CS5 (Green (Infrastructure and biodiversity)) of the Local Plan and therefore is recommended for approval on this basis.

F. Highways, parking and cycle parking

- 9.31 Policy DM14 (Sustainable Transport Network) states that the Council will actively encourage sustainable travel. Developments should be developed and contribute to a well-connected network of streets that optimises permeability and legibility. Developments should not have a harmful impact on the walking and cycling environment.

Car Parking

- 9.32 Local Plan Policy DM16 states that the Council would seek to effectively manage parking by encouraging car-free and car-capped development in locations that have high levels of parking stress. Adding that in car-capped developments the Council would be limiting on-site car parking for these developments to spaces designed for disabled people and operational and service needs; and introducing controlled parking zones in the vicinity of the development.
- 9.33 Policy T6 states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with development elsewhere designed to provide the minimum necessary parking ("car-lite"). Notwithstanding, appropriate disabled persons parking for Blue Badge holders should be provided. Policy T6 sets the maximum car parking for residential development within Outer London boroughs with a PTAL of 2-3 at a rate of up to 0.75 spaces per 1-2 bed dwelling and up to 1 space per 3+ bed dwelling. Further, Policy T6 requires at least 20% of all residential car parking spaces

to provide for electric vehicle charging, with passive provision for all other spaces.

- 9.34 In accordance with the maximum car parking rate set out by Policy T6, the development could provide a maximum of 7 car parking spaces on site - being one disabled parking bay, one for each of the proposed 3 bed dwellings and 3 spaces for the 5 remaining flats.
- 9.35 The proposed plans show 4 car parking spaces, one of which would be a dedicated disabled parking bay. 2 of the proposed parking spaces would provide electric vehicle charging. This would comply with Policy T6.
- 9.36 The site is located within a CPZ. To ensure that the proposal should have no impact on on-street parking, permission would be subject to an s106 agreement ensuring occupiers are not provided with residential car permits allowing them to park on the surrounding streets. To manage the on-site parking, the applicant would be required to provide a Car Parking Management Plan for approval, which will be required by condition.
- 9.37 In summary, Officers are satisfied that the proposed conditions and legal agreement would provide sufficient mitigation against any potential car parking pressure generated by the proposal. This conclusion is supported by Highways Officers and would ensure compliance with the objectives of Policy DM16.

Cycle Parking

Local Plan Policy DM16 sets the minimum requirements for cycle parking for new developments at one cycle-storage space for a one-bedroom dwellings and two cycle- spaces for dwellings of two-bedrooms or above.

- 9.38 The proposed development would be required to provide at least 12 cycle parking spaces for the proposed flats and houses,
- 9.39 The proposed plans identify communal secure cycle storage container on the north-east side of the site close to the access road, would be provided on site which currently shows storage capacity for 8 cycles. Further accommodation for visitor cycle parking for a minimum of 12 additional cycles would be given in 'Sheffield Stands' adjacent to the footpath between the flats and houses, and at the front of Unit 1 but it is unclear if this will be covered. Additional accommodation could be given within the rear gardens of the houses.
- 9.40 Officers are satisfied that the final details, in terms of design and appearance, can be agreed by planning condition and given the size of the site and the land identified for cycle parking Officers are content that the required cycle storage capacity can be provided at condition discharge stage.

Proposed Highways Works

Council's highway team confirmed the following requirements - Planning condition:

- A Detailed Construction Logistics Plan (CLP) must be provided prior to commencement.

- A highway condition survey will be required of the adjoining carriageway and footways on Woodhouse Road and any damage to the highway following construction will be repaired at the cost of the developer.
- Servicing and delivery strategy to secure that servicing and deliveries to the development will not result in highway congestion.
- Sustainable Drainage Strategy to ensure that surface level runoff will not lead to flooding on site or adjacent sites.

9.42 The required legal obligations relating to highway matters are as follows:

- A S106 contribution of £500 is requested towards monitoring of the CLP.
- This site is within a CPZ and must be classified as car-free with future residents not being entitled to parking permits excluding Blue Badge Holders
- A S106 request of £9000 is requested toward improving sustainable modes of transport including walking and cycling in the sites vicinity which will directly benefit new residents.
- Unless otherwise instructed, the developer must ensure the development is built to existing public highway levels.
- Water from a private development cannot be discharged onto public highways.
- An application for Highway Works will be required. (<https://www.walthamforest.gov.uk/parking-roads-and-travel/roads-and-pavements/highways-advice-developers/development-related>) Extent of works will include but are not limited to:
 - Renewal of crossover and refreshment of existing road markings
- The application will need to accompany a plan to be submitted for approval and estimate. Works will be carried out by the Council and funded by the developer.

