

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 5 th November 2024
Application reference:	241769
Applicant:	Greycastle Ltd
Location:	Essex Mansions, 1 Essex Road South, Leytonstone, London E11
Proposed development:	Construction of an additional storey to create five self-contained residential units (Use Class C3) together with full length communal walkway to the front and provision of associated refuse and bicycle storage.
Wards affected:	Forest
Appendices:	None

1 RECOMMENDATION

1.1 That planning permission is GRANTED subject to conditions, informatives and completion of a Section 106 Legal Agreement (S106) with the following Heads of Terms:

Transport and Highways

- A S278 Agreement will be needed subject to the extent of changes on public highways to be understood and agreed.
- Car free for the new units.
- A S106 contribution of £5,000 towards walking and cycling infrastructure.
- A S106 contribution of £5,000 towards public transport accessibility changes.
- A S106 contribution of £750 towards CLP monitoring.

SAMMs

- A financial contribution of £627 per new home towards Strategic Access Management and Monitoring (SAMM) with a total of £3135 (£627 x 5).

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 financial 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 of Development Management and Building Control in consultation with the Council's Legal Services for the sealing of the Legal Agreement and to agree any minor

amendments to the conditions or the Legal Agreement on the terms set out above.

- 1.3 In the event that the S106 Agreement is not completed within six months following the date of Planning Committee, the Assistant Director - Development Management and Building Control is hereby authorised to refuse the application, if appropriate, in consultation with the Chair of the Planning Committee. In the absence of the legal agreement the Council would not be able to ensure that:

