

LONDON BOROUGH OF WALTHAM FOREST

Committee / Date:	Planning – 7 th May 2024
Application Reference:	232205
Applicant:	Manak Homes
Location:	817 - 823 Forest Road, Walthamstow, London, E17 0DN
Proposed Development:	Demolition of the existing Petrol Station building and structures and construction of new mixed-use building ranging from 3 to 5 storeys to provide commercial floorspace (Use Class E) on the ground floor and 39 units (Use Class C3) including landscaping, refuse/recycling storage facilities, cycle parking, disabled persons' parking, servicing, and other associated works.
Wards Affected:	Chapel End

1. RECOMMENDATION

- 1.1. That Planning Permission be **GRANTED** subject to conditions and informatives and completion of a Section 106 Legal Agreement (S106) with the following Heads of Terms:

Affordable Housing Provision:

- Contribution of £150,000 towards off-site affordable housing provision
- Viability Review Mechanism (both early and late-stage review) to capture any surplus in profit generated from the development.

Wheelchair Housing:

- Prepare a Wheelchair Accessible Dwelling Marketing Strategy for the development that sets out how the wheelchair units will be promoted and advertised during the exclusivity period of one year, to be agreed prior to commencement of that relevant part of the development.
- The requirement for all wheelchair user dwellings to be exclusively marketed as such for a minimum period of 12 months.

Highways and Transportation:

- Highway works under a S278 will be required upon completion of the development, prior to occupation. The works will be funded by the Developer and carried out by the Council:
 - Removal of all redundant crossovers and replacement with full height kerbs to current highways specification.
 - Installation of dropped kerb within 15m of bin store, to facilitate bin store collection.
 - Construction of vehicle crossovers to facilitate vehicular access on St John's Rd and Clifford Rd.
 - Renewal of the footway fronting the site on Clifford Rd and St John's Rd.

- Renewal of the footway fronting the site on Forest Road including the cycle track and associated footway improvements on Forest Rd in accordance with the Forest Rd design.
- Amendments to the existing Traffic Regulation Order (TRO) to enable review of the existing waiting and loading restrictions on both St John's Road and Clifford Road, with extension of existing CPZ bays.
- S38 agreement – Adoption of land fronting Forest Road
- A S106 contribution of £2,000.00 is required towards CLP monitoring.
- A S106 contribution of £35,000.00 is requested toward improving sustainable modes of transport including walking and cycling in the sites vicinity which will directly benefit new residents in this development. The works planned near the site include an addition of a segregated cycle track on Forest Rd and pedestrian crossings.
- A condition survey on St John's Rd, Forest Rd and Clifford Rd fronting the site to ensure, if the public highway is damaged as a result of the construction works, that any damage would be reinstated by the Council and funded by the developer.

Car Free Housing

- The site will be car-free, residents will not be entitled to parking permits for any CPZ unless disabled/blue badge holder.
- Each new Residential Occupier of the development must be informed prior to occupying any residential unit that they shall not be entitled to a residents parking permit unless blue badge holder.

Employment and Training Strategy:

- Employment and Skills Plan to be sent over prior commencement on site.
- Construction Jobs - Procure that 30% of all jobs available for the construction or fit-out of the Development during the Construction Phase are fulfilled by Local Residents. Local Residents defined as residents of Waltham Forest, Hackney and Newham.
- Local Labour – Apprenticeships - Provide a minimum of 7 Apprentice Posts in the construction trade during the Construction Phase of the Development with such posts being first offered to Local Residents through the Council's Employment, Business and Skills Service. Default Payments to be applied if fall short.
- Work Placements - To provide a minimum 2 Work Placements, paid at London Living Wage (LLW) in the construction trade during the Construction Phase of the Development with such posts being first offered to Local Residents through the Council's Employment, Business and Skills Service
- Default Payments – as set out in LBWF's adopted Planning Obligations SPD if obligations above are not met.

Air Quality:

- A financial contribution of **£3,900** towards implementation of the Air Quality Action Plan

Energy efficiency and carbon reductions:

- A financial contribution of up to **£27,929** towards the Carbon Offset Fund to address the shortfall in carbon emission reductions for the residential development. 100% upfront payment of the carbon offset payment to be made on implementation.
- A financial contribution of up to **£2,377** towards the Carbon Offset Fund to address the shortfall in carbon emission reductions for the commercial development. 100% upfront payment of the carbon offset payment to be made on implementation.
- Decentralised Energy network
- Measures to secure post-construction monitoring (“Be Seen”).
 - A. Prior to the commencement of planning permission, to submit to the GLA accurate and verified estimates of the ‘Be Seen’ energy performance indicators.
 - B. Prior to occupation, the Owner shall provide updated accurate and verified ‘as-built’ design estimates of the ‘Be Seen’ energy performance indicators for each Reportable Unit of the development.
 - C. Upon completion of the first year of Occupation or following the end of the Defects Liability Period (whichever is the later) and at least for the following four years after that date, the Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each Reportable Unit of the development.
 - In the event that the ‘In-use stage’ evidence submitted under Clause c) shows that the ‘As-built stage’ performance estimates derived from Clause b) have not been or are not being met, the Owner should investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the ‘Be Seen’ in-use stage reporting webform. An action plan comprising measures identified in Clause c) shall be submitted to and approved in writing by the GLA, identifying measures which would be reasonably practicable to implement and a proposed timescale for implementation. The action plan and measures approved by the GLA should be implemented by the Owner as soon as reasonably practicable.)

Epping Forest Special Area of Conservation (SAC):

- A financial contribution of £627 per new homes towards Strategic Access Management and Monitoring (SAMM) with a total of £24,453.

Parks and Leisure:

- A financial contribution of £5,000 towards the refurbishment of play equipment, furniture, and infrastructure to local parks to be paid prior implementation.

Flood Mitigation/SuDs Implementation:

- A financial contribution of £5,000 towards Flood Mitigation Scheme and Forest Rd SuDS implementation adjacent or within vicinity of the site.

Future loss of tree

- If the street tree dies within 5yrs and this is diagnosed as having been caused by the building works, then a contribution towards the cavat value of the tree would be sought.

Retention of Architect

- The applicant shall retain the architect during the build phase until completion unless otherwise agreed in writing by the Council.

Legal Fees:

- Payment of the Council's legal fees for the preparation and completion of the Legal Agreement.

Monitoring and Implementation:

- Payment of 5% of the total amount of S106 contributions towards monitoring, implementation and compliance of the legal agreement.

Minor Amendments

- 1.2. That authority to be given to the Assistant Director - 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 legal agreement on the terms set out above.
- 1.3. In the event that the S106 Agreement is not completed within a reasonable timeframe following the date of Planning Committee, the Assistant Director - Development Management and Building Control is hereby authorised to refuse the application in consultation with the Chair of the Planning Committee. In the absence of this S106 Agreement, the proposed development would not be able to deliver the development on the site. The implication of this happening is that the opportunity for securing the provision of affordable housing would be lost. Additionally, other financial and non-financial commitments would be lost, which otherwise would be secured by the S106 Agreement.

2. REASONS REFERRED TO COMMITTEE

- Due to level of Public Interest

3. SITE AND ITS SURROUNDINGS

- 3.1. The application site fronts Forest Road, Clifford Road and St John's Road, the previous use of the site as a petrol station was accessed by pedestrians and vehicles from the corner Clifford Road and St John's Road.
- 3.2. The site is occupied by single storey structures in the form of a covered petrol filling station, a retail kiosk, car wash facilities and car parking. The site has large areas of hard standing and general lack of any form of soft landscaping.



Figure 1: Site Location

- 3.3. The site rises up from north to south, with the northern boundary lower than the southern boundary adjacent to Forest Road. The itself also sits lower than Forest Road with a step down behind a retaining wall that abuts the pedestrian pavement to Forest Road. There is also directly outside the site, to the south, a single street tree.
- 3.4. To the south of the site across Forest Road sits the new health centre site that is 4 storeys in height and a modern flat roof brick built building. This neighbouring building appears is the equivalent of 5 storeys in height due to the level changes, the existence of services/plant room on the roof and the projecting front element that host the stairs that also give access to the roof for servicing.
- 3.5. Immediately to the north, the site is bounded by traditional two storey residential dwellings that front Clifford Road and St John's Road and their front and rear gardens. Both to the east and west sits residential properties that front the neighbouring streets.
- 3.6. The area is predominately residential to the north of Forest Road however along Forest Road there are a mix of uses in close proximity including civic, education, health, offices and commercial uses. Predominately to the east and west along the north of Forest Road is two storey buildings that contain a mix of commercial uses at street level and residential accommodation on the upper floors, with mixed architectural design, including traditional Victorian architecture and more recent additions. However, taller buildings are present in the locality, including St David's Court and developments at the former Homebase and Wood Street Library sites, which are under construction.



Figure 2: Street View

- 3.7. The site is identified within the Forest Road Corridor Framework which sets out strategic aspirations for the sites along Forest Road and is identified as a site suitable for housing. As an identified Strategic Location, the Forest Road Corridor is one of the locations in the Borough where significant growth in housing, employment, and infrastructure provision is expected and desired.
- 3.8. The property is not located within a Conservation Area, is not listed and is not subject to an Article 4 direction.
- 3.9. The site has a PTAL of 3 on a scale of 0 to 6b, where 6b is the highest. This represents a medium public accessibility rating however the site is within reasonable walking distance of a wide range of amenities and services with regular bus services just outside of the site and the Wood Street station is a 10-minute walk or a 3-minute cycle ride away.
- 3.10. The site falls within the zone of influence of the identified Epping Forest Special Area of Conservation (EFSAC), under the EU Habitats Directive (92/43/EEC) and is within the Borough-wide Air Quality Management Area (AQMA).

4. APPLICATION PROPOSAL

- 4.1. The application seeks planning permission for the demolition of the existing petrol station to facilitate the redevelopment of the site to provide a mixed-use development comprising commercial floorspace on the ground floor and 39 residential units.
- 4.2. The proposal would include a U-shaped block of part three, part four and part five storeys fronting Forest Road, with hard and soft landscaping surrounding the building and a communal garden located to the central rear courtyard. The proposed building would be built in a single pink brick.
- 4.3. The overall housing mix would be:

Unit size	No. of Units	Mix
1 bed	15	38%
2 bed	17	44%

3 bed	6	18%
Total	39	100%

- 4.4. Four wheelchair accessible units (WCH) are provided at ground floor level (2 x 1bed and 1 x 2bed 1 x 3bed persons) equating to 10.2%. These units would have dedicated entrance and fronting St John's Road and Clifford Road
- 4.5. There would be communal amenity area in the central courtyard as well as private balconies or courtyards for each unit.
- 4.6. A total of 81 long stay residential cycle parking spaces and 2 short-stay are proposed, whereby residential provision is via a mixture of Sheffield stands and bike store (two-tier) and cargo.
- 4.7. The ground floor units that front Clifford and St John's Road would have individual front doors to the street and the upper floors would be accessed by a single entrance located on Clifford Road. Two disabled parking spaces have been provided to the front of the two disabled units.
- 4.8. A landscape plan for the proposed development creates high quality landscape and a visually attractive environment with planting, functional amenity space, facilitate free and easy movement between buildings and through the courtyard as well as a focal space to encourage social interaction.

5. RELEVANT SITE HISTORY

203694 - Demolition of car wash and retail kiosk building; construction of new retail kiosk building; removal and installation of new underground fuel storage tanks, forecourt canopy, fuel pumps; and the re-configuration of car park area – Granted (25/1/2022).

201691 - Demolition of car wash and retail kiosk building; construction on new retail kiosk building; removal and installation of new underground fuel storage tanks, forecourt canopy, fuel pumps; and the re- configuration of car park area – Refused (28/9/2020).

Pre-Application

- 5.1. PRE_22_0086 - Demolition of the existing Petrol station and Co-op shop and redevelopment of the site for residential use.

The applicant was involved in pre-application discussions with officers which included engagement through a Planning Performance Agreement (PPA). This included a programme of five meetings to review material planning considerations such as design, highways, landscaping, waste and transport policy.

Officer responses concluded that the principle of residential and commercial redevelopment of the site was appropriate. Council planning officers worked closely with the applicant to achieve a scheme of excellent design quality design and accommodation for future residents.

The submitted Design and Access Statement details the pre-application discussions and the evolution of the proposal.

Planning Enforcement

5.2. None.

6. PUBLIC CONSULTATIONS

6.1. Following the initial validation of this application, the Council sent notification letters to neighbouring addresses and consultees on 5th October 2023. Site Notices were displayed on the site, dated 10th October 2023 and Press Notice dated 12th October 2023.

6.2. Following the receipt of an amended scheme with additional a plantroom added on the roof of the proposed building, the Council sent out further notification letters to neighbours on the 2nd April 2024.

6.3. The following properties have been consulted:

740 – 742 Forest Road (Even)
 56 – 58 Parkstone Road (Even)
 827 - 837 Clifford House, Forest Road (Odd)
 839 – 847 Forest Road (Odd)
 1 – 13 Kingsley Road (Odd)
 803 – 813 Forest Road (Odd)
 1 – 25 Clifford Road (All)
 1 – 23 St Johns Road (Odd)
 16 – 36 St Johns Road (Even)
 1 - 2 St Davids Court, 60 Parkstone Road (All)
 11 - 14 St Davids Court, 60 Parkstone Road (All)
 21 - 24 St Davids Court, 60 Parkstone Road (All)
 31 – 34 St Davids Court, 60 Parkstone Road (All)
 41 - 44 St Davids Court, 60 Parkstone Road (All)
 51 - 54 St Davids Court, 60 Parkstone Road (All)
 61 - 64 St Davids Court, 60 Parkstone Road (All)
 71 - 74 St Davids Court, 60 Parkstone Road (All)
 81 - 84 St Davids Court, 60 Parkstone Road (All)
 91 - 94 St Davids Court, 60 Parkstone Road (All)
 101 - 104 St Davids Court, 60 Parkstone Road (All)
 111 - 114 St Davids Court, 60 Parkstone Road (All)

6.4. As a result of the initial round of public consultation in October 2023, 3 responses in support and 12 objections were received from neighbouring properties.

6.5. 1 additional response was received during the re-consultation period in April 2024. The table below summarises the issues raised in these letters:

Objection Received	Response
Amenity Impact: <ul style="list-style-type: none"> • Loss of light • Noise 	Given the development site's layout in respect to neighbouring properties and stepped height towards Forest Road, it is considered that the proposal would not unreasonably result in loss

Objection Received	Response
<ul style="list-style-type: none"> • Overlooking/loss of privacy • Overbearing 	<p>of light, overbearing impact or overlooking to existing occupiers.</p> <p>Furthermore, the application included a Sunlight and Daylight Assessment which assessed and concluded that the impact on neighbouring properties would not amount to an unreasonable harm, particularly for an urban location. Officers concur with the findings. This is further explained in Section 10[D] of this report.</p> <p>With respect to noise and disturbance, conditions requiring noise mitigation measures and control of noise levels are recommended if granted. Officers consider the mitigation methods to be appropriate within the site's context. Council's Environmental Health raised no concerns with respect to noise.</p>
Air pollution	<p>With respect to air pollution, conditions and contributions requiring air quality mitigation are recommended if granted.</p>
<p>Out of Character</p> <ul style="list-style-type: none"> • Overbearing • Not representative of the area 	<p>In terms of architectural design, officers are of the view that the proposal is of high quality design and materials which adequately responds to the urban form of the street scape, identifying the existing built form of the surrounding area and responding to the wider character.</p> <p>Please see Section 10[B] in the full assessment below.</p>
Inappropriate height and density	<p>Officers are of the view that the proposal adequately responds to existing context of the site and surrounding properties.</p> <p>This is considered in Section 10[B] of this report.</p>
Increase in traffic/congestion/ lack of parking/loss of on street bays	<p>The principle of a car-free form of development is supported by Officers. The site is located within a Controlled Parking Zone (CPZ) and it's well served by transport infrastructure (local buses and overground services at Wood Street). Full details of the car parking provision is assessed in Section 10[H] of the committee report.</p>

Objection Received	Response
	<p>Officers note, the majority of concerns were raised with regards to increase traffic and congestion on the local roads.</p> <p>Any development is likely to have an impact on traffic and congestion on main roads but would not be warranted a reasonable reason to refuse a planning application. Section 10[H] of the committee report provides further details.</p>
Impact on servicing and significant rise in deliveries	<p>The site is serviced outside of the site given its constrained nature. The proposed servicing would take place from Clifford and St John's Road. The Council's Highways Team are in support of the provisions provided outside of the site.</p>
Disruption during construction	<p>Developments cannot be refused on grounds of disruption caused by construction, however, measures can be put in place to control the way construction is managed. A construction environmental management plan (CEMP) as well as a Detailed Construction Logistic Plan are to be submitted by way of planning conditions to ensure disruption is minimised to neighbouring residents. (See Section 14)</p>
Impact on infrastructure provision	<p>Infrastructural impacts are offset via a mandatory contribution to Community Infrastructure Levy which operates at Local and Regional level.</p>
Security for surrounding residents.	<p>The redevelopment of the site would be considered to improve overall security for neighbouring sites as it would activate a now vacant site. The proposed development can be conditioned in order to be approved to comply with Secure By Design standards, to design in measures for safety and security within and around the site. (See Section 14)</p>
Retail/commercial areas likely to remain empty	<p>The site as previously used had a retail element that was successful. The site is also located within an area that has a number of local commercial units to which the proposal would continue the parade and is in an area of high footfall as such officers have no concerns with regards to commercial viability of these units.</p>

Objection Received	Response
Disabled Parked not sufficient and falls below 10%	The proposal includes 2 parking space which meets the Local Plan Policy of 5% to be provided (See Section 10[H]).
Contamination from Petrol Station	Contamination officers have reviewed the scheme and are satisfied with a condition relating to contamination. (See Section 10[L]).
Commercial Waste facilities insufficient	The waste team have not raised a concern in relation to the levels of storage waste provided as such officers consider the provisions to be appropriate.
Damage to surrounding properties	This is not a material planning consideration however the works would be required to comply with current Building Control standards and legislation, and confirm with the provisions of The Party Wall Act.

7. OTHER CONSULTATIONS

Internal and External Representations Received

- 7.1. LBWF Consultation Responses' below lists the responses received from Waltham Forest Council consultees.

Consultees	Response
Highways	<p>No highway concerns raised and the following was recommended on grant of any forthcoming approval.</p> <ul style="list-style-type: none"> • Conditions involving the submission of a Detailed Construction Logistics Plan, details of drainage, boundary treatment and highways condition survey. • Financial contributions towards monitoring the Construction Logistics Plan and improving sustainable modes of transport • S278 agreement for highways works • S38 agreement for adoption of a portion of land
Transport Policy	No objection.

Consultees	Response
Environmental Health (Air Quality)	No objections subject to conditions and s106 payment.
Environmental Health (Noise)	No objections.
Environmental Health (Contaminated Land)	No objections subject to condition.
Design	Officers raised no concerns of the proposed scheme in respect to height, massing and design. Proposal supported subject to planning conditions in respect to materials, boundary treatment and additional details. (See Section 14), to ensure quality development outcome.
Nature Conservation Officer	Officers support the proposal subject to planning conditions in respect to landscaping details, planting schedule and other recommendations. (See Section 14).
Waste	No objection.
Street Trees	No objection subject to conditions.
Secured by Design	Conditions requiring Secured by Design Accreditation. (See Section 14).
Sustainability	Officers raised no concerns subject to conditions involving CO2 reduction targets, sustainable design standards and water use calculations and where the development does not achieve required carbon reduction standard a financial contribution would be paid towards a carbon offset fund.
Thames Water	No concerns were raised
London Fire Brigade	No concerns raised in respect to the proposed development and have no further observations to make.
TFL	No objection.

Consultees	Response
National Highways	No objection.
Natural England	No objection subject to mitigation.

8. DEVELOPMENT PLAN

8.1. Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

8.2. Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Waltham Forest comprises the Core Strategy, the Development Management Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

London Plan (2021)

8.3. The London Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital from 2019 to 2041.

8.4. The policies relevant to this application are considered to include and not limited to:

- GG1 Building Strong and Inclusive Communities
- GG2 Making Best Use of Land
- GG4 Delivering Homes Londoners Need
- D1 London's form, character and capacity for growth
- D2 Infrastructure requirement for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive Design
- D6 Housing quality and standards
- D7 Accessible Housing
- D8 Public realm
- D14 Noise
- H1 Increasing housing supply
- H4 Delivering Affordable Housing
- H10 Housing size mix
- G1 Green Infrastructure
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- S11 Improving Air Quality
- S17 Reducing Waste and supporting the circular economy
- S113 Sustainable Drainage

- T5 Cycling
- T6 Car Parking
- T7 Deliveries, Servicing and Construction
- DF1 Delivering of the Plan and Planning Obligations

Shaping the Borough – Waltham Forest Local Plan LP1 (2024)

8.5. The draft version of the Local Plan underwent Regulation 18 public consultation between July 2019 and September 2019 and consultation on the proposed submission version between 26 October 2020 and 14 December 2020. It underwent examination and consultation on proposed modifications concluded on 21 September 2023. The Waltham Forest Local Plan (LP1) was subsequently adopted 29 February 2024 and therefore now forms a key part of the development plan in determining all planning applications. The previous Core Strategy (2012) and Development Management Policies (2013) are superseded by LP1. The relevant policies are:

- Policy 1 Presumption in Favour of Sustainable Development
- Policy 2 Scale of Growth
- Policy 3 Infrastructure for Growth
- Policy 4 Location of Growth
- Policy 5 Management of Growth
- Policy 6 Ensuring Good Growth
- Policy 7 Encouraging Mixed Use Development
- Policy 8 Character-Led Intensification
- Policy 10 Central Waltham Forest
- Policy 12 Increasing Housing Supply
- Policy 13 Delivering Genuinely Affordable Housing
- Policy 15 Housing Size and Mix
- Policy 16 Accessible and Adaptable Housing
- Policy 38 New Retail, Office and Leisure Developments
- Policy 45 Shopfronts and Signage
- Policy 48 Promoting Healthy Communities
- Policy 50 Noise, Vibration and Light Pollution
- Policy 53 Delivering High Quality Design
- Policy 55 Building Heights
- Policy 56 Residential Space Standards
- Policy 57 Amenity
- Policy 58 Making Places Safer and Designing Out Crime
- Policy 60 Promoting Sustainable Transport
- Policy 61 Active Travel
- Policy 62 Public Transport
- Policy 63 Development and Transport Impacts
- Policy 64 Deliveries, Freight and Servicing
- Policy 65 Construction Logistic Plans
- Policy 66 Managing Vehicle Traffic
- Policy 67 Electric Vehicles
- Policy 77 Green Infrastructure and the Natural Environment
- Policy 78 Parks, Open Spaces and Recreation
- Policy 79 Biodiversity and Geodiversity
- Policy 80 Trees
- Policy 81 Epping Forest and the Epping Forest Special Area of Conservation

- Policy 85 A Zero Carbon Borough
- Policy 86 Decentralised Energy
- Policy 87 Sustainable Design and Construction
- Policy 88 Air Pollution
- Policy 89 Water Quality and Water Resources
- Policy 90 Contaminated Land
- Policy 93 Waste Management
- Policy 94 Infrastructure and Developer Contributions

9. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework (2023)

- 9.1. The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as at the heart of the framework.
- 9.2. For decision-taking the NPPF states that the presumption means “*approving development proposals that accord with an up-to-date development plan without delay*” and where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless “*...any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*”.
- 9.3. The NPPF gives a centrality to design policies; homes should be locally led, well designed, and of a consistent and high quality standard. Local planning authorities (LPAs) are to make sure that the quality of approved developments does not materially diminish ‘between permission and completion, as a result of changes being made to the permitted schemes’.
- 9.4. The specific policy areas of the NPPF considered to be most relevant to the assessment of this application are as follows:
- Delivering a sufficient supply of homes
 - Building a strong, competitive economy
 - Promoting healthy and safe communities
 - Promoting sustainable transport
 - Making effective use of land
 - Achieve well-designed places
 - Delivering a wide choice of high quality homes
 - Meeting the challenge of climate change, flooding and coastal change
 - Conserving and enhancing the natural environment

Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standard (2015)

- 9.5. This standard relates to the internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal Area (GIA) of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home including bedrooms and storage.

London Plan Affordable Housing and Viability SPG (2017)

- 9.6. This supplementary planning guidance (SPG) focuses on affordable housing and viability. It includes four distinct parts: background and approach; the threshold approach to viability assessments and detailed guidance on viability assessments.

Waltham Forest Local Plan Urban Design SPD (2010)

- 9.7. This document has the aim of raising the quality of design within the Borough. The core principles underlying the advice in the SPD are Inclusive Design and the social model of disability.

Waltham Forest Affordable Housing and Viability SPD (2018)

- 9.8. This supplementary planning document (SPD) has been prepared to provide further detailed guidance on affordable housing and viability. The document provides further guidance on how the Council will take viability into account when considering planning applications and what supporting information applicants will be required to produce. The Council does not intend to apply this guidance retrospectively to any planning applications being processed or determined.

Waltham Forest Planning Obligations SPD (2017)

- 9.9. This document seeks to provide transparent, clear and consistent information for the negotiation of planning contributions.

Forest Road Corridor Framework (2021)

- 9.10. This document is intended to identify development proposals as they emerge, co-ordinate and manage growth and ensure that it is supported by necessary infrastructure.

Local Finance Considerations

- 9.11. 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 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 does expect to receive income from LBWF CIL in relation to this development.
 - iii. The Council has not received but does expect to receive income from Mayoral CIL in relation to this development.

10. ASSESSMENT

- 10.1. The main issues which will be addressed in this report are:
- A. Principle of Development
 - B. Urban Design
 - C. Safety and Security
 - D. Impact on Neighbouring Amenity
 - E. Housing – tenure and mix

- F. Market and affordable housing and viability
- G. Standard of Residential Accommodation
- H. Transport and Highways
- I. Waste Management
- J. Sustainable Design and Energy Efficiency
- K. Trees, Landscaping and Ecology
- L. Environmental Impact

A. PRINCIPLE OF DEVELOPMENT

- 10.2. The current proposal relates to the redevelopment of the site to provide commercial use to the ground floor and 39 residential flats which would constitute the change of use of land from Petrol Station to a mixed use development (Use Class E and C3).
- 10.3. National, London and Local Plan policies all seek to encourage sustainable housing development on appropriate sites in urban areas. In particular, The London Plan (2021) identifies the urgent need to increase housing supply in London to address the substantial population increase in the capital and requires Waltham Forest to deliver 1264 new homes per year. Waltham Forest Local Plan Part 1 (2024) has been recently adopted with a target of 27,000 additional homes to be provided over the plan period (2023-2035).
- 10.4. In 'planning for growth' Policy 5 of the Waltham Forest Local Plan (2024) it seeks to make an effective use of previously developed land. Policy 8 seeks to ensure that appropriate density and intensification is achieved in a manner that is informed by, and responds to, the character and context of the site under consideration. Policy 12 sets out the housing supply target setting out this would be delivered by making effective and efficient use of land by seeking to optimise housing densities and ensuring new homes address different housing needs and provide a variety of housing choices.
- 10.5. The Local Plan (2024) sets out the strategic vision for Central Waltham Forest and the Forest Road Corridor Strategic Location which the site falls within in. The Forest Road Corridor is set out as a strategic location for growth and where Policy 7 notes that mixed use development would be encouraged in identified strategic locations.
- 10.6. The site was also identified in the Forest Road Corridor Framework (2021) with an aspiration to develop for new homes in this location.
- 10.7. Officers consider that the scheme is suitably aligned with the transitional aspirations set out Council's broader policy for Central Waltham Forest with the provision of strategically important growth and regeneration. The proposed mixed-use scheme would be compatible with the surrounding area in land use terms.
- 10.8. It is considered that the former petrol station site is suitable for redevelopment as a redundant brownfield site in line with the aspirations of the Forest Road Corridor Framework and Waltham Forest Local Plan. The application site is considered not to be currently making an efficient use of land when there is potential for growth and intensification to deliver social value. Such public benefits from its redevelopment would make a significant contribution to current key targets for housing and reintroduce a commercial use in the site that would continue this commercial frontage in this section of Forest Road providing commercial activation on the street scene. The development therefore represents an opportunity to provide a distinct and high-quality development that optimises its potential and delivers a sustainable form of development within this strategic part of the Borough along the Forest Road Corridor.

- 10.9. The wider Forest Road area is evolving with new development bringing in additional population to the area, the proposal seeks to create new retail/commercial frontage that is in line with provisions for the 15-minute neighbourhood, creating successful neighbourhood communities.
- 10.10. In summary, the site is situated in a strategic location and whilst outside of a designated centre or parade would provide a continuation of a commercial parade on Forest Road, consolidating the retail frontage in this section of Forest Road, with the proposed new residential use contributing to the Borough's housing delivery targets within a strategic and sustainable location satisfying the requirements of the London Plan (2021) Policies D2, H1, H4 and SD6; the Waltham Forest Local Plan LP1 (2024) policies 1, 4, 5, 6, 7 and 10. The proposal is considered to be acceptable in principle and remains to be assessed against other material planning issues, including design and character, housing mix, standard of accommodation and impact on neighbouring amenity. These issues, amongst other relevant planning considerations, shall be considered below.

B. DESIGN OF THE DEVELOPMENT

- 10.11. The NPPF (2023) states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 10.12. Policies D4 and D6 of the London Plan (2021) states that development should be of a high quality of design and placemaking. Policy D8 states that development encourage and explore opportunities to create new public real and maximise the contribution that the public realm makes to encourage active travel.
- 10.13. The Waltham Forest Local Plan LP1 Policy 53, states that development proposals should reinforce or enhance local character, taking in account existing patterns of development, townscape, skyline, urban forms, building typologies, architecture, materials, and other features of local and historical significance. It adds that developments should respond appropriately to their context in terms of scale, height and massing.
- 10.14. The development proposal has evolved through collaborative working with officers, to create a development that would be of high quality and make a positive contribution the Forest Road Growth Corridor and a much-needed improvement to the streetscene and wider locality. The key considerations when assessing the design aspects of the development are addressed as follows:

(i) Heritage

- 10.15. The site is in close proximity to a Grade II Listed Building, Thorpe Coombe Hospital (Original House Only) which is set back in the street scene of Forest Road.
- 10.16. The proposal would be set across from the newer development at the Thorpe Coombe site that sits next to the Listed building. Given the position of the proposal, it is not considered it would affect the setting of the Listed building. Although the additional height would be noticeable in the wider context, the proposal is set across and away from the Grade II Listed

Building and the views of the Grade II Listed Building would not be considered to be compromised. The redevelopment of the site with a building of good design quality and materiality is considered to enhance the area and the surrounding buildings, including the Thorpe Coombe Hospital Listed Building.

(ii) Form and Layout

- 10.17. The proposed development provides a spatial layout that delivers a contemporary, high quality, residential development that adheres to good urban design principles in terms of responding well to the existing urban structure, urban grain and spatial constraints.
- 10.18. The site is constrained due to its location and land levels and so, is particularly challenging to achieve a development that sits conformably within its surroundings. A 'U-Shape' typology has been created, with the two wings broadly relating to the building lines of St John's Road and Clifford Road. Officers are of the view that the layout has been designed conservatively to respect the urban grain and changes in levels.

(iii) Height and massing

- 10.19. The proposed development involves the creation of a part 3, part 4 and part 5 storey building with the tallest element located to the south end of the site to Forest Road. This would step down to four storey and then 3 storeys. The lowest element being located towards St John's and Clifford Road (the northern part of the application site).
- 10.20. The height of the proposal is contextualised by surrounding developments including the larger development to Forest Road including the Health Centre and the two storey (plus roof) residential properties fronting St John's Road and Clifford Road. The 5 storey element responds to the changing height of the land levels situated to Forest Road. The proposal is considered to represent the most efficient use of land in development terms and to be the most effective in design terms. The proposed building would reach up to 5.5 storey in height when transitioning from the 5 storey wing on Forest Road to the side wings on Clifford and St John's Road, due to the site level changes. The proposed building would respond to the site context by stepping down to 3 storey when meeting the two storey more traditional housing on Clifford Rd and St John's Road. The tallest element of the proposal would be shorter than the health centre opposite.
- 10.21. The two wings that face St John's and Clifford Road would be considered to respond to the terrace housing in both height and architectural language adopting principles such as bay windows within the design and front landscaped forecourts.

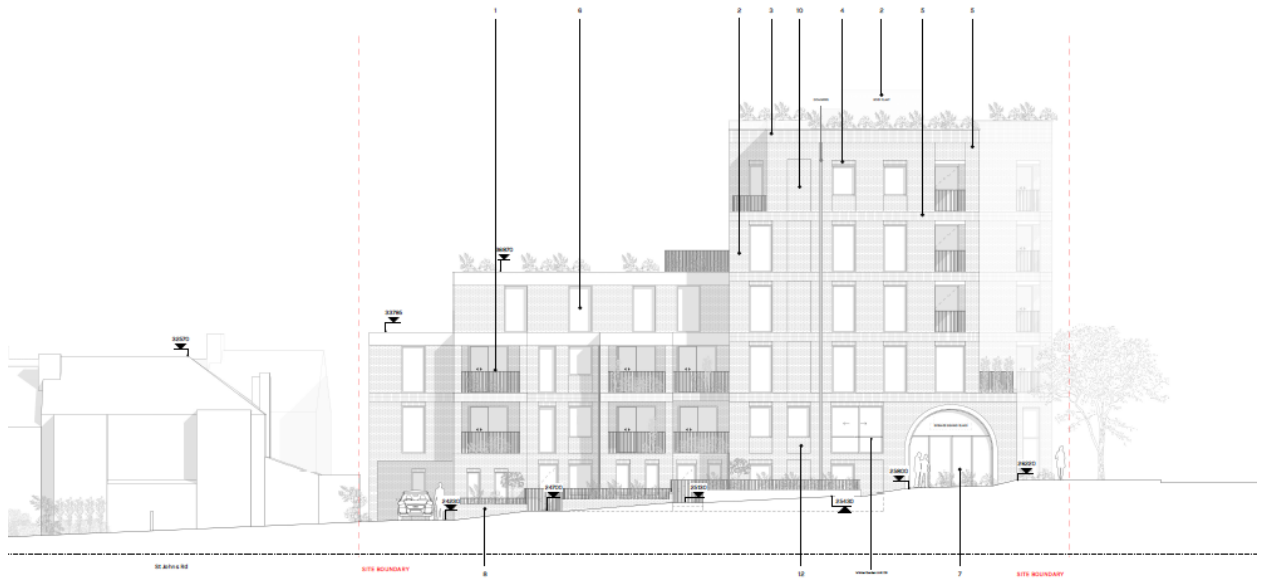


Figure 3: West Elevation

10.22. The proposed development is considered to respond well within its context creating relationships between the 3 distinct sides of the site. As such it would be acceptable under design, visual and massing terms, in that it would respond to the forms of development that are considered appropriate within the context and designation of the site.

(iv) Detailing and materials

10.23. There is an effective contemporary approach to architecture in the development, noting the predominance of high-quality brick finishes in the choice of materials which in general is considered to respond well to the location.

10.24. Differing material tones are supported and provide a clear contrast between each element, grounding the building and weaving it into the streetscape. Different bricks as well as careful detailing will add interest and texture to the building.



Figure 4: Material Palette

- 10.25. The proposed elevations would incorporate a range of design features which would serve both a practical and aesthetic purpose. The reasonably well considered windows sizes and generous balconies would provide a high level of residential amenity for future occupiers, whilst the integrated nature of these features would not detract from the overall visual balance of the building within the wider area.
- 10.26. The ground floor commercial units would provide an active frontage to Forest Road, with arches and curves that reflect the local vernacular of retail units on Forest Road. Architecturally the arches are interesting features, and the overall design provides a contemporary addition which responds to its context. A proposed shopfront and signage strategy is considered appropriate by way of condition to ensure an appropriate design is reflect when leased to commercial uses. Further to this to ensue an active frontage it is considered that a condition ensuring that an active frontage is maintained to the ground floor would be appropriate to ensure it does not deteriorate by the introduction of a range of uses.
- 10.27. Overall, the proposal is considered to provide a balanced form of design with the use of appropriate materials that are sympathetic and compatible with the surrounding built form. The proposed design would offer a good presence of the new development as part of the Forest Road Corridor Framework and create vibrancy.
- 10.28. In light of this, the proposed development, given the design, layout, height, scale and materials would be acceptable, introducing a high quality form of development within the existing urban form in the vicinity and the wider locality in accordance with policies D4, D8 and D9 of the London Plan (2021) and Policy 53 of the Waltham Forest Local Plan LP1 (2024).

C. SAFETY AND SECURITY

(i) Fire Safety

- 10.29. The application submission included a Fire Statement in support of the proposed development. This statement demonstrated that fire safety formed part of the early stage of the design process, and that the development meeting the buildings regulations would secure the necessary fire safety measures. The London Fire Brigade (LFB) confirmed that they had no further observations to make and requested notification of any material amendments to the application.
- 10.30. In light of the above it is considered that the proposed development would overall comply with London Plan (2021) Policies D5, D11, and D12 in respect of fire safety, including by providing means of escape for people requiring level access.

(ii) Crime Prevention

- 10.31. Policy D11 of the London Plan (2021) set out policy which requires all new developments to design out crime and incorporate an acceptable level of safety and security measures and ensure development is resilient to emergency.
- 10.32. Policy 58 of the Waltham Forest Local Plan LP1 (2024) set out requiring all major development to seek to achieve for Secured By Design accreditation via the Secured by Design scheme
- 10.33. The DAS includes some of the recommendations discussed in the pre-application meeting ad further consultation with the Secured by Design Officer with respect to Secured by Design

(SBD) that informed the submitted scheme. In consultation with the Met Police and Designing Out Crime Officers, they have set out a number of mitigations to further reduce opportunities for criminal activities and anti-social behaviour which the Applicant's team have considered and will be addressed at condition stage.

- 10.34. A neighbour objector raised a concern in regards to land to the rear of the site and the security of this area. There is a portion of land that would extend along the rear of the application site that does not fall within the red line boundary nor does it fall in the ownership of neighbouring properties. As it is outside of the red line of the site, this would be a matter that would need to be solved between parties outside of planning. The proposal however does create an active use for the site, with greater levels of surveillance and appropriate boundary treatments as such officers consider that the scheme would improve security for neighbouring properties subject to conditions.
- 10.35. In order to secure compliance, a relevant Secure by Design Guide condition will be imposed subject to planning approval to mitigate and secure necessary mitigations and deliver a secure, safe environment for all users of the proposed development. The safety and security measures relating to defensible zones, boundary treatments, external CCTV, secure access points, and other measures. These are outlined in the supporting assessments and subject to conditions to secure appropriate measures and mitigations in accordance with Policy D11 of the London Plan (2021) and Policy 58 of the Waltham Forest Local Plan LP1 (2024).

D. IMPACT ON NEIGHBOURING AMENITY

- 10.36. The London Plan (2021) Policy D6 states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context.
- 10.37. Waltham Forest Local Plan LP1 (2024) Policy 57 states that new development should respect the amenity of existing and future occupiers, neighbours and the surrounding area by avoiding harmful impacts from overlooking, enclosure and/or the loss of privacy, outlook and daylight/sunlight to adjacent residential properties.

(i) Outlook and Privacy

- 10.38. The proposal has been carefully designed to protect privacy and overlooking to future and existing residents. The proposal has a 'U Shape' to broadly align with the building lines of Clifford Road and St Johns Road and maximise the Forest Road frontage. Due to the relationship of the site to properties to Clifford Road and St John's Road, the proposed habitable room windows would not directly face habitable room windows of neighbouring properties to the north however would face the rear gardens of these properties. To the east and west, habitable room windows would face properties to Forest Road, Clifford Road and St John's Road however these would have a relationship that is across the street.
- 10.39. Officers are satisfied that the design would generally ensure protection to neighbouring outlook and privacy, as detailed below.
- 10.40. No. 16 St John's Road and 2 Clifford Road sit to the north adjacent to the proposal site. The 2 wings of the proposal that extend along St John's Road and Clifford Road would step up from 3 storeys to 4 storeys to 5 storey with the 5 storey element (5 and half when viewed from lower ground levels) located approximately 20m from the boundaries of No. 16 and 2. The set back of the proposal from the neighbouring boundary and the extent the proposal

extends beyond the rear building lines of No. 16 and No. 2 would be considered to maintain an acceptable outlook to No. 16 St John's Road and 2 Clifford Road. The balconies that face No. 16 and No. 2 have been kept to a minimum and would be set back from the boundary of the site as such with an appropriate condition wording to ensure privacy screening to these elements would be conditioned. The remaining flat roofs would be biodiverse green roofs however would not be accessible for amenity purposes.

- 10.41. Officers have assessed the established separation distances from the proposed windows and the existing neighbouring properties that front St John's Road, Clifford Road and forest Road (813 and 827-837) that sit opposite the site. The proposal would be sited 15-18m away from front and side of these properties which would be consistent with the separation distances set out in the National Model Design Code, and reflect the existing street pattern. The proposal is set back from the boundary of the site creating a sufficient buffer and relationship with the street and neighbouring residential properties opposite.
- 10.42. Windows to the flank wall have been kept to a minimum and are secondary windows maintaining a good level of privacy to the neighbouring properties.
- 10.43. To the south, the proposed development would be sited across from the new Heath Centre and a hostel. Given the separation across from Forest Road which is between 22m and 26m and the nature of these uses, it is considered that proposal would not have an unreasonable impact to outlook and privacy.

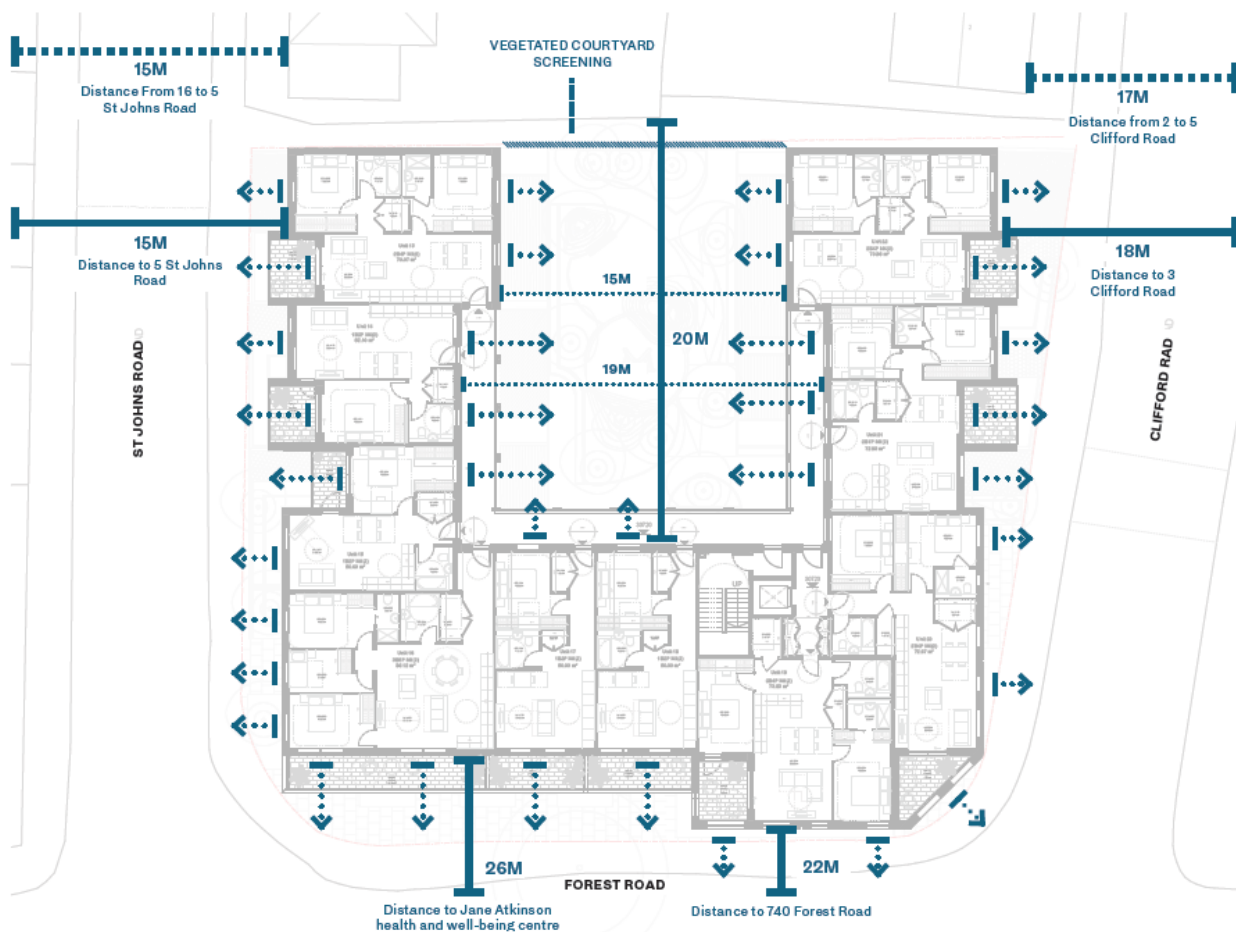


Figure 5 distances between neighbouring properties

(ii) Outlook/privacy - Balconies and Roof Terraces

10.44. Careful consideration has been given to the positioning of balconies and terraces whereby majority of the proposed balconies would be recessed. As such limited overlooking opportunities would be achieved by future occupants. Furthermore, the terrace/balconies on the 2nd and 3rd floor would be set back a minimum of 5.6m away and 6.4m and are private for individual unit use and would have conditions relating to screening. The roof of the main taller element would not be used for amenity use and would only be used for maintenance of plant and solar panels. The remaining flat roofs would be biodiverse green roofs and would not be used for amenity. As such, these distances and screening mitigate opportunities of direct overlooking into neighbouring gardens.

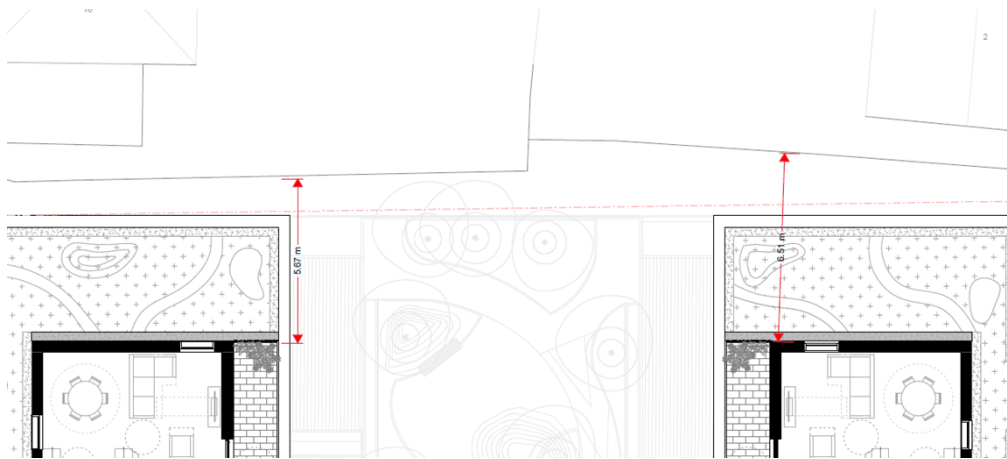


Figure 6: Balconies separation distances from neighbouring site boundaries

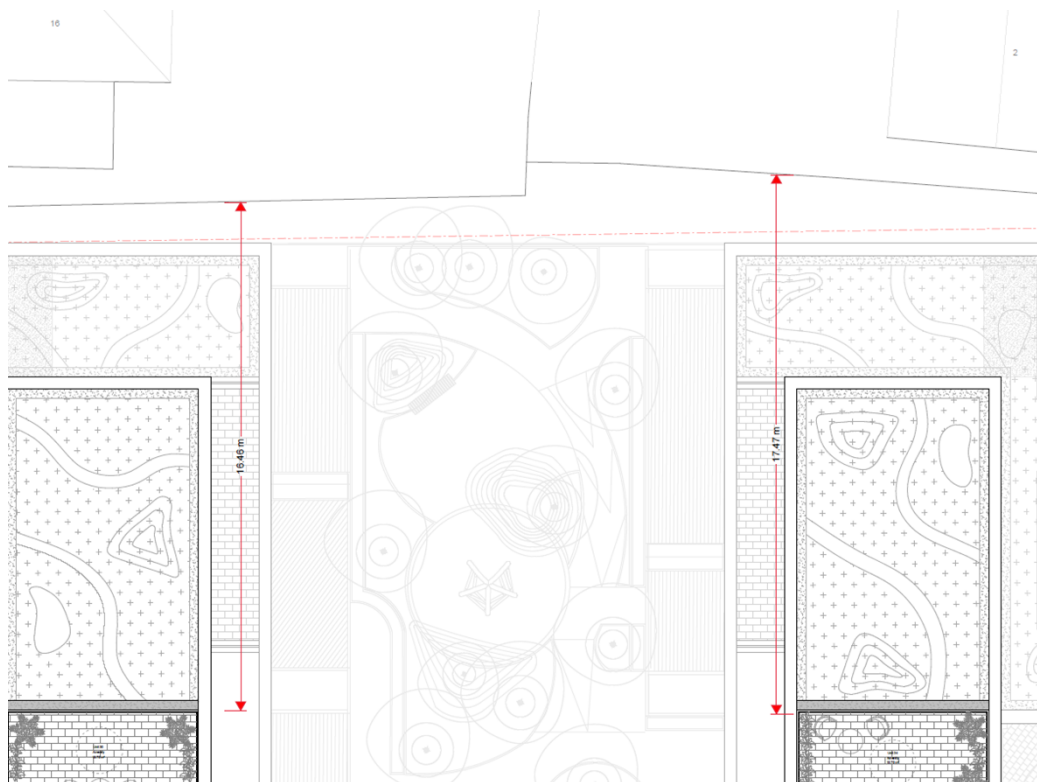


Figure 7: Private terrace separation distances from neighbouring site boundaries

(iii) Daylight, sunlight, and overshadowing

- 10.45. The Mayor's Housing SPG (2016) states that *"an appropriate degree of flexibility needs to be applied when using the BRE guidelines to assess daylight and sunlight impacts of new developments on surrounding properties as well as new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites, and accessible locations. This should consider local circumstances, the need to optimise housing capacity and the scope for the character and form of an area to change over time"*. The assessment should therefore not be limited to a technical exercise against the default BRE guidelines and recommendations but should take into consideration the current and future physical context of the site and its surroundings, considering that BRE is for guidance purposes and there are no policy requirements with regards to numerical values.
- 10.46. A Daylight and Sunlight Report was submitted and provides a detailed daylight and sunlight technical study of the development and considers the height being proposed. The report provides a detailed daylight and sunlight technical study of the development and considers the fact that any additional height that is being proposed, would result in a change in sunlight and daylight on neighbouring properties.
- 10.47. The submitted report notes that results of the technical assessments indicate that the majority of all the windows (81% for VSC; 83% for Annual APSH) and rooms (96% for NSL) tested within the neighbouring buildings will satisfy the initial BRE criteria for daylight and sunlight. Therefore, the proposed development is considered to perform well overall compared against the default values in the BRE Guidelines. Many of the windows and rooms that fall below the default BRE values either represent minor deviations, relate to less sensitive bedroom use; and/or arise due to the inherent design constraints of the neighbouring buildings.
- 10.48. The technical analysis confirms that the following neighbouring properties will fully satisfy the BRE criteria for daylight:
- 9 St John's Road;
 - 11 St John's Road;
 - 16 St John's Road;
 - 18 St John's Road;
 - 20 St John's Road;
 - 2 Clifford Road
 - 4 Clifford Road;
 - 6 Clifford Road;
 - 11 Clifford Road
 - 740 Forest Road; and
 - 742 Forest Road
- 10.49. Those neighbouring buildings not fully adhering to initial BRE criteria for daylight and sunlight are now discussed in further detail below:
- 10.50. 813 Forest Road
- One first floor bedroom window would fall beyond the BRE's default criteria; however, this represents a minor deviation of the numerical guidance (i.e. 20%-30% relative reduction and/or absolute values marginally). Further to this the second daylight test of NSL, the criteria would be satisfied for this window.