9.43 These measures would all be subject to further discussions with the applicant and Highways through the submission of details application or in accordance with the legal agreement.

9.44 The details of requested works would need to be submitted for consideration and approval prior to the commencement of any development on site.

9.45 In summary, Officers are satisfied that the matters identified above can be dealt with by condition and through a legal agreement to provide sufficient mitigation against any potential car parking pressure generated by the proposal. This

conclusion is supported by Highways Officers and would ensure compliance with the objectives of Policy DM16.

G. Waste Management

- 9.46 Policies CS6 and DM32 of the Local Plan states the requirement that new development should ensure that waste is managed in the most environmentally friendly way to protect human health and the environment from pests and other environmentally damaging effects.
- 9.47 For households, the Council operates a three colour, two-wheeled bin systems with a weekly collection. Black 140 litre wheeled bin for refuse, green 140/240 litre wheeled bin for recycling and a brown 140/240 litre wheeled bin for organic waste.
- 9.48 It is at the developer's discretion to choose the size of the bins required for recycling dependent on the size of the house. However, Waste and Recycling Guidance for Developers (202) recommends that for households of two or more bedrooms that a 240ltr bin is used for recycling.
- 9.49 Concern has been expressed, through the consultation responses, of the location of the proposed refuse store. The proposed plans had originally shown the location to be adjacent to the rear boundary of properties at 48 and 50 Woodhouse Road. The plans were revised, and the storage is now relocated adjacent to the boundary with the communal amenity space of Regent Court, on the north east end of the site. The storage would be within an enclosed structure, separated from the block by an existing electricity sub-station to prevent nuisance to neighbours, in accordance with Policy DM32 of the Local Plan.
- 9.50 The storage building would be finished in hit-and-miss brickwork, to allow ventilation, to match the adjacent boundary wall with a pitched roof.
- 9.51 As the scheme would provide more than 5 units, the storage requirement would be for communal bins, with a volume of at least 1920 litres including food waste, and bulk storage.
- 9.52 The proposed store shows capacity for is 4 large 'euro' wheeled bins with a total of 4000ltr capacity which would be sufficient to meet the needs of the proposed units. The final design of the proposed bin storage enclosure to ensure compliance and capacity would be secured by a way of a planning condition to ensure that the development complies with the objectives of adopted Local Plan Policy DM32.
- 9.53 In addition, a Waste Management Strategy would be required to detail how the waste will be collected. This information is required 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 Policy DM23, DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

H. Environment and Sustainable Design

Air Quality

- 9.54 DM24 seeks new development should neither contribute to nor suffer from unacceptable levels of air pollution. This is to improve the health and well-being of the Borough residents.
- 9.55 If planning permission is granted, an Air Quality and Dust Management Plan (AQDMP) to control these matters during construction should be submitted and approved by the Council and this is to be secured by means of a planning condition.

Energy Efficiency

- 9.56 The London Plan sets out a CO₂ reduction target of 40% against Building Regulations 2010 and 35% against Building Regulations 2013. The Waltham Forest Local Plan Policy DM10 requires developers to submit a self-assessment including calculation of the energy demand and carbon dioxide emissions for both regulated and unregulated energy separately at each stage of the energy hierarchy.
- 9.57 This requirement applies to all developments over a threshold of one residential unit and 100 sqm and would be applicable to this application.
- 9.58 The application is supported by an Energy Strategy Statement which sets out the CO₂ emissions savings predicted to be achieved because of applying the proposed energy strategy. The planning target identified for the site is net zero carbon, with a minimum 35% reduction in CO₂ emissions against Part L of Building Regulations 2013 Target Emission Rate (TER) in line with the London Plan. All results calculated have been manually adjusted to apply the SAP 10.0 emission factor.
- 9.59 In line with the London Plan and GLA energy assessment guidance, the Energy Hierarchy has been adopted, applying the 'Be Lean, Be Clean, Be Green' methodology. A further 'Be Seen' criteria will be applied to ensure energy performance monitoring. The strategy calculates the total development CO₂ emissions following demand reduction through fabric measures, implementation of a clean heating network and the application of renewables. A total carbon emission reduction of 55.89% will be achieved. It is proposed to ensure remaining emissions are offset via a Cash in Lieu payment of £13,793, based on a Carbon Levy of £95 over 30 years. This is stated in the energy statement submitted by the agent and based on the applicant's calculations, and is the amount required to meet Local Plan planning policies to offset the remaining carbon emissions from the scheme.
- 9.60 Officers consider that the report is robust and therefore the proposals are considered acceptable to conditions and a payment in lieu secured by way of S106 agreement to accompany any permission to demonstrate how this target would be achieved, thereby according with Policy DM34.
- 9.61 In light of the above, the proposed scheme would comply with Policy DM34 of the Development Management Policies (2013).