- For sunlight, in accordance with BRE recommendations, it has not been necessary to test this property because the key windows facing the site are not within 90° of due south.

10.51. 1a St John's Road

- The 2 windows of the 8 assessed record alterations beyond the BRE's suggested criteria, of which one bedroom window is a minor deviation (i.e. 20%-30% relative reduction). The other window to a kitchen is also a relatively minor deviations (34% relative reduction) and the room is served by another window that does meet the criteria (0.8 x that of its existing value) as such would be considered to have an acceptable level of light. The NSL test for the room would be comfortably satisfied.
- For sunlight, of the seven windows analysed, six would satisfy the annual APSH criteria and five would satisfy the winter APSH criteria. Of the two windows below the suggested winter levels, these represent minor or relatively minor deviations in relative terms and fractional alterations in absolute terms (1% APSH). For the one window below the annual criteria, whilst this represents a more notable alteration in relative and absolute terms, it serves a dual-aspect room with an additional window that would comfortably meet the criteria thus retaining high levels of APSH within the room.

10.52. 1 St John's Road

- The VSC analysis shows that four of eight windows would satisfy the BRE Guidelines. Of the four windows below BRE criteria, three represent very minor deviations only and the one remaining is also a relatively minor transgression (32% relative reduction). For the latter, the associated room is multi-glazed and dual aspect, and where the NSL test for the room would be comfortably satisfied.
- For sunlight, four windows would fall below the suggested winter levels, these represent fractional or small alterations in absolute terms (1%-2% APSH) and are would in most cases relate to multiglazed/ dual aspect rooms with additional windows that meet the suggested criteria. Of the five windows below the annual criteria, all relate to multi-glazed or dual aspect rooms with at least one additional window that either meets the recommended guidance or retains APSH values (over 20% APSH) considered entirely reasonable for the urban context.

10.53. 3 St John's Road

- The VSC analysis shows that four of the seven windows assessed would fall below the BRE criteria, ff the three windows below BRE criteria, two represent minor deviations only and the one remaining is also a relatively minor transgression (31.5% relative reduction). For the latter, the associated room is understood to be multiglazed and dual aspect, with one additional window that meet the VSC criteria, and where the NSL test for the room would be comfortably satisfied.
- For sunlight, of the seven windows analysed, two would satisfy the annual and winter APSH criteria. Of the five windows below the suggested levels, these generally represent minor deviations of the retained target for the annual period (21%-23% APSH retained) and small changes in absolute terms in winter (1%-2% APSH). Furthermore, all relate to multi-glazed/dual aspect rooms with at least one additional window that meets the recommended guidance or is only fractionally (1%) below. As such, the overall sunlight levels retained within the rooms as a whole is considered to be good.

10.54. 5 St John's Road

- The VSC analysis shows that one window of the seven assessed would not satisfy the requirement with this only representing a minor deviation. The window would be part of a bay window with the two other windows in the bay meeting the BRE criteria. NSL assessment, the results show that all (100%) of the two rooms tested would satisfy the BRE Guidelines, with little or no change.
- For sunlight, of the seven windows analysed, six would satisfy the annual APSH criteria and three would satisfy the winter APSH criteria. Of the four windows below the suggested winter levels, these represent small alterations in absolute terms (1%-2% APSH). The one window below the annual criteria represents relates to a bay window with multi glazing with two additional windows that would meet the recommended guidance.

10.55. 7 St John's Road

- The VSC analysis shows that six of seven windows would satisfy the BRE Guidelines; while the one window remaining represents a fractional deviation only and serves a room with additional windows via a bay window that fully satisfy the initial criteria. The NSL assessment, the results show that all of the two rooms tested would satisfy the BRE Guidelines, with little or no change whatsoever in the existing levels of daylight.
- For sunlight, of the seven windows analysed, all would satisfy the annual APSH criteria and four would satisfy the winter APSH criteria. Of the three windows below the suggested winter levels, these represent small deviations of the absolute criteria (1%-2% APSH).

10.56. 9 St John's Road

- The VSC analysis shows that all windows would meet the BRE Guidelines. NSL assessment, the results show that all (100%) of the two rooms tested would satisfy the BRE Guidelines, with little or no change whatsoever in the existing levels of daylight distribution.
- For sunlight, of the seven windows analysed, all would satisfy the annual APSH criteria and five would satisfy the winter APSH criteria. Of the two windows below the suggested winter levels, these represent very small deviations of 1% below the retained value criteria as such would be reasonable and acceptable.

10.57. 11 St John's Road

- The VSC analysis shows that that all windows would meet the BRE Guidelines.
- For sunlight, of the seven windows analysed, all would satisfy the annual APSH criteria and six would satisfy the winter APSH criteria. The one window below the suggested winter level, this represent very small deviations of 1% below the retained value criteria as such would be reasonable and acceptable.

10.58. 20 St John's Road

- The VSC analysis shows that that all windows would meet the BRE Guidelines.
- For sunlight, of the four windows assessed, all would satisfy the annual APSH criteria however three would fail the winter APSH criteria. The room would still receive an acceptable level of light from a roof light during the winter and the annual levels would exceed the minimum standards as such would be acceptable.

10.59. 1 Clifford Road

- The VSC analysis shows that three of eight windows would satisfy the BRE Guidelines, while one represents a minor deviation thereof. Of the four remaining, two record reductions of 31% and 34%; however, these relate to bay windows with

alternative glazing that meets the guidance, and where the overall retained levels to the bay (c. 19%-23%) are considered more than reasonable for the context. The two remaining windows record greater relative losses of 46% and 68%, which arises due to their constrained position beneath an overhanging porchway. Based on external observation, these either serve non habitable space or a multi-glazed space with at least one additional window that meets the guidance. Moving to the NSL assessment, the results show that all of the two rooms tested would satisfy the BRE Guidelines, with little or no change whatsoever in the existing levels of daylight distribution.

- For sunlight, of the eight windows analysed, five would satisfy the annual and winter APSH criteria. Of the windows below the suggested levels, based on external inspection, these either relate to a room served by a bay window with at least one window that meets the guidance or, if subdivided, would serve non-habitable space thus could be discounted.

10.60. 2 Clifford Road

- The VSC analysis shows that all of three windows would satisfy the BRE Guidelines. Moving to the NSL assessment, the results show that all of the three rooms tested would satisfy the BRE Guidelines, with little or no change whatsoever in the existing levels of daylight distribution.
- For sunlight, of the three windows analysed, two would satisfy the annual APSH criteria and one would satisfy the winter APSH criteria. Of the one window below the suggested annual levels, this represents a fractional deviation (1% APSH) off the retained value criteria; while the two windows below the winter guidance represent minor alterations in real terms. Given these windows' location (directly adjacent to the site's northern boundary) and orientation (westerly), it is considered any massing would impact these windows given the low nature of existing development.

10.61. 3 Clifford Road

- The VSC analysis shows that four of eight windows would satisfy the BRE Guidelines. Of the four windows remaining, two represent minor deviations only. The two remaining record greater relative losses of 39% and 43%; however, one relates to a bay window to the ground floor served by additional glazing that would meet the guidance (the main window also retains a VSC of circa 25% i.e. very good for the urban context) and the other arises due to its constrained position beneath an overhanging porchway; the absolute change would be relatively small and either serves non-habitable space or a multi-glazed space with additional windows that meet the guidance. Moving to the NSL assessment, the results show that all (of the two rooms tested would satisfy the BRE. Guidelines, with little or no change whatsoever in the existing levels of daylight distribution.
- For sunlight, of the eight windows analysed, five would satisfy the annual APSH criteria and four would satisfy the winter APSH criteria. Of the windows below the suggested levels, based on external inspection, these either relate to a multi-glazed room served by at least one window that meets the guidance or, if subdivided, would serve non-habitable space thus could be discounted.

10.62. 5 Clifford Road

- The VSC analysis shows three windows would not meet BRE criteria, two represent minor deviations only and one whilst a greater reduction (c. 38%) would be located at an entrance and arises due to its already constrained position beneath an overhanging porchway. This space would be considered to either serves a hallway

(not a habitable space) or room with additional windows that meet the guidance. The NSL assessment, the results show that all of the two rooms tested would satisfy the BRE Guidelines, with little or no change in the existing levels of daylight distribution.

- For sunlight, of the eight windows analysed, six would satisfy the annual APSH criteria and five would satisfy the winter APSH criteria. Of the windows below the suggested levels, based on external inspection, these either relate to a room served by at least one window that meets the guidance or a window that represents an entrance which could be subdivided as a hallway (a non habitable space).

10.63. 7 Clifford Road

- The VSC analysis shows that 14 of 15 windows would satisfy the BRE Guidelines; while the one window remaining represents a minor deviation only and is part of a larger bay window, where the other windows would meet the VSC criteria. The NSL assessment, the results show that all of the three rooms tested would satisfy the BRE Guidelines, with little or no change in the existing levels of daylight distribution.
- For sunlight, of the 15 windows analysed, all would satisfy the annual APSH criteria and 12 would satisfy the winter APSH criteria. Of the three windows below the suggested winter levels, this represents a very minor transgression of the retained criteria (deviation of 2% APSH) and relates to either a room where the alternative glazing would satisfy the guidance (other windows in the bay window) or a window that represents an entrance which if subdivided as a hallway would not be non habitable space.

10.64. 9 Clifford Road

- The VSC analysis shows that eight (89%) of nine windows would satisfy the BRE Guidelines; while the one window remaining represents a minor deviation only, which arises due to its constrained position beneath an overhanging porchway, and where the absolute change would be imperceptibly small (<1% VSC). The NSL assessment, the results show that all of the two rooms tested would satisfy the BRE Guidelines with little or no change in the existing levels of daylight distribution.
- For sunlight, of the nine windows analysed, all would satisfy the annual APSH criteria and seven would satisfy the winter APSH criteria. Of the two windows below the suggested winter levels, this represents a very minor transgression of the retained criteria (deviation of 1% APSH) and relates to a room with additional windows that would satisfy the guidance.

10.65. 11 Clifford Road

- The VSC analysis shows that all windows would satisfy the BRE Guidelines. The NSL assessment, the results show that all of the two rooms tested would satisfy the BRE Guidelines, with little or no change in the existing levels of daylight distribution.
- For sunlight, of the ten windows analysed, all would satisfy the annual APSH criteria and winter APSH criteria.

10.66. 827 Forest Road and 837 Forest Road

- The VSC analysis shows that five of 18 windows tested would satisfy the BRE Guidelines, while two would experience only minor deviations of the guidance. Of the remaining 11 windows, the results show relative reductions of between 30% and 61% in existing VSC. Currently there are uncharacteristically low levels of existing obstruction from the site and significant number of the windows assessed facing the site are heavily blinkered by either recessed balconies or a deep, adjacent projection. Whilst there will be some noticeable daylight alterations beyond the initial BRE

guidance levels, given the context of the existing site and the design of 827/837 Forest Road that the levels would not be considered unacceptable in this instance.

- With regard to sunlight, the APSH results for this property shows that three of the 15 windows assessed would fail however exceptions relate to the windows hampered by the recessed balcony configuration, without which the criteria would be comfortably satisfied.

10.67. 714 Forest Road (Health Centre)

- The VSC analysis shows that 25 of 26 windows would satisfy the BRE Guidelines; while the one window remaining represents a fractional deviation only. The NSL assessment, the results show that all of the 14 rooms tested would satisfy the BRE Guidelines, with generally no change in the existing levels of daylight distribution.
- For sunlight, in accordance with BRE recommendations, it has not been necessary to test this property because the key windows facing the site are not within 90° of due south.

10.68. The submitted report also assesses the impact in terms of external overshadowing whereby eight (89%) of the nine amenity areas tested would satisfy the BRE Guidelines, either via the 50% area-based or its 20% relative reduction criteria. One amenity area to No. 16 St John's Road would not meet the guidance, recording a reduction from 73% to 25% in terms of 2hrs of sun received on 21 March. Further assessment was undertaken for this area covering the dates of 21 April, May, June. The results show that the direct sunlight levels received a month later rapidly increases into the summer months where there is a higher expectation for sunlight and outside spaces are most likely to be fully utilised.

10.69. The report identified that the baseline conditions are high and therefore given the pre-existing levels of sunlight and daylight of neighbouring properties, it is inevitable that any building with an increased massing will influence the daylight received to neighbouring properties. Officers consider levels provided for neighbouring properties to be appropriate within the context and whilst there are shortages these would not be considered to warrant refusal in these cases and generally the scheme achieves an acceptable impact to neighbouring properties.

10.70. On balance, it is considered that the development would be acceptable on amenity terms concerning privacy and would have limited ability to overlook neighbouring properties. Additionally, the development would be broadly in line with BRE guidance and would not have a significant harm on daylight and sunlight of neighbouring residents. Whilst the position of the development is such that any reduction to neighbouring properties would be inevitable, it is important to consider that urban areas would struggle to achieve complete BRE compliance on constrained sites. Given that BRE guidance advocates for a flexible and contextualised approach in line with the Mayor's Housing SPG (2016), the proposed development would be in accordance with the requirements of London Plan Policy D6 of the London Plan (2021) and Policy 57 of the Waltham Forest Local Plan LP1 (2021).

E. HOUSING – TENURE AND MIX

10.71. The NPPF (2021) states that, '*sustainable development involves seeking positive improvements in the quality of the built environment, including widening the choice of high quality homes*'. The NPPF (2021) recognises that in order to create sustainable, inclusive and diverse communities, a mix of housing types, which is based on demographic trends, market trends and the needs of different groups, should be provided.

10.72. It should be noted that the Secretary of State in his letter to the Mayor (dated 13th March 2020) directed an amendment to the wording of the London Plan (2021) Policy H10 (A9) to

state: “The need for additional family housing and the role of one and two bed units in freeing up existing family housing.”

- 10.73. The London Plan (2021) Policy H10 requires schemes to generally consist of a range of unit sizes, having regard to robust local evidence of need and the nature and location of the site.
- 10.74. Policy 15 of the Waltham Forest Local Plan Part 1 (2024) sets out that there is a need for a range of dwelling sizes and tenures to meet the housing needs of its diverse population.

	1 bed	2 bed	3 bed plus
Preferred dwelling mix – Market	20%	50%	30%

- 10.75. The proposal for 39 residential units would provide the following combined housing mix:
- 15 one-bedroom units (38%);
 - 17 two-bedroom units (44%); and
 - 7 three-bedroom units (18%).
- 10.76. Although the percentage of family units is not consistent with the requirements set out by policy 15 of the WFLP LP1 (2024), by reason of an uplift of one-bed units, policy H10 of the London Plan (2021) accept a level of flexibility in terms of housing mix on higher density developments within accessible locations by supporting a higher proportion of one and two bed units which are close to a town centres or public transport. Policy 15 also allows for a variation in mix if justified by location, area characteristics, design constraints and viability of schemes.
- 10.77. The provision of an increased number of smaller units is therefore accepted and considered consistent with the requirements of policy H10, by virtue of the site’s position close to Wood Street Station and an acceptable access to transport links. The site is located fronting a busy street and is constrained in the size of the plot as such smaller units would be acceptable in line with Local Policy 15.
- 10.78. The variation of units to be delivered would help create a mixed and balanced community and contribute to identified local needs in accordance with the objectives of Policy 15 of the Waltham Forest Local Plan LP1 (2024) and London Plan (2021) Policy H10.
- 10.79. As such the proposal with respect to housing mix would therefore be consistent with the objectives of London Plan Policy H10 (2021), and Waltham Forest Local Plan LP1 (2024).

F. MARKET AND AFFORDABLE HOUSING AND VIABILITY

- 10.80. Policy H4 of the London Plan (2021) seeks to maximise affordable housing provision to ensure an average of at least 43,500 additional affordable homes per year across London. London Plan Policy H4 sets out a strategic target for the provision of 50% of new homes as affordable, listing specific measures intended to achieve this aim, including threshold approach and the use of grant to increase provision beyond normally achievable levels.
- 10.81. London Plan Policy H5 states that planning applications for proposals following the viability tested route should include detailed supporting viability evidence, which should be scrutinised

to ensure the delivery of the maximum level affordable housing. It also sets out the requirement for early-stage, late-stage, and mid-term stage (for larger phased developments) viability reviews post planning permission for viability tested schemes. The Affordable Housing and Viability SPG sets out additional guidance on the implementation of these policies.

- 10.82. Policy 12 of the Waltham Forest Local Plan LP1 (2024) sets out a strategic target for 50% of all new homes to be genuinely affordable across the Plan Period. Policy 13 of the Waltham Forest Local Plan LP1 (2024) sets out a threshold approach to viability where sites meet a minimum of 35% would not require a viability assessment. Where sites do not meet the threshold proposals, proposals would be required to be viability tested and supported with viability evidence.
- 10.83. The application proposed no affordable housing on site. As such a financial viability assessment was required. BPS Chartered Surveyors (Viability Assessors) was instructed by the Council to review the FVA prepared by the Applicant's viability consultants (BNP Paribas Real Estate).
- 10.84. The original FVA concluded that the proposed scheme generated a deficit of -£5,517,445 and therefore no affordable housing could be viably offered. BPS reviewed this and challenged a number of assumptions, in particular the benchmark land value.
- 10.85. BNPPRE accepted the points made by BPS, in particular amending their valuation to account for a 30% discount from market value due to the lack of trading records, and BPS agreed on the assumptions made in terms of refurbishment and site value. Notwithstanding acceptance of the BPS values the development would be in an overall deficit of -£1,362,097 and on that basis could not contribute towards or provide affordable housing.
- 10.86. In light of the above, through extensive discussions and negotiations with officers, an off-site affordable housing offer of £150,000 was secured and agreed between parties. The applicant has made this offer on the understanding that the current day viability position may change as a result of growth and inflationary measures, which will be captured by a carefully worded early-stage and late-stage viability review mechanisms within the s106 agreement.
- 10.87. As the offer falls below the threshold, an early and late-stage review mechanisms will be required to capture any future uplift in viability within the s106 agreement.
- 10.88. As such, following FVA scrutiny, officers consider that the provision of an off site affordable housing contribution by the applicant is acceptable in this instance and accords with the Mayor's Affordable Housing and Viability SPG (2017), National Planning Practice Guidance (2021), the Waltham Forest Local Plan Affordable Housing and Viability SPD (2018), Policy 13 and 14 of the Waltham Forest Local Plan LP1 (2024) and Policies H4, H5 and H6 of the London Plan (2021).

G. STANDARD OF RESIDENTIAL ACCOMMODATION

(i) Internal Space Standards

- 10.89. The 'Technical Housing Standards – nationally described space standard' (2015) stipulate the minimum gross internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected for the proposed units. The policy seeks for high quality internal and external design, which should consider the sense of 'arrival' at the

building and the ‘home as a place of retreat’, with acceptable size of rooms and functional room layouts, that meet the minimum spatial requirements.

- 10.90. Policy D6 of the London Plan (2021) sets out the housing quality and standard design specifications for new developments. Including internal rooms sizes, dual aspect, built in storage.
- 10.91. Policy 56 of the Waltham Forest Local Plan LP1 (2024) requires all new residential development to meet minimum internal and external amenity spaces. Policy 56 also seeks for all housing designs to maximise the provision of dual aspect dwellings and avoid the provision of single aspect dwellings wherever possible.
- 10.92. (i) Proposed Standard of Accommodation:

Dwelling Type	Minimum Policy Requirement (sqm)	Proposed Dwelling Size (sqm)
1bed 2person (15 units units)	50	Range between 50 – 60.02
2bed 3person (1 unit)	61	73.96
2bed 4person (16 units)	70	Range between 70 – 78.1
3bed 4person (1 unit)	74	84.92
3bed 5person (6 unit)	86	Range between 86.02 – 89.75

- 10.93. All of the proposed residential units would either meet or exceed the minimum internal space standards contained within the ‘Technical Housing Standards - nationally described space standard’ (2015) and Standard 24 of the Mayor’s Housing SPG (2016).
- 10.94. All units would offer a good layout with usable space with access to private amenity space. The flats would have open-plan living areas with integrated kitchen and dining areas with all units being dual aspect.
- 10.95. The habitable rooms within each unit would also meet the minimum spatial requirements in that double bedrooms would meet or exceed 11.50 sqm and single bedrooms would meet or exceed 7.50 sqm. The proposed floor to ceiling height of each unit would exceed 2.50 metres in height with built-in storage that would exceed the minimum standards, as required by policy D6 of the London Plan (2021).

(ii) Internal Sunlight and Daylight for the occupiers:

- 10.96. Policy D6 of the London Plan (2021) states that housing developments should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect units. A single aspect dwelling should only be provided when it can be demonstrated that all habitable rooms contain adequate passive ventilation, privacy, acceptable levels of daylight and appropriate orientation.
- 10.97. All units would be either dual or triple aspect and in compliance with Policy D6. The application was accompanied by a daylight/sunlight report that assessed the rooms within

the development, where 70% meet the requirement for daylight and 66% meet the requirements for sunlight. Where there are shortages, this is often due to recessed balconies however this should be outweighed against the benefits to provide by private balconies to each unit.

- 10.98. As such, it is considered that the quality of the environment of future homes is acceptable due to careful design consideration which would make efficient use of the layout thereby providing good standard of accommodation and living environment for future occupants.

(iii) Accessible Units

- 10.99. Policy D5 of the London Plan (2021) state that 10% of new housing must meets Building Regulation requirement Part M4 (3) 'wheelchair user dwellings', i.e., is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. Policy D5 also requires an inclusive design statement to be submitted as part of the DAS.
- 10.100. Policy 16 of the Waltham Forest Local Plan (2024) sets out eh expectation for high quality accessible homes requiring all new homes to be accessible and adaptable and a minimum of 10% to be wheelchair accessible, or easily adaptable meeting M4(3).
- 10.101. The proposed development would provide a total of 4 wheelchair accessible units equating to 10.2% meeting the policy requirement. Access to the wheelchair user dwellings would be provided directly from the ground floor, which would have level access into each unit.
- 10.102. A suitably worded condition would ensure that the proposed homes would be suitable for the benefit of the M4(3) users, including private/communal entrances and circulation areas per the proposed Building Regulation accessibility requirements. Planning obligations would ensure that the M4(3) homes have suitable sale marketing exercises.
- 10.103. The proposal sits on a slope however plans show suitable level access to buildings, amenity spaces, and blue-badge car parking spaces. Suitable conditions such as landscaping will allow for further details and compliance to be secured by way of condition.
- 10.104. In light of the above, and subject to the recommended planning obligations and conditions, the proposed development would be acceptable in terms of the accessibility of the residential accommodation. As such, the proposal would be in accordance with Policy 16 Waltham Forest Local Plan LP1 (2024) and London Plan (2021) Policies D5 and D7.

(iv) External Amenity and Children Play Space

- 10.105. Standard C10 GLA's Housing Design standards LPG (2023) requires a minimum of 5sqm of private outdoor space for 1-2 person units and an extra 1sqm for each additional occupant. The minimum depth and width for all balconies and other private external spaces to be 1.5m.
- 10.106. Policy 56 of the Waltham Forest Local Plan Part 1 (2024) sets out that one and two bed flats and maisonettes should provide a minimum of 10sqm of external amenity space per dwelling. Flats and maisonettes containing three bedrooms or more should provide a minimum of 10sqm of external amenity space per dwelling plus an additional 1sqm for each additional occupant. These external amenity space requirements should include some private outdoor amenity space for each dwelling in the form of balconies, terraces and/or private gardens (including roof gardens). The remaining external amenity space requirements can include communal, landscaped amenity space in accordance with guidelines set out in the London Plan. Private external amenity spaces must be a minimum of 5sqm and achieve a minimum

depth and width of 1.5m. Communal external amenity spaces must be a minimum of 50sqm and should be easily accessible to all residents of the development, regardless of tenure.

10.107. Based on the proposed housing mix, the proposed development is required to provide 409sqm of amenity space to accord with Policy 56 of the Waltham Forest Local Plan Part 1 (2024).

10.108. Proposed External Amenity Provision:

Dwelling Type	Proposed Private Amenity (sqm)
1bed 2person (15 units)	Ranging between 5 to 15.54
2bed 3person (1 units)	7.18
2bed 4person (16 units)	7.01 to 26.79
3bed 4person (1 units)	21.15
3bed 5person (6 units)	8 – 27.79
External Communal Area	183
Total Amenity Provision	516

10.109. In total, the proposed development would provide 516 square metres of external amenity space, of which 333 square metres would be provided by private balconies of varying sizes and 183 square metres by communal amenity space at ground floor level.

10.110. It should be noted the external communal area would also be accessible to all residents and also proposes a level access for residents with limited mobility and wheelchair users. The landscape, ground floor levels and pedestrians routes all fall within the existing topography to achieve accessible homes and external amenity.

10.111. As such, all the proposed new flats would have policy compliant sized private amenity spaces in the form of recessed or projecting balconies and private courtyard style garden ground floor units as per the above minimum standards in accordance with the London Plan and Policy 56 of the Waltham Forest Local Plan Part 1 (2024).

10.112. In terms of children's play space, London Plan (2021) Policy S4 and Policy 56 of the Waltham Forest Local Plan Part 1 (2024) which seeks to ensure that development proposals include suitable provision for play and recreation and incorporate good-quality accessible play provision for all ages, of at least 10sqm per child. Policy 56 also sets out that where play space cannot be provided on site, a financial contribution towards enhancing or upgrading the provision of local play space(s) in the vicinity of the development could be sort.

10.113. The GLA population yield calculator estimates a total of 8.5 children would be expected within the proposed development which require 85.1 sqm.

10.114. The proposal would provide 43sqm of play space for 0 – 4 years however would fall short of 43sqm for ages between 5 – 17 years. The proposed play space would be well-designed and integrated with a level of surveillance from balconies and deck access. A financial contribution has also been secured for supporting the upgrade of the public open spaces at nearby local parks including Bisterne Avenue Park, Greenleaf Playground and Brookscroft Road Play Area to compensate the shortfall. The parks, noted above, provide a range of play space for differing ages and therefore the financial contribution towards supporting the

improvements to these parks is accepted and justifies the shortage, in accordance with Policy S4 of the London Plan (2021) and Policy 56 of the Waltham Forest Local Plan Part 1 (2024), which accepts financial contributions when it can be demonstrated that the contribution addresses the need of the development.

- 10.115. The quality of the external amenity/play space would also be secured by a landscaping condition requiring the final design for the play space meeting the requirements of Policy S4 of London Plan (2021), and Policy 56 of the Waltham Forest Local Plan Part 1 (2024), and the Waltham Forest Urban Design SPD (2010).

H. TRANSPORT AND HIGHWAYS

- 10.116. The NPPF (2023) states that development should take opportunities to promote walking, cycling and public transport use.
- 10.117. Policy T1 of the London Plan (2021) states that proposals should support the delivery of the Mayor's strategic target of 80% of all trips in London to be made by foot, cycle or public transport by 2041 and requires developments to make the most effective use of land, reflecting its connectivity and accessibility by existing and future transport, walking and cycling routes and ensure that any impacts on London's transport networks and supporting infrastructure is mitigated.
- 10.118. Policy T5 of the London Plan (2021) seeks proposals to help remove barriers to cycling and create a healthy environment in which people choose to cycle by securing the provision of appropriate levels of cycle parking, which should be fit for purpose, secure and well located. Policy T6 of the London Plan (2021) states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity and requires appropriate disabled persons parking for Blue Badge holders to be provided as set out in Policy T6.1 of the London Plan (2021).
- 10.119. Policy 60 of the Waltham Forest Local Plan LP1 (2024) sets out that the Council will promote sustainable with new developments expected to contribute to more attractive, accessible, healthy and safe streets, places and neighbourhoods.
- 10.120. Waltham Forest Local Plan LP1 (2024) Policy 66 - Managing Vehicle Traffic sets out that proposals which (A) provide parking in less well-connected areas (eg the application site) must be accompanied by a robust Transport Assessment; and that (B) parking must not exceed maximum London Plan standards and those at Appendix 1 of LP1 and finally (C) that all development should provide Blue Badge spaces in accordance with best practice set in the London Plan and LP1.

(i) Car Parking

- 10.121. The site is located within a Controlled Parking Zone (CPZ). Although the site is not positioned within a Town Centre, it is well served by local buses at Forest Road and is located at a distance of approximately 730 metres from Wood Street Station. The introduction of a car free form of development is therefore welcomed.
- 10.122. Policy T6.1 (criterion G) of the London Plan (2021) states 3% disabled parking should be provided from the outset, and provision for remaining 7% marked out on a plan. Paragraph 10.6.10 of the London Plan also states that these spaces should not at any point be used for general parking.

- 10.123. Waltham Forest Local Plan (2024) Appendix 1 Table 1.3 sets out the Council's preferred car parking standards. As a general principle, the Council will seek to encourage parking provision below the maximum figures stated. However, the minimum number of off-street disabled parking spaces is to be provided at 5% of the total number of dwellings in the development with a 2% passive provision to be made.
- 10.124. The proposed scheme would provide two disabled parking spaces meeting the required 5% although no passive provision is proposed given the site nature and constraints. Officers are satisfied with this arrangement and the fact that the site is within close proximity of public transport. Council Transport Policy officers raised no concerns in regards to this arrangements.
- 10.125. Overarching objectives as laid out in London Plan Policy T1, and Waltham Forest Plan Policy do not underplay the importance of meeting the Mayor's strategic target of 80% of all trips in London to be made by foot, cycle or public transport by 2041. The proposed scheme seeks to deliver on this firm objective and promote sustainable transport modes. Car free developments are front and centre of meeting this target and the Council is committed to achieving this ambition in promoting active travel initiatives across this mini-Holland borough. To this end, the Council will secure car free and **£35,000** towards active travel infrastructure by s.106 legal agreement to further mitigate any potential parking.
- 10.126. On this basis, subject to the recommended planning obligations and conditions, officers are supportive of the car-free nature of the proposed development, and the proposed approach to providing disabled persons car parking, which would be in general accordance with Policy 66 of the Waltham Forest Local Plan LP1 (2024), Waltham Forest Local Plan (2024) Appendix 1 and London Plan Policies T6 and T6.1.

(iv) Cycle Parking

- 10.127. London Plan (2021) Policy T5 and Table 10.2 set out the minimum standards for new development cycle parking provision.
- 10.128. Appendix 1 of the Local Plan (2024) sets out the Council's cycle parking standards. The minimum cycle parking provision for the residential element. would be 77.5 long stay spaces and 2 short stay with a ratio is 65% two-tier, and 30% Sheffield and 5% cargo.
- 10.129. The proposal provides 77 long stay spaces for the residential element in the form of a dedicated cycle store to the ground floor accessed from the communal entrance on Clifford Road through the amenity area and individual bike stores for 4 ground floor residential units. 2 short stay bays have been provided outside the site on St Johns Road.
- 10.130. The commercial units provide 2 cycle spaces within the units which would meet the policy requirement for long stay. The proposal however would not meet requirements for short stay spaces which Appendix 1 setting out a minimum of 1 space for non-food retail and a maximum of 5.8 spaces for other uses including food retail. Given the constraints of the site and that to the front of the site, highways have requested an area for adoption to create a better/wider environment for pedestrians and cyclists, on balance benefits for cyclists outweigh the negative in terms of short term cycle parking for the commercial units in this instance. Transport Policy confirmed this was an appropriate approach for this site.
- 10.131. The overall level of provision meets the requirements and as is standard practice, the proposed cycle parking provision and details will be secured by way of condition subject to planning approval.

10.132. As such, the proposed cycle stores would be safe, accessible and secure. The level of cycle provision, stand type ratios are on balance acceptable subject to conditions requiring details as to how the scheme meets the LCDS guidance as far as reasonably possible.

(v) Electric Vehicle Charging Points (EVCP)

10.133. London Plan (2021) Policy T6.1 and Waltham Forest Local Plan LP1 (2024) Policy 67 set out the EVCP requirements and that 20% of spaces should have active charging facilities. Based on the proposed provision of 2no. disabled spaces for this development, the 1no. parking bays on-site would have active charging facilities and would be secured by condition. This exceeds the requirement and therefore accords with policy T6 London Plan (2021).

(vi) Servicing and Access

10.134. The submitted Delivery and Servicing Management Plan shows that servicing would be undertaken from the loading bay on St John's Rd. Highways have confirmed this approach is acceptable however notwithstanding this, a detailed Delivery and Servicing Management Plan will be secured by condition subject to planning approval to include the detailed design and waste collection arrangements for waste collection associated with the other uses.