Water Efficiency

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

Contaminated Land

- 9.64 Policy DM24 applies where an application is being considered on development sites which are potentially contaminated, in this case the use of land for car parking may potentially be contaminated from oil and petrol the Council will need to be satisfied that the development can safely be constructed and used.
- 9.65 The Council's Environmental Team reviewed the application and raised no objection to the proposal. As the previous use of the site was garages, should the scheme be considered for support, a necessary land contamination condition will be added to ensure the health and safety of the future occupiers of the proposed dwelling.

I. Planning obligations

- 9.66 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 of the following tests: i) Necessary to make the development acceptable in planning terms, ii) Directly related to the development and iii) Fairly and reasonably related in scale and kind to the development.
- 9.67 In terms of the s106 Agreement, the required Heads of Terms, having regard to planning policy, the Waltham Forest Supplementary Planning Document "Obligations" (2017):

A. Highways:

- A S106 request of £9,000 is requested toward improving sustainable modes of transport including walking and cycling in the vicinity of the site which will directly benefit new residents in this development.
- A S106 contribution of £500 is requested for CLP monitoring.
- S278 works will be required upon completion of the works relating to the development prior to occupation. An application for Highway Works will be required. The extent of works will include but are not limited to:

The highways department will need to be contacted for an application form for developer highway works. The application will need to accompany a plan to be submitted for approval and estimate. Works will be carried out by the Council and funded by the developer.

- The residential units must be classified as car-free with future residents not being entitled to parking permits as it is in a Controlled Parking Zone.

B: Epping Forest Special Area of Character

- **SAMMS-** A financial contribution of £627x9 = £5643 towards Strategic Access Management and Monitoring measures (SAMMs).

C: Carbon offset:

- Cash in Lieu payment of £13,793, based on a Carbon Levy of £95 over 30 years

D: Legal & Monitoring Fees:

- i. Payment of the Council's legal fees for the preparation and completion of the Legal Agreement.
- ii. **Monitoring Fee** - A financial contribution towards the implementation and monitoring of and securing compliance with the S106, equal to 5% of the total of all other financial contributions.

10 CONCLUSION

- 10.1 The land is not designated and there are no policy restrictions preventing residential development on this site. In consideration of the nature and character of the surrounding area, it is concluded that a residential use is acceptable in principle.
- 10.2 The proposed development has regard to the scale and massing, structure and form of development in the area, and would be appropriate in its context given the residential nature of the locality.
- 10.3 The proposed development would result in the creation of modern residential units ensuring good standard of accommodation for future occupiers. The development has been designed to ensure that the amenity of existing residents would not be compromised.
- 10.4 The proposal would have an acceptable impact on neighbouring amenity in terms of daylight sunlight, overlooking or loss of privacy.
- 10.5 The proposed development would have an acceptable impact on highway safety and provide adequate car and cycle parking.
- 10.6 The development would provide in principle adequate bin and cycle storage facilities that would be conveniently collected.
- 10.7 The development would incorporate the highest environmental standards and would be sustainable, in that it would deliver acceptable energy reduction measures, water efficiency, drainage system, meet the required carbon dioxide reduction targets and be required to comply with the required land contamination standards.
- 10.8 The conditions set out in the S106 Heads of Terms agreed 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.
- 10.9 All material considerations have been taken into account and the proposal has been considered acceptable in regard to the:

- Principle of Development
- Urban Design
- Living Conditions- Existing Occupiers
- Living Conditions- Future Occupiers
- Highway and Transport Impact
- Waste Management
- Environment and Sustainable Design
- Planning Obligations

10.10 Officers are satisfied that the responses to the consultation have been addressed and that the development would not unduly affect neighbouring residential amenity. Taking into account the consistency of the scheme with the Local Plan and considering all material planning considerations, the proposal is considered acceptable.