10.135. As such, subject to conditions, it is considered that the proposal is in accordance with Policy 64 of the Waltham Forest Local Plan LP1 (2024) and Policy T7 of the London Plan (2021).

(vii) Highway Works

10.136. The following highway works are considered necessary to directly facilitate and make the development acceptable, in the interest of traffic and pedestrian movement and safety within the public realm:

- Removal of all redundant crossovers and replacement with full height kerbs to current highways specification.
- Installation of dropped kerb within 15m of bin store, to facilitate bin store collection.
- Construction of vehicle crossovers to facilitate vehicular access on St John's Rd and Clifford Rd.
- Renewal of the footway fronting the site on Clifford Rd and St John's Rd.
- Renewal of the footway fronting the site on Forest Road including the cycle track and associated footway improvements on Forest Rd in accordance with the Forest Rd design.
- Amendments to the existing Traffic Regulation Order (TRO) to enable review of the existing waiting and loading restrictions on both St John's Road and Clifford Road, with extension of existing CPZ bays.

10.137. These works would need to be secured via a s106 legal agreement, and ensure that they are in place prior to the first occupation of the development.

10.138. Section 59 of the Highways Act allows the recovery of expenses in the event of extraordinary traffic. A highways condition survey is therefore recommended by condition, to assess whether there is any deterioration of the highway as a result of the construction works, so these are repaired as part of the construction works.

10.139. A S38 agreement has been requested and agreed with the applicant to offer the area fronting Forest Road up for adoption as public highway to provide a wider footway. This is considered necessary to create a well-connected public realm with proposed highway works for a better pedestrian and cycling environment for the local area. This would be included in the s106 agreement.

(viii) Construction Logistics Plan

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

10.141. Policy 63 and 65 of Waltham Forest Local Plan LP1 (2024) sets out that a Construction Logistics Plan (CLP) setting out the potential impacts of construction traffic, and how this will be reduced. An Outline CLP should be submitted at application stage, followed by a Detailed CLP at the pre-construction phase.

10.142. An Outline Construction Logistics Plan was submitted with the application to outline measures to mitigate construction impact. A Full Detailed Construction Logistics Plan (CLP) will be secured by condition in line with Policy T7 of the London Plan (2021) and Policy 63 and 65 Waltham Forest Local Plan LP1 (2024).

I. WASTE MANAGEMENT

10.143. Policy S17 of the London Plan (2021) seeks to reduce waste and support the circular economy.

10.144. Policy 57 of the Local Plan LP1 (2024) states that new developments should ensure that the provision of adequate facilities for the storage, collection and disposal of refuse is well secured.

10.145. The applicant has adhered to the Council's 'Waste and Recycling Guidance for Developers' (2022).

10.146. The proposed refuse and recycling storage would be provided at internal within the development at the ground floor and this would include ten bins and an area for large bulky items. A separate internal store has been provided for the commercial waste. Both residential and commercial waste stores are located to Clifford Road, as part of Highway works a dropped kerb will be implemented within 15m of the bin store, to facilitate bin store collection.

10.147. Although the proposed refuse and recycling provision is sufficient for the development, a condition is recommended, in order to review a detailed refuse strategy for the physical operation of the site to be reviewed in compliance with the requirements of Policy 57 of Waltham Forest Local Plan (2024). These details should include specifications of ventilation, security, accessibility and should also include arrangements of collection in compliance with the Council's 'Waste and Recycling Guidance for Developers' (2022).

10.148. As such, it is considered that any waste management/servicing and detailed design of the store could be secured by condition in accordance with Policy 57 of Waltham Forest Local Plan (2024).

J. SUSTAINABLE DESIGN AND ENERGY EFFICIENCY

- 10.149. The NPPF (2023) establishes a presumption in favour of sustainable development. It encourages proposals, which support renewable and low carbon energy and associated infrastructure. It further states that, in determining planning applications, LPAs should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated that it is not feasible or viable; and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. The NPPF (2023) also encourages LPAs to adopt proactive strategies to mitigate and adapt to climate change.
- 10.150. London Plan Policy SI2 (2021) states that major forms of development should be net zero carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:
- Be lean: use less energy and manage demand during operation.
 - Be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly.
 - Be green: maximise opportunities for renewable energy by producing, storing, and using renewable energy on-site.
 - Be seen: monitor, verify and report on energy performance.
- 10.151. At a local level, Policy 85 of Waltham Forest Local Plan LP1 (2024) requires all development of more than one home or greater than 100sqm to be supported by an Energy Assessment (for major development schemes this must be undertaken in accordance with GLA's latest Energy Assessment Guidance, with major development meeting or exceeding the net zero-carbon emissions target in line with the London Plan energy hierarchy and in line with best practice guidance including the GLA's latest energy planning guidance and all new build development of more than one home or greater than 100sqm must achieve a minimum of 35% reduction below Part L of the Building Regulations on-site, targeting net zero carbon where possible.
- 10.152. Development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target would be met within the framework of the energy hierarchy.
- 10.153. The submitted Energy Statement was revised and updated, the development predicts to achieve a reduction of 68% in regulated emissions, site wide. This exceeds the London Plan target of 35%.
- 10.154. To meet the requirements of the Local Plan, the Energy and Sustainability Statement indicates a total carbon offset contribution to achieve 100% reduction for the proposed development to be secured by s.106 legal agreement. The Council's Energy and Sustainability Consultant confirmed an offset carbon contribution of £30,306 would be required.
- (i)Energy Reduction (Be Lean) and Overheating:*
- 10.155. Policy SI4 of the London Plan (2021) states that development proposals should minimise adverse impacts on the urban heat island through design, layout, orientation, materials, and the introduction of green infrastructure. Development should demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems.
- 10.156. The submitted Energy Statement confirms that the demand reduction measures would deliver a 10% saving against the baseline for the entire development, as indicated by the

submitted SAP10 figures. As such, the residential elements exceed the 10% target. The non-residential element does not meet the required target however Council's Energy and Sustainability officer notes that this is broadly out of the applicant's ability to achieve.

- 10.157. With regards to air permeability, the development proposes 3.0m³/m²/hr. As advised by the Council's Energy and Sustainability officer, the air permeability values are acceptable. In addition, the proposed U-values are considered acceptable as is the proposed lighting and lighting controls.
- 10.158. The applicant has sought to address the cooling hierarchy, with shade, passive ventilation, thermal mass and active ventilation. A GHA overheating risk tool has been completed showing an acceptable risk at this stage of the design. All the assumptions underlying the modelling are considered to be reasonable. Results show risk of extreme heat waves however they have been appropriately mitigated.
- 10.159. As such, subject to conditions, the proposed development is consistent with Policy SI4 of the London Plan (2021) and Policy 85 of the Waltham Forest Local Plan LP1 (2024).

(ii) Low Carbon Energy Supply (Be Clean)

- 10.160. London Plan Policy SI3 (2021) states that development proposals within a Heat Network Priority Area should have a communal low-temperature heating system and that the heat source for the communal heating system should be selected in accordance with the following heating hierarchy:
- Connect to local existing or planned heat networks.
 - use zero-emission or local secondary heat sources.
 - use low-emission combined heat and power (CHP) and,
 - use ultra-low NO_x gas boilers.
- 10.161. Policy 86 of the Waltham Forest Local Plan LP1 (2024) requires all major development to install a communal heating system and either connect to an existing district heating network (where one exists) or 'future-proof' the system by ensuring the development is able to connect to a district heating network in the future.
- 10.162. A communal system was not provided at submission however was requested and later amended within the scheme to provide it on the roof top. The Energy report confirms that the communal heating system proposed is appropriate and would be connection ready in line with Policy 86.

(iii) Renewable Energy (Be Green)

- 10.163. Policy S12 of the London Plan (2021) and Policy 85 of the Waltham Forest Local Plan LP1 (2024) sets out that developments should maximise renewable energy.
- 10.164. The primary source of the proposed energy supply is from Air Source Heat Pump (ASHP) which are a renewable source of energy and are expected to deliver high percentage of the site's energy needs. A solar PV installation on the roof of the proposal is also included with outputs of 34kWp which has shown to be maximised on the proposed roof plan.

(iv) Sustainable Design

- 10.165. Policy 87 seeks to ensure that non-residential development greater than 100sqm achieves a minimum of BREEAM 'very good' (or equivalent) standards, and encouraging major non-residential development to achieve 'excellent' (or equivalent).
- 10.166. The application has not submitted a BREEAM Pre-assessment. As the commercial footprint is for 235sqm it is considered in this case that a condition would be acceptable to require a pre assessment prior to commencement and a final post construction BREEAM certificate prior to occupation as such would comply with Policy 87.

K. TREES, LANDSCAPING AND ECOLOGY

- 10.167. The NPPF (2023) consultation draft highlights the important contribution that trees make to the character and quality of urban environments as well as mitigating and adapting to climate change. The Framework seeks to ensure that new streets are treelined and opportunities are taken to incorporate trees elsewhere in developments and that existing trees are retained.
- 10.168. Policy D8 of the London Plan (2021) requires development proposals to encourage and explore opportunities to create new public realm where appropriate. Proposals should ensure the public realm is well-designed, safe, accessible, inclusive, attractive, well-connected, related to the local and historic context, and easy to understand, service and maintain. Landscape treatment, planting, street furniture and surface materials should be of good quality, fit-for-purpose, durable and sustainable. Lighting, including for advertisements, should be carefully considered and well-designed in order to minimise intrusive lighting infrastructure and reduce light pollution.
- 10.169. Policy 79 of the Waltham Forest Local Plan LP1 (2024) states that proposal should seek to protect and enhance biodiversity. 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 Importance to Nature Conservation (SINC).

(i) Trees and Landscaping

- 10.170. There are no protected trees located within the red line boundary or adjacent to the site however a street tree is located to the front of the site on Forest Road. The street tree is proposed to be retained.
- 10.171. The application is supported by a Tree Survey, Arboricultural Impact Assessment and a comprehensive landscaping strategy.
- 10.172. The Council's Nature and Tree Preservation Officer and Street Tree Officers has reviewed the proposal and the submitted Tree Survey and Arboricultural Impact Assessment and raised no concerns to the proposed scheme.
- 10.173. The proposed development requires the removal of one tree to the rear of the site, a small category C tree that is situated within the proposed footprint of the building. As part of the landscaping strategy for the site a number of clear and multi stem trees are proposed to create a net increase in trees on the site. Given the size and quality of the tree to be removed and the uplift in proposed trees for the site this is considered acceptable in this case.
- 10.174. To the front is a large London Plane tree which is situated on the public pavement of Forest Road would be retained, with the proposed building having been designed on this basis with an adequate set back to address the relationship with the tree. Street tree officers are of the view that the retained street tree would be considered to not be impacted if BSI 5837 and

NJUG guidelines are adhered to. A condition would be attached to any permission in relation to protection measures and appropriate working methods to ensure the trees protection. Further to this a s106 contribution would be required so that if the tree dies within 5yrs and this has been diagnosed as having been caused by the building works, a contribution would be required of the cavat value of the tree.

- 10.175. The landscape strategy for the proposed development has been guided across the site to create high quality landscape and a visually attractive environment with planting, functional amenity space, facilitate free and easy movement between buildings and through the courtyard as well as a focal space to encourage social interaction. To the frontages of the site, a mix of hard and soft landscaping is used to create defensible space for ground floor units. This is considered acceptable in the street scene to create small front gardens which are prevalent in this urban location.
- 10.176. As such, it is considered that the proposed landscaping would be of a high-quality, with suitable levels of greening, subject to the recommended conditions, in accordance with Policy 79 of the Waltham Forest Local Plan LP1 (2024) and London Plan Policies D8, G1, and G5.

(ii) Urban Greening Factor and Biodiversity Net Gain

- 10.177. Policies GG1, G1 and G5 of the London Plan (2021) require new development to incorporate urban greening features such as street trees, green roofs, green walls, raingardens and nature-based sustainable drainage.
- 10.178. Policy 79 of Waltham Forest Local Plan LP1 (2024) sets out that schemes should demonstrate a minimum 10% biodiversity net gain using the Defra Biodiversity Metric 2.0 (or subsequent version), even where development proposals do not result in biodiversity loss.
- 10.179. In terms of Biodiversity Net Gain the current site is almost all hard landscaped as such the proposed scheme would increase biodiversity on site which is supported by the submitted Biodiversity Net Gain assessment which identified an increase of over 10% and whilst this was using a different Metric calculation this is not considered to change the increase to such that would mean the site would no longer meet 10%.
- 10.180. The proposed development takes a very well-considered approach to integrating green infrastructure within the proposed development, and designing for biodiversity, which is strongly supported.
- 10.181. The proposed development would deliver a greening factor of 0.42 meeting the target of 0.4 set by the London Plan.
- 10.182. As such, it is considered that the proposals accord with Policies 79 of Waltham Forest Local Plan LP1 (2024) and GG1, G1 and G5 of the London Plan (2021) and is therefore considered acceptable.

(iii) Epping Forest SAC

- 10.183. 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 ZOI based on the distance most 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. It is anticipated that new residential development within this ZOI constitutes an LSE

(Likely Significant Effect) on the sensitive interest features of the SAC through increased recreational pressure, either when considered 'alone' or 'in combination'. The Council as Local Planning Authority is obliged to ensure that any grant of planning permission would have sufficient mitigation measures in place 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.

- 10.184. The Council and Natural England have agreed an approach to address the impact of residential development on the SAC, including seeking contributions towards the Strategic Access Management Measures (SAMMS) and a Suitable Alternative Natural Greenspace (SANGS) strategy, which has been published as part of the Local Plan process. A Habitat Regulations Assessment Screening and Appropriate Assessment has been prepared by Simple Planning which confirms that SAMMS contributions are appropriate for the impact of the development on the integrity of any European designated sites, such as the Epping Forest SAC and SSSI either considered alone or in combination with other plans or projects. A contribution of £627/unit £23,199 in total) towards SAMMS is sought and secured through the Section 106 agreement. Financial contributions towards the SANGS would be secured via the Community Infrastructure Levy (CIL) and would be allocated to projects within the relevant catchment area as identified in the strategy.
- 10.185. On the basis of the above, it is considered that the proposed development would have an acceptable impact on ecology. As such, the proposed development would accord with Policy 81 of the Waltham Forest Local Plan LP1 (2024), and London Plan Policies G1 and G6.

L. ENVIRONMENTAL IMPACT

- 10.186. Policy 50 of the Waltham Forest Local Plan LP1 seeks to control and mitigate pollution in all its forms, including noise, vibration and light. The Council's Environmental Health Team reviewed the proposed development and considered that the development would be acceptable subject to mitigation measures to reduce any detrimental impact on amenity and to deliver an acceptable living environment for future residents. These issues are reviewed as follows:
- (i) Noise*
- 10.187. Policy D14 of the London Plan (2021) requires mitigation measures on existing and potential adverse impacts in terms of noise as a result of new development to enhance the acoustic environment of a site and its surroundings.
- 10.188. Policy 50 of the Waltham Forest Local Plan LP1 (2024) states that all major forms of development should aim to minimise the adverse impacts of noise through sensitive design, management, and operation.
- 10.189. The Council's Environmental Health Team raises no objections against the development, subject to conditions requiring the submission of a Construction Environmental Management Plan (CEMP) and Noise levels to be controlled from on site plants and machinery.
- 10.190. The submitted Noise report identified measured noise levels allowed a robust glazing specification to be proposed which would provide internal noise levels for all residential environments of the development commensurate to the design range of BS8233:2014. Further to this officers consider that Sound Insulation between residential and commercial

should be provided and this would be secured by condition. It is considered appropriate to condition set hours of operation 6am – 11pm which considering the area are considered appropriate but necessary to ensure amenity to neighbouring properties is protected in terms of noise.

10.191. Subject to conditions, the development would be acceptable in terms of noise and vibration and consistent with Policy D14 of the London Plan (2021) and Policy 50 of the Waltham Forest Local Plan LP1 (2024).

(ii) Air Quality

10.192. Policy S11 of the London Plan (2021) sets out the requirements for new development to address poor air quality. All forms of development must be at least air quality neutral. At a local level, Policy 88 of the Waltham Forest Local Plan LP1 (2024) ensure the avoidance of any adverse air pollution impacts and aim to improve air quality. All major applications should demonstrate appropriate mitigation measures through an Air Quality Assessment.

10.193. The site is located within an air quality management area (AQMA) to reduce the level of nitrogen dioxide and other particulate matter emissions. A Construction and Dust Control Statement has been submitted with the application. It considered that, subject to a financial contribution of £6,280 for both the residential and commercial elements towards the implementation of the Air Quality Action Plan, which shall ensure maintenance of the Air Quality monitoring network and Air Quality modelling.

10.194. In addition, conditions requiring compliance with the non-road mobile machinery (NRMM) Low Emission Zone and the submission of an Air Quality and Dust Management Plan (AQDMP) are recommended. The AQDMP will be captured as part of the CEMP condition as requested by Environmental Health Team.

10.195. Due to the above considerations, the development would be consistent with Policy S11 of the London Plan (2021) and Policy 88 of the Waltham Forest Local Plan LP1 (2024), subject to conditions and a financial contribution that would ensure that the development protects the amenity and health of neighbouring properties in terms of air quality and pollution.

(iii) Contaminated Land

10.196. Policy 90 of the Waltham Forest Local Plan (2024) seeks to manage contaminated land and prevent the spread of contamination.

10.197. As the site is a petrol station there are likely contaminants within the site that will need to be addressed. The application was submitted with a contaminated land report however this was prepared for the previous owners and is 6 years old, as such the Contamination Land Officer confirmed that a condition would be appropriate to ensure an up to date report is captured.

10.198. The Council's Contamination Officer has recommended conditions, which should provide details of the results of the investigations and remediation measures that should form part of a remediation strategy together with a verification report to demonstrate that the works set out in the remediation strategy are complete.

10.199. To ensure for health and safety reasons that there is no issues of asbestos on site, a condition to request a survey to check this will be attached to forthcoming approval, and should there be evidence of this, appropriate mitigation measures would be required to be taken.

10.200. Given that the Council's Land Contamination Officer has not raised any concerns to the proposal, subject to a condition requiring details that ensure that the development would not pose a risk on contamination. The development would therefore be consistent with Policy SD1 of the London Plan (2021) and Policy 90 of the Waltham Forest Local Plan LP1 (2024).

(iv) Flood Risk

10.201. The site is not located within a Flood Zone and therefore there is a low probability of surface water flooding. Policy SI12 of the London Plan (2021) requires development proposals to ensure that appropriate measures are incorporated to minimise and mitigate any flood risk.

10.202. The current site is largely hard landscaped with concrete which contributes negatively to water run-off. The development would be conditioned in case of approval for the implementation of flood mitigation solutions prior to first occupation, so that development does not create any flooding or surface water run off issues in the wider area. A s106 contribution would be requested towards flood mitigation and SUDs implementation.

10.203. The development would therefore be consistent with the requirements of Policy SI12 of the London Plan (2021) and Policy 91 of Waltham Forest Local Plan LP1 (2024) in that it would not pose a risk of flooding by incorporating acceptable mitigation measures.

(v) Sustainable Urban Drainage

10.204. All new schemes need to be designed to ensure redevelopment will be safe on sites, without the increasing flood risk. It would need to be designed to sufficiently manage run off, as directed by both London Plan and Local Plan. London Plan Policy SI13 (2021) requires new forms of development to utilise sustainable urban drainage systems (SuDS) to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible in line with the drainage hierarchy.

10.205. Local Plan Policy 91 is to ensure that flood risk is properly managed, including beyond an application site. It sets out a number of measures that should be taken, and clearly indicates that the main issue with residential and other built form is the rate of water run-off.

10.206. Although the application site is not within a flood zone and is therefore at very low risk of alluvial flooding, the development would be conditioned in case of approval for the implementation of flood mitigation solutions, so that development does not create any flooding or surface water run off issues in the wider area.

10.207. On any forthcoming consent, a drainage condition would be required, detailing potential SuDS features for the site, which should include permeable paving, raingardens, soakaways, and specifications of infiltration test results together with recommended soakage rates where soil conditions are suitable for infiltration, to ensure compliance with Policy SI13 of the London Plan (2021), and Local Plan Policy 91.

(vi) Water Efficiency

10.208. Policy SI5 of the London Plan (2021) states that development should minimise the use of mains water in line with the Operational Requirements of the Building Regulations to achieve mains water consumption of 105 litres or less per head per day. In addition, Policy 89 of the Waltham Forest Local Plan (2024) states that every form of development should implement water efficiency measures to achieve usage of less than or equal to 105 litres per person per

day for residential use and to incorporate measures for saving water for any new development involving more than 100 square metres, as required by the London Plan.

10.209. The sustainability statement confirms the domestic water use of 105 l/p/d will be targeted and includes an example specification that complies with this. As such, a condition requiring details of measures to reduce water use within the development is recommended, to meet the requirements of Policy 89 of the Waltham Forest Local Plan LP1 (2024) and Policy S15 of the London Plan (2021).

(vii) Archaeology

10.210. Policy HC1 of the London Plan (2021) states that development proposals affecting heritage assets and their setting should be sympathetic to the assets' significance and appreciation within their surroundings. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations in the design process. In addition, Policy DM22 of the WFLP Development Management Policies (2013) states that the Council will ensure the preservation, protection and where possible, the enhancement of the archaeological heritage of the Borough.

10.211. The site does not fall within an Archaeological Priority Zone (APZ) and given the size of the site, an Archaeological Desk Based Assessment was not considered as part of the application. In the absence of archaeological interest and considering that any impact on archaeological remains below ground level would be negligible, the development would not be contrary to Policy HC1 of the London Plan (2021) and Policy 73 of the Waltham Forest Local Plan LP1 (2024) in terms of any impact on significant archaeological remains on site.

11. PLANNING OBLIGATION

11.1. Section 106 Legal Agreements are a material consideration in the determination of a planning application. The purpose of such an agreement is to make otherwise unacceptable development acceptable and they should only be sought where they meet all the following tests:

- i. Necessary to make the development acceptable in planning terms,
- ii. Directly related to the development; and
- iii. Fairly and reasonably related in scale and kind to the development.

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

- Affordable Housing Provision
- Wheelchair Housing
- Highways and Transportation
- Car Free Housing
- Employment and Training Strategy
- Air Quality
- Carbon Offset Fund
- Epping Forest Special Area of Conservation

- Parks and Leisure
- Flood Mitigation/SuDs Implementation
- Future loss of tree
- Retention of Architect
- Legal Fees
- Monitoring and Implementation

12. ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

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

Human Rights

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

13. CONCLUSION

- 13.1. The principle of development is considered acceptable and consistent with local and regional policies. The proposed development would result in making better use of land and achieve optimisation of an underused brownfield site for existing and future generations in an urban location.
- 13.2. The height, scale, massing and design of the development would be acceptable and result in high quality architecture which is considered appropriate for the location within this urban location, within the Forest Road Corridor.
- 13.3. The report provides officer's comprehensive consideration of the planning application and its supporting documentation, including the additional information submitted and any representations received.
- 13.4. The application, if approved, would deliver significant urban regeneration and public benefits, not least including:
 - 39 new residential units (an offsite contribution to affordable housing) which contribute towards local housing targets;
 - Car-free development except for the provision of wheelchair accessible spaces;
 - Promoting sustainable modes of transport with less reliance on the private car;
 - Enhanced cycle facilities;
 - Urban Greening Factor of 0.42 and Biodiversity Net gain over 10%
 - Incorporate the highest environmental standards and would be sustainable;
 - Deliver acceptable energy reduction measures and meet the required carbon dioxide; and reduction targets through air quality, noise and renewable energy considerations
- 13.5. The development would provide £150,000 as an off site affordable housing contribution.
- 13.6. The scheme would directly deliver important walking and cycling improvements and would enhance public space, walking and cycling improvements outside of the site through S106 contributions.
- 13.7. The proposal would make significant CIL contributions, as well as significant social infrastructure. Identified concerns would be appropriately mitigated through the inclusion of conditions and obligations within the legal agreement.
- 13.8. The report has considered the proposals in light of the development plan policies and other material considerations or representations relevant to the environment effects of the proposals.
- 13.9. The conditions set out in the agreed s.106 Heads of Terms (set out in paragraph 1.1 of this committee report) would ensure that any adverse impact of the scheme is mitigated against and the positive aspects of the proposal advanced by the applicant are carried out through the implementation.

14. RECOMMENDATION

- 14.1. The Planning Committee is recommended to grant planning permission subject to the conditions and informatives below and the completion of a s106 agreement with the agreed Heads of Terms, as set out in paragraph 1.1 of this committee report.

PLANNING CONDITIONS

Time Limit

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

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

Approved Plans and Documents

2. The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents and thereafter maintained as such for the lifetime of the development:

Drawings References:

- *Site Location Plan*

1109 -DFA -PL_101 Rev P01 dated 24th August 2023
1109 -DFA -PL_001 Rev P01 dated 24th August 2023
1109 -DFA -PL_002 Rev P01 dated 24th August 2023

- *Existing Plans*

1109 -DFA -PL_019 Rev P01 dated 24th August 2023
1109 -DFA -PL_018 Rev P01 dated 24th August 2023
1109 -DFA -PL_017 Rev P01 dated 24th August 2023
1109 -DFA -PL_016 Rev P01 dated 24th August 2023
1109 -DFA -PL_015 Rev P01 dated 24th August 2023
1109 -DFA -PL_014 Rev P01 dated 24th August 2023
1109 -DFA -PL_013 Rev P01 dated 24th August 2023
1109 -DFA -PL_012 Rev P01 dated 24th August 2023
1109 -DFA -PL_011 Rev P01 dated 24th August 2023
1109 -DFA -PL_010 Rev P01 dated 24th August 2023

- *Proposed Elevations*

1109 -DFA -PL_119 Rev P08 dated 22nd March 2024
1109 -DFA -PL_115 Rev P08 dated 22nd March 2024
1109 -DFA -PL_114 Rev P07 dated 15th March 2024
1109 -DFA -PL_113 Rev P08 dated 22nd March 2024
1109 -DFA -PL_112 Rev P08 dated 22nd March 2024
1109 -DFA -PL_111 Rev P08 dated 22nd March 2024
1109 -DFA -PL_110 Rev P08 dated 22nd March 2024

- *Proposed Floor Plans*

1109 -DFA -PL_108 Rev P08 dated 22nd March 2024

1109 -DFA -PL_107 Rev P01 dated 24th August 2023
1109 -DFA -PL_106 Rev P01 dated 24th August 2023
1109 -DFA -PL_105 Rev P01 dated 24th August 2023
1109 -DFA -PL_104 Rev P01 dated 24th August 2023
1109 -DFA -PL_103 Rev P01 dated 24th August 2023
1109 -DFA -PL_102 Rev P06 dated 23rd February 2024

- *Proposed Site Sections*

1109 -DFA -PL_118 Rev P07 dated 15th March 2024
1109 -DFA -PL_117 Rev P08 dated 22nd March 2024

- *Other Plans:*

1109 -DFA -PL_121 Rev P01 dated 24th August 2023
1109 -DFA -PL_120 Rev P01 dated 24th August 2023
1109 -DFA -PL_116 Rev P01 dated 24th August 2023
23.004-BOSK-XX-00-DR-L-1000 Rev P07 dated 16th April 2024
23.004-BOSK-XX-XX-DR-L-1000 Rev P04 dated 16th April 2024
31383/AC/016 Rev B dated 4th March 2024
1109 -DFA -SH_100 Rev P01 dated 23rd August 2023
31383/AC/005 Rev E dated 22nd November 2023
31383/AC/006 Rev E dated 22nd November 2023

Supporting Documents:

Outline Construction Management Plan dated 12th June 2023
Daylight & Sunlight Report dated August 2023
Statement of Conformity Regarding Daylight and Sunlight Matters dated 26th March 2024
Design and Access Statement (undated)
Preliminary Ecological Appraisal - Biodiversity Net Gain Assessment dated June 2023
Environmental Investigation Report dated May 2018
Affordable Housing Viability Statement Addendum Report dated August 2023
Utilities Stated dated August 2023
Travel Plan Statement dated August 2023
Statement of Community Involvement dated June 2023
Noise Impact Assessment Report Rev A dated 17th August 2023
Landscape Strategy Rev P01 dated 23rd August 2023
Report to inform Habitat Regulations Assessment Screening Assessment dated July 2023
Fire Strategy Revision 3 dated 18th August 2023
Fire Statement Form dated 10th August 2023
Outline Construction Logistics Plan dated April 2024
DRAINAGE / MVHR ADDENDUM (undated)
Drainage Statement and Flood Risk Assessment Rev 3 dated November 2023
Car Parking Management Plan dated January 2024
Delivery and Servicing Management Plan dated December 2023
Waste Management Plan dated December 2023
817-823 FOREST ROAD - ADDENDUM DOCUMENT (Undated)
Planning Statement dated December 2023
CIRCULAR ECONOMY STATEMENT Version 4 dated August 2023

Arboricultural Impact Assessment dated June 2023
Air Quality Assessment dated August 2023
Energy Statement version 6 dated 17th April 2024

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

Contamination

3. Prior to the commencement of development, notwithstanding site clearance and investigation works, the developer must carry out a pre-demolition and refurbishment asbestos survey and submit to the Local Planning Authority to be approved in writing. This shall be carried out in accordance with HSG264. The submitted details shall include a mitigation scheme to eliminate risks to future occupiers and the surrounding local environment from asbestos contamination. The details shall be prepared by a suitable qualified person and the development shall be carried out in accordance with the details approved under the terms of this condition. In the event that Asbestos is found in the surveys carried out as part of this condition, no part of the development hereby approved shall be occupied until a verification report has been submitted to and approved in writing by the local planning authority demonstrating that sources of asbestos contamination have been eliminated.

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 Policies 48, 89 and 90 adopted Waltham Forest Local Plan LP1 (2024).

4. 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 Policies 48, 89 and 90 adopted Waltham Forest Local Plan LP1 (2024).

Construction

5. Prior to the commencement of any part of the development, including demolition and site clearance, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of the following:
- Works of demolition and construction shall be carried out during normal working hours, i.e. 08:00 to 18:00 hours Monday to Friday, and 08:00 to 13:00 hours on Saturdays, with no noisy working audible at the site boundary being permitted on Sundays or Bank Holidays
 - Construction Vehicle Access Strategy
 - Likely noise levels to be generated from plant
 - Details of any noise screening measures
 - Proposals for monitoring noise and procedures to be put in place where agreed noise levels are exceeded
 - Where works are likely to lead to vibration impacts on surrounding residential properties, proposals for monitoring vibration and procedures to be put in place if agreed vibration levels are exceeded. Note: it is expected that vibration over 1mm/s measured as a peak particle velocity would constitute unreasonable vibration.
 - The method statement shall make reference to and comply with The Mayor of London's supplementary planning guidance (SPG) 'The control of dust and emissions from construction and demolition' <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/control-dust-anddo/planning/implementing-londonplan/supplementary-planning-guidance/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 (AQDMP)
- 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 57, 63, 64, 87 and 88 of the adopted Waltham Forest Local Plan LP1 (2024).

6. No NRMM shall be used on the site unless it is compliant with the NRMM Low Emission Zone requirements (or any superseding requirements) and until it has been registered for use on the site on the NRMM register (or any superseding register).

REASON: To ensure that air quality is not adversely affected by the development in line with the Mayor's SPG: The Control of Dust and Emissions during Construction and Demolition, to comply with Policy SI1 of the London Plan (2021).

7. Prior to the commencement of the development, a detailed Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the local planning authority. The Construction and Logistics Plan and Delivery and Servicing Plan must be submitted using the TfL template and guidance found here: www.constructionlogistics.org.uk. The logistics plan shall include details of site access, journey planning, access routes, hours of deliveries, temporary traffic arrangements or restrictions, site operation times, loading and unloading locations and material storage. All works shall be carried out in accordance with the approved details and the Construction and Logistics Plan should be implemented throughout all demolition and construction works.

REASON: To ensure that disruption is kept to a minimum and does not affect highway traffic flows to comply with Policies 50, 57, 63, 65, 87 and 89 of the adopted Waltham Forest Local Plan LP1 (2024).

Architecture and Design

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

REASON: To safeguard and enhance the visual amenities of the locality, in accordance with Policy 53 and Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

9. Prior to the commencement of development on site, notwithstanding site investigation work, clearance and demolition and notwithstanding any indication on the submitted drawing, details relating to the siting, design finish of all balconies and terraces and details of privacy screens 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, and thereafter shall be fully retained and maintained accordingly for the lifetime of the development.

REASON: In the interest of general visual amenity, and avoid overlooking of neighbouring properties so as to preserve the amenity of existing and future residents, in accordance with Policies 53 and 57 of the adopted Waltham Forest Local Plan LP1 (2024).

10. Prior to the commencement of development on site, notwithstanding site investigation and clearance works, demolition and constructions 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. In line with the LBWF Biodiversity Action Plan, new boundary fences should be permeable at multiple points for ground based wildlife where appropriate. 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 53 and 57 of the adopted Waltham Forest Local Plan LP1 (2024).

11. Prior to completion of the development, a proposed shopfront and signage strategy for the commercial unit(s) within the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed strategy shall thereafter be included in any sale or lease documents issued in relation of the commercial unit(s) and any signage displayed shall accord with the approved details and shall be retained in accordance with the strategy for as long as it is displayed.

REASON: To ensure that the development is not detrimental to the character and appearance of the site in accordance with Policies 53 and 57 of the adopted Waltham Forest Local Plan LP1 (2024).

12. Any shutters to commercial units shall be internal only. No shutters should be placed on the external facade.

REASON: To ensure that the development is not detrimental to the character and appearance of the site in accordance with Policies 53 and 57 of the adopted Waltham Forest Local Plan LP1 (2024).

13. Prior to occupation, details relating to the entrances, including entry control system, display of postal numbers and position of letter box facilities shall be submitted to and agreed in writing by the Local Planning Authority. The agreed measures shall be fully implemented as approved and thereafter maintained for the lifetime of the development.