11 ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

- 11.1 In making your decision you must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
- A.** Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - B.** Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
 - C.** Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
 - D.** The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 11.2 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered and may be balance against other relevant factors.
- 11.3 It is considered that the recommendation to approve permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

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

12 RECOMMENDATION

- 12.1 The Planning Committee is requested to resolve that planning permission be granted subject to the following S106 agreement, conditions and informative:
- 12.2 Section 106 Head of Terms:

CATEGORY	TERMS
Highways - s278 enabling works	<ul style="list-style-type: none">The applicant is required to enter into a Section. 278 agreement of the Highway Act 1980 for highway works. S278 works will be required upon completion of the works relating to the development prior to occupation. The Extent of works will include but are not limited to:Renewal of crossover and refreshment of existing road markings <p>The application will need to accompany a plan to be submitted for approval and estimate. Works will be carried out by the Council and funded by the developer</p>
Highways - Car Free	This site must be classified as car free with future residents not being eligible to obtain residents parking permits for the surrounding CPZs.
Highways	The developer would be required to carry out a condition survey of the carriageway and footways fronting the site prior to the commencement of any works. The condition survey report would need to be submitted to the Council's Highways team for records including a site location plan highlighting the

	location of the photographs. Any damage to the highways as a result of the construction works would be reinstated by the Council and funded by the developer. £500 towards monitoring of the CLP. £9000 toward improving sustainable modes of transport including walking and cycling in the sites vicinity which will directly benefit new residents in this car free development.
SAMMS	A financial contribution of £627x 9 = £5643 towards Strategic Access Management and Monitoring measures (SAMMs).
Carbon Offset	Cash in Lieu payment of £13,793, based on a Carbon Levy over 30 years
Monitoring Fees	A financial contribution towards the implementation and monitoring of and securing compliance with the S106, equal to 5% of the total of all other financial contributions
Legal Fees	Payment of the Council's legal fees for the preparation and completion of the Legal Agreement.

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

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

CONDITIONS AND REASONS:

1. The development hereby permitted shall begin no later than the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans and thereafter maintained as such for the lifetime of the development:
 - TS18-460Q2 1 & 2 -100 A0 dated Nov 2018.
 - 21834-1000 Rev F; Dated July 2021
 - 21384-1020 Rev F Dated: July 2021
 - 21384-1200 Rev F Dated: November 2019
 - 21384-1201 Rev F Dated: July 2021

- 21384-1202 Rev F Dated: July 2021
- 21384-1203 Rev F Dated: July 2021
- 21384-1300 Rev F Dated: July 2021
- 21384-1500 Rev F Dated: July 2021
- Coloured Site Plan 1010 Rev A Dated: July 21
- Contamination Phase 1 Report Dated: 19 August 2019
- SuDs Strategy Dated: September 2021
- Energy Strategy Statement – Rev 01 Dated: 21/09/21
- Outline CLP V.2.0 Dated: October 2022
- Extended front recycle bike shed Dated: 02/11/2023

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

Materials

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

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

Boundary Treatment

4. Prior to the commencement of the development on site, notwithstanding site investigation and clearance works, demolition and construction to slab level details relating to the siting, design and height and finish of all new 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).

Cycle Parking

5. Prior to the commencement of the development, notwithstanding site investigation and clearance works and demolition, full details relating to the following shall be submitted to and approved by the Local Planning Authority:
- a) The design and quantity of secure, lockable, and enclosed cycle stores for short and long stay cycle parking. The scheme shall provide a minimum of 12 secure bicycle parking spaces.
 - b) All forms of external lighting to be provided on site.

The development shall be carried out fully in accordance with the approved details prior to first occupation of the development and shall be thereafter maintained as such for the lifetime of the development.

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

Energy Efficiency

6. The development shall conform with the Energy Strategy Statement – Rev 01 21/09/21, relating to achieving carbon omission reduction. The approved measures shall be incorporated into the development in accordance with the agreed timetable or within 3 months of the development first being occupied and shall thereafter be maintained for the lifetime of the development.

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

Water Efficiency

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

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

Accessible dwellings

8. The three houses and three ground floor flats 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: In the interest of accessibility in accordance with Policy DM30 of the Waltham Forest Local Plan – Development Management Policies (2013) and Policy D7 of the London Plan (2021).

Detailed Construction Logistics Plan

9. Prior to the commencement of the development, a Detailed Construction Logistics Plan shall be submitted to and approved by the local planning authority. The logistics plan shall include details of site access, journey planning, access routes, hours of delivery, temporary traffic arrangements or restrictions, site operation times, loading and unloading locations and material storage. All works shall be carried out in accordance with the approved details throughout all demolition and construction works. All works shall be carried out in accordance with the approved details throughout all demolition and construction works. This must be submitted using the CLOCS template and guidance found here: www.constructionlogistics.org.uk.

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).

Construction Management Plan

10. Prior to the commencement of any part of the development, a detailed 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 local highway network
- 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-wehttps://www.london.gov.uk/whatwedo/planning/implementing-london-plan/supplementaryplanningguidance/control-dustanddo/planning/implementinglondonplan/supplementary-planningguidance/control-dust-and>

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 Local Plan - 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.

11. No Non-Road Mobile Machinery (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).

Highway Condition Survey

12. Prior to the commencement of development on the site, a specification for a highway 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 and the condition survey report shall include a site location plan highlighting the location of the photographs.

- a. 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.
- b. Any damage to the highway incurred as a result of the construction works, will have to be re-instated 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).

Delivery and Servicing Plan

13. Prior to first occupation of the development A Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. 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. The development shall be managed thereafter in accordance with the details approved under the terms of this condition

REASON: To encourage sustainable transport and ensure road safety and adequate provisions for the storage and collection of waste and recycling, in accordance with Policies CS6 and CS7 of the Waltham Forest Local Plan Core Strategy (2012), Policies DM14, DM15, DM16, and DM32 of the Waltham Forest Local Plan - Development Management Policies (2013), and Policies D6, SI 7, T2, T4, T6, and T7 of the London Plan (2021).

Waste Management Strategy

14. Prior to first occupation of any part of the development hereby permitted, a Waste Management Strategy, 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).

Secure by Design Guide

15. Prior to occupation, the development shall achieve a Certificate of Compliance to the relevant Secure by Design Guide or alternatively achieve Crime Prevention Standards 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 the development is sustainable and to comply with Policy CS15 and CS16 of the adopted Waltham Forest Local Plan - Core Strategy (2012) and Policies DM29 and DM33 of the adopted Waltham Forest Local Plan - Development Management Policies (2013).

Contaminated Land

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).

Asbestos survey

17. Prior to the commencement of development, including demolition the developer must either submit evidence that the site building(s) were built post 2000 or provide an intrusive pre demolition and refurbishment asbestos survey in accordance with HSG264 supported by appropriate an appropriate mitigation scheme to control risks to future occupiers. The scheme must be written by a suitably qualified person and submitted to the Local Planning Authority (LPA) for approval, before commencement. The scheme as submitted shall demonstrably identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed use. Detailed working methods are not required but the scheme of mitigation shall be independently verified to the satisfaction of the LPA prior to occupation.

Reason: To ensure the risks from asbestos 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).

Car Park and communal amenity space

18. The parking and turning area, the western part of the site (as illustrated on drawing number 21834-1000 Rev F dated July 2021), and the communal amenity space (as illustrated on the same drawing) shall be laid out, implemented, and maintained in accordance with the approved plans. The parking area shall be provided and maintained free of obstruction for the lifetime of the development. The western part of the site shall be used solely for car parking by the occupiers of the residential units, and the communal amenity space shall be used solely for purposes incidental to the enjoyment of the occupiers. Both the car parking and the communal amenity space shall be retained for the use of these occupiers for the lifetime of the development, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the amenities of adjoining occupiers, the surrounding area, and ensure the protection of general amenity and guarantee the retention of the car parking and turning area, preventing obstruction of

surrounding streets, aligning with Policies CS7, CS13, CS15, of the Waltham Forest Local Plan - Core Strategy (2012) and Policies DM7, DM14, DM15 DM32 of the Waltham Forest Local Plan - Development Management Policies (2013).