REASON: In the interest of security and visual amenity, in compliance with Policy 53 of the adopted Waltham Forest Local Plan LP1 (2024).

14. The ground floor commercial use hereby approved shall maintain the active frontage as designed and the display window to each individual commercial unit shall at no time have any more than 25% of total window frontage obscured including by advertisements or vinyl transfers or similar.

REASON: To safeguard the visual amenities along the streetscape, creating an attractive, safe and inviting environment, in accordance with Policy 53 of the adopted Waltham Forest Local Plan LP1 (2024).

15. No vents, extracts, or plumbing or pipes, other than rainwater pipes, shall be fixed on the external face of the building, unless shown on the approved drawings.

REASON: In the interest of general visual amenity in accordance with Policy 53 of the adopted Waltham Forest Local Plan LP1 (2024).

Safety and Security

16. Prior to the commencement of development on site, notwithstanding site investigation work, clearance and demolition, full details of measures to be incorporated into the development,

demonstrating how site security would be achieved and include details of CCTV and entry control systems on site, along with how the development can achieve the principles of Secure by Design Certification and this shall be submitted to, and approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out of Crime Officers. The development shall be carried out in accordance with the agreed details and maintained as such thereafter.

REASON: In the interest of security and to protect the living conditions of existing and future residents in the locality in accordance with Policy D11 of the London Plan (2021) and Policy 58 of the adopted Waltham Forest Local Plan LP1 (2024).

17. Prior to the commencement of the development, notwithstanding site investigation and clearance works, demolition and groundworks to slab level, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. All luminaries shall be oriented and designed in such a way to minimise light spillage beyond the site boundary and prevent glare to the windows of residential or light sensitive properties identified. The lighting scheme shall be implemented in accordance with the agreed details and thereafter maintained as such for the lifetime of the development.

REASON: To protect the amenities of adjoining occupiers and the surrounding area, to comply with Policies 50 and 57 of the adopted Waltham Forest Local Plan LP1 (2024).

Highways

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

REASON: In the interests of pedestrian and highway safety, in compliance with Policies 63, 64 and 66 of the adopted Waltham Forest Local Plan LP1 (2024) and Policy T5 of the London Plan (2021).

Sustainable Design and Energy Efficiency

19. Prior to the first occupation of any part of the development hereby permitted, a report demonstrating how the scheme reduces the carbon dioxide emissions of the development by at least 35% compared to the 2021 Building Regulations shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall reference the measures set out in the Energy Statement accompanying the planning application, but shall explain what measures have been implemented in the construction of the development. The development and energy efficiency measures shall thereafter be retained. Any shortfall shall be compensated for in line with the Section 106 legal agreement associated with this site.

REASON: To ensure the development is sustainable and to comply with Policies 85 and 87 of the adopted Waltham Forest Local Plan LP1 (2024).

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

REASON: To minimise the water use of the development, in accordance with the requirements of Policy SI5 of the London Plan (2021) and Policy 89 of adopted Waltham Forest Local Plan LP1 (2024).

21. Prior to the commencement of development on site, notwithstanding site investigation, clearance works and demolition, specifications of a surface water drainage system based on sustainable drainage principles to include details of design, implementation including construction detail, adoption, maintenance and management shall be submitted to and approved in writing by the Local Planning Authority. The approved SUDS shall be fully implemented prior to first occupation of any building and thereafter maintained in accordance with the agreed details for the lifetime of the development.

REASON: To prevent the increased risk of flooding, both on and off-site to ensure that adequate drainage facilities are provided in accordance with Policies 89 and 91 of the adopted Waltham Forest Local Plan LP1 (2024).

22. Prior to commencement of the non-residential units hereby permitted, evidence that the development is registered with a BREEAM certification body, and a BREEAM pre-assessment demonstrating a strategy by which a BREEAM 'Excellent' rating will be achieved, shall be submitted to the Local Planning Authority and approved in writing.

REASON: To ensure that the development achieves BREEAM rating level 'Excellent' and that this is done early enough in the process to allow adaptations to designs and assessment and certification shall be carried out by a licensed BREEAM assessor and to ensure that the development contributes to mitigating and adapting to climate change in accordance with Policy 87 of the adopted Waltham Forest Local Plan LP1 (2024).

23. Prior to occupation of the non-residential units hereby permitted, final post construction BREEAM certificates indicating that the BREEAM 'Excellent' rating has been achieved shall be submitted to the Local Planning Authority and approved in writing.

REASON: To ensure that the development achieves BREEAM rating level 'Excellent' and that this is done early enough in the process to allow adaptations to designs and assessment and certification shall be carried out by a licensed BREEAM assessor and to ensure that the development contributes to mitigating and adapting to climate change in accordance with Policy 87 of the adopted Waltham Forest Local Plan LP1 (2024).

Landscape and Biodiversity

24. Prior to the commencement of development on site excluding ground works, details of the hard and soft landscaping to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of the proposed planting around the site, along with the requirement to demonstrate any permeable areas. The development shall be carried out solely in accordance with the approved details and all approved planting shall be carried out in the first planting season following the occupation of the development hereby permitted or the substantial completion

of the development, whichever is the sooner. Any trees, hedges, shrubs, and greenspaces forming part of the approved scheme which within a period of five years, dies, is removed, or becomes seriously damaged or diseased shall be replaced with others of similar size and species.

REASON: To ensure a satisfactory appearance and in the interest of local amenity and biodiversity in accordance with Policies 53, 77, 79 and 80 of the adopted Waltham Forest Local Plan LP1 (2024).

25. Prior to the first occupation of the residential units, a Landscape Management Plan, which includes long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The approved Landscape Management Plan shall be implemented prior to the first occupation of the development hereby approved and thereafter maintained for the lifetime of the development.

REASON: To ensure the well-being of the trees and in the interest of biodiversity, in accordance with Policies 53, 77, 79 and 80 of the adopted Waltham Forest Local Plan LP1 (2024).

26. No site clearance, preparatory work or development shall take place (excluding erection of site hoarding) until a scheme for the protection of any retained trees (the Tree Protection Plan) on and close to the site, and the appropriate working methods (the Arboricultural Method Statement) in accordance with British Standard BS5837 – 2012. Trees in Relation to design, demolition, and construction – Recommendations has been agreed in writing by the local planning authority.

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 53, 79 and 80 of the adopted Waltham Forest Local Plan LP1 (2024).

27. The development shall fully conform with the recommendations of the Arboricultural Impact Assessment, submitted with this application dated June 2023. The development shall be carried out solely in accordance with the approved details, and all works shall comply with BS 3998:2010(Tree Work - Recommendations) and shall be supervised by a suitably qualified Arboriculturalist and any post-construction mitigation measures shall thereafter be maintained for the lifetime of the development.

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 53, 79 and 80 of the adopted Waltham Forest Local Plan LP1 (2024).

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

REASON: To ensure the well-being of the trees and in the interest of biodiversity and the amenity of the surrounding area, in accordance with Policies 53, 79 and 80 of the adopted Waltham Forest Local Plan LP1 (2024).

29. Prior to the first occupation of the residential units, details of the bat/bird/ habitat boxes shall be submitted to and approved in writing by the local planning authority. The bat/bird/ habitat boxes shall be installed prior to first occupation of the development hereby approved and shall thereafter be maintained in accordance with the approved details in perpetuity.

REASON: In the interest of biodiversity and local amenity, in accordance with Policy 79 of the adopted Waltham Forest Local Plan LP1 (2024).

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

REASON: To protect the amenities of adjoining occupiers and the surrounding area in order to comply Policies 53 and 57 of the adopted Waltham Forest Local Plan LP1 (2024).

31. Prior to occupation of the development details of the proposed children's play equipment in relation to play areas shown on the approved plans will be submitted to and approved in writing by the local planning authority. All children's play equipment will be installed in accordance with the information approved and retained and maintained in perpetuity for the lifetime of the development.

REASON: In order to ensure adequate and appropriate children's play equipment is provided in accordance Policy S4 of the London Plan (2021) and Policy 56 of the Waltham Forest Local Plan LP1 (2024).

Waste Management

32. 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: To ensure that adequate arrangements are made for the storage and collection of refuse and recycling and to comply with Policies 57 and 93 of the adopted Waltham Forest Local Plan LP1 (2024).

Flooding and Water Management

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

REASON: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution

caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework, in accordance with London Plan (2021), Policy SI12; Policy 89 Waltham Forest Local Plan LP1 (2024).

34. No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure in accordance with Policies 68 and 89 of the adopted Waltham Forest Local Plan LP1 (2024).

Parking Management

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

REASON: In the interest of effective provision of safe and well designed parking facilities in accordance with Policy 67 of the Waltham Forest Local Plan LP1 (2024).

36. Prior to the commencement of the development on site, notwithstanding site investigation works, clearance, demolition and construction to slab level, detailed drawings of the cycle storage facilities, including enclosures, access and security, must 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 the areas identified cycle storage shall be retained as such for the lifetime of the development.

REASON: To comply with London Cycle Design Standards, Policy 53, 60 and 61 of the adopted Waltham Forest Local Plan LP1 (2024).

Noise

37. Noise from all new building services plant for the lifetime of the development shall be controlled to a level not exceeding 10dB(A) below the typical underlying background noise level (LA90) during the time of plant operation at a position one metre external to the nearest noise sensitive premises. The underlying background LA90 shall be determined in the absence of the new plant noise. This assessment shall be completed in accordance with

BS4142:2014+A1:2019 'Method for Rating and Assessing Industrial and Commercial Sound'.

REASON: To protect the amenities of adjoining occupiers and the surrounding area in order to comply with Policy 50 and 57 adopted Waltham Forest Local Plan LP1 (2024).

38. Prior to the commencement of the development on site, notwithstanding site investigation works, clearance, demolition and construction to slab level, a sound insulation scheme shall be submitted to and approved in writing by the Local Planning Authority, which will incorporate details of sound insulation to be installed between the commercial premises and residential premises in order manage noise and disturbance. The development shall be carried out in accordance with the approved scheme and shall be fully implemented prior to the development hereby approved first being brought into use and shall thereafter maintained as such for the lifetime of the development.

REASON: To protect the amenities of occupiers and the surrounding area, in order to comply Policy 50 of the adopted Waltham Forest Local Plan LP1 (2024).

Residential Standards

39. All residential units shall be built to The Building Regulations (2010) Access to and use of Buildings, Approved Document M (2015 as amended), Volume 1: Dwellings, M4(2): Accessible and adaptable dwellings.

REASON: To ensure inclusive development in accordance with Policy 16 of the adopted Waltham Forest Local Plan LP1 (2024) and Policy D7 of the London Plan (2021).

40. Four of the units (units 1, 2, 4 and 5 as shown on 1109 -DFA -PL_102) hereby permitted shall be built shall be built to The Building Regulations (2010) Access to and use of Buildings, Approved Document M (2015 as amended), Volume 1: Dwellings, M4(3): Wheelchair user adaptable dwellings. Circulation areas in blocks with M4(3) dwellings will be built in full accordance with Part M4(3), as referred to in London Plan para 3.7.2. This includes the entrance and circulation area doors which will have to be fully compliant with the relevant sections of Approved Document M.

REASON: To ensure inclusive development in accordance with Policy 16 of the adopted Waltham Forest Local Plan LP1 (2024) and Policy D7 of the London Plan (2021).

41. Notwithstanding approved drawings, the development hereby permitted shall have the following mix of accommodation:

- 15 x one-bedroom units
- 17 x two-bedroom units
- 7 x three-bedroom units

REASON: To ensure the agreed mix is delivered and in the interest of the creation of mixed and balanced communities in accordance with policy 15 of the adopted Waltham Forest Local Plan LP1 (2024) and Policy H10 of the London Plan (2021).

Commercial

42. The commercial use hereby approved, shall only operate within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended). No change of use outside of Class E of this premises that would otherwise be permitted by the Town and Country Planning (Use Classes) Order 1987 (as amended) or the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that order, shall be carried out without planning permission having first been obtained from the Local Planning Authority.

REASON: To protect the amenities of adjoining occupiers, in compliance with Policies 48, 50 and 57 of the adopted Waltham Forest Local Plan LP1 (2024).

43. The commercial use hereby approved shall only operate between the hours of 6am to 11pm on Mondays to Sundays including Bank Holidays.

REASON: To protect the amenities of adjoining occupiers, in order to comply with Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

Informatives

1. To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which offers a pre planning application advice service. The scheme was submitted in accordance with guidance following pre application discussions and the decision was delivered in a timely manner.
2. A legal agreement will be entered into with the London Borough of Waltham Forest in conjunction with this grant of planning permission.
3. "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 h(excluding indexation)."

4. **IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences**
 - You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
 - Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
 - Beginning development in breach of a planning condition will invalidate your planning permission.
 - If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a Certificate of Lawfulness.
5. Construction and demolition works audible beyond the boundary of the site should only be carried out between the hours of 0800 and 1800 hours Mondays to Fridays and 0800 and 1300 hours on Saturdays, and not at all on Sundays or Public/Bank Holidays.
6. The submitted Construction Environmental Management Plan shall include details of: Site hoarding Wheel washing Dust suppression methods and kit to be used Bonfire policy Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999 Confirmation if a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors Copy of an asbestos survey. Unexploded Ordnance Survey
7. It is the developer's responsibility to ensure all signage associated with the proposed development i.e. street nameplates, building names and door numbers are erected prior to occupation, as agreed with the Councils Street Naming/Numbering Officer.
8. The verification plan should include proposals for a groundwater-monitoring programme to encompass regular monitoring for a period before, during and after ground works. E.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9month period. The verification report should be undertaken in accordance with guidance Verification of Remediation of Land Contamination: <http://publications.environment-agency.gov.uk/pdf/SCHO0210BRXF-e-e.pdf>
9. Piling works: With respect to any proposals for piling through made ground, the EA refer the applicant to the EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. Approval of piling methodology should be further discussed with the EA when the guidance has been utilised to design appropriate piling regimes at the site. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters. Considering the site sensitivity, a groundwater monitoring/ sampling program should be implemented prior/ during and after piling works.

10. For information on the NRMM Low Emission Zone requirements and to register NRMM, please visit <http://nrmm.london/>.
11. The AQDMP can form part of the Construction Environmental Management Plan (CEMP). The AQDMP shall include the following for each relevant phase of work (demolition, earthworks, construction and trackout):
 - i. A summary of work to be carried out;
 - ii. Proposed haul routes, location of site equipment including supply of water for damping down, source of water, drainage and enclosed areas to prevent contaminated water leaving the site;
 - iii. Inventory and timetable of all dust and NO_x air pollutant generating activities;
 - iv. List of all dust and emission control methods to be employed and how they relate to the Air Quality (Dust) Risk Assessment;
 - v. Details of any fuel stored on-site;
 - vi. Details of a trained and responsible person on-site for air quality (with knowledge of pollution monitoring and control methods, and vehicle emissions);
 - vii. Summary of monitoring protocols and agreed procedure of notification to the local authority; and
 - viii. A log book for action taken in response to incidents or dust-causing episodes and the mitigation measure taken to remedy any harm caused, and measures employed to prevent a similar incident reoccurring. Developments assessed to be medium risk or greater for any of the steps required in an Air Quality and Dust Risk Assessment (AQDRA) regular or continuous PM₁₀ monitoring should be carried out on site. Baseline monitoring should commence 3 months before the commencement of works and continue throughout all construction phases. Details of the equipment to be used, its positioning, additional mitigation to be employed during high pollution episodes and a proposed alert system should be submitted to the Council for approval. No demolition or development shall commence until all necessary precommencement measures described in the AQDMP have been put in place and set out on site. The demolition and development shall thereafter be carried out and monitored in accordance with the details and measures approved in the AQDMP. The IAQM "Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites" details appropriate monitoring for the scale of the site or project.
12. Air Quality ADMS-Roads input data and output files must be provided to LB of Waltham Forest on validation of the planning application. AQ modelling must be based on transport related inputs which have been approved by LB of Waltham Forest Transport Assessment team. It is essential that junctions and heavily congested roads are modelled accurately, and this is reflected in the choice of relevant node spacing and vehicle speed inputs – clearly showing the node distance with speed reduction as the vehicle approaches the area of congestion/junction. This also applies to pedestrian crossings, roundabouts and any street layout which causes congestion such as single lanes with a bus stop. Where under predictions occur nodes must be scrutinised and where necessary vehicle speeds adjusted to reflect queuing. It is the responsibility of the applicant to ensure that their appointed consultants' modelling verification is robust and adjustment factors clearly explained and justified, calculations and graphs must be provided at validation. Margin of error must not exceed 4 (refer to LAQM guidance as best practice). Contrary to the values given in the EPUK guidance a magnitude of change greater than 0.5 µg/m³ is considered significant in areas where present concentrations are approaching / breaching limit values and shall be assessed as such. Any other scenarios should be considered which are relevant to this site.

13. The applicant must seek the advice of the Metropolitan Police Service Designing Out Crime Officers (DOCOs). The services of MPS DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813.
14. 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.
15. This notice is without prejudice to your responsibilities under any other legislation.