Parking Management Plan

19. Prior to the commencement of the development (notwithstanding site investigation and demolition and site clearance works), a detailed parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out solely in accordance with the approved details and thereafter retained as such.

Reason: In the interest of highway and pedestrian safety, in order to comply with Policies CS7 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM14, DM15 and DM29 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

Demolition and construction works

20. There shall be no burning of materials on site during the demolition and construction works of the development hereby granted, which would fall within the canopy and route spread of any trees located adjacent to the boundary of the development site. In addition, no fires shall be lit within 10 metres of the nearest point of the canopy of any adjacent tree, no equipment, machinery or structure shall be attached to or supported by a retained tree and no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection zone.

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, CS13 and CS15 of the adopted Waltham Forest Local Plan - Core Strategy (2012) and Policies DM29, DM32 and DM35 of the adopted Waltham Forest Local Plan - Development Management Policies (2013).

General Permitted Development

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and/or re-enacting that Order with or without modification, no development to the of 3 dwellinghouses under Schedule 2 Part 1 Classes A, B, C, D, E, F, G, H shall be carried out unless approved by way of a planning permission granted.

Reason: In the opinion of the Local Planning Authority, the nature and density of the layout requires strict control over the form of any additional development that may be proposed in the interests of residential amenities, in accordance with Policies CS13 and CS15 of the adopted Waltham Forest

Local Plan - Core Strategy (2012) and Policy DM32 of the adopted Waltham Forest Local Plan - Development Management Policies (2013).

Landscape Management Plan

22. Within six months of commencement of construction above ground floor slab level, full details relating to the following shall be submitted to and approved by the Local Planning Authority:
- A. Soft landscaping details
 - Include information on species, sizes, and densities of proposed plants.
 - Specify any proposed green roofs and living walls.
 - Include long term design objectives, management responsibilities and maintenance schedules of landscape areas.
 - B. Landscape Management Plan and Planting and maintenance
 - Provide detailed planting and maintenance plans, including:
 - o Planting methods
 - o Maintenance schedules
 - o References to relevant British Standards and horticultural and arboricultural best practice guidance
 - o Any new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the Local Planning Authority agrees any variation in writing.
 - C. Habitat enhancement
 - Include details on habitat enhancement, including:
 - o Number and type of habitats
 - o Bricks and boxes proposed for birds and invertebrates.
 - o Permeability of site boundaries for ground-based wildlife
 - D. Tree Protection Measures

The development shall be carried out fully in accordance with the approved details. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out not later than the first planting and seeding seasons prior to the first occupation of any of the residential units, or the completion of the development, whichever is the sooner and shall be thereafter maintained as such for the lifetime of the development.

Reason: To ensure the well-being of the neighbouring 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).

Sustainable Urban Drainage System

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

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

Fire Safety

24. Prior to the commencement of development on site, notwithstanding site investigation work, clearance and demolition, a fire strategy to ensure compliance with the functional requirements of the Building Regulations, specifically addressing B5 - access and facilities for the fire service, must be submitted to and approved by the Local Planning Authority and the London Fire Brigade. This documentation should demonstrate the existence of sufficient means of external and internal access within and around the building, as well as the provision and location of hydrants and other facilities to aid firefighters in performing their tasks. The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the building shall be so designed and constructed that there is adequate provision for access for fire appliances and for such other facilities as may be reasonably required to assist the fire service in the protection of life and property in accordance with Policy D12 of the London Plan.

Site levels

25. No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies

CS7 and CS 15 of the adopted Waltham Forest Local Plan - Core Strategy (2012) and Policy DM14, DM16 and DM29 of the adopted Waltham Forest Local Plan - Development Management Policies (2013).

Informatives

1. To assist applicants the Local Planning Authority has produced policies and provided written guidance, all of which is available on the Council's website and which have been followed in this instance.

2. The applicants are reminded that all building materials should be stored on land in their ownership and that neither materials nor vehicles should obstruct the public highway, footpaths or any other land over which other persons have right of access.

3. A legal agreement has been entered into with the London Borough of Waltham Forest in conjunction with this grant of planning permission to ensure that the one of the dwellings in the development is car-capped, i.e. future occupiers of the units will not be eligible for parking permits.

4. 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 2012. 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).

5. This determination does not constitute permission to build under the Building Regulations 2010. Works should not commence until any appropriate building regulation applications have been submitted and where necessary approved.

(Item 4.1)

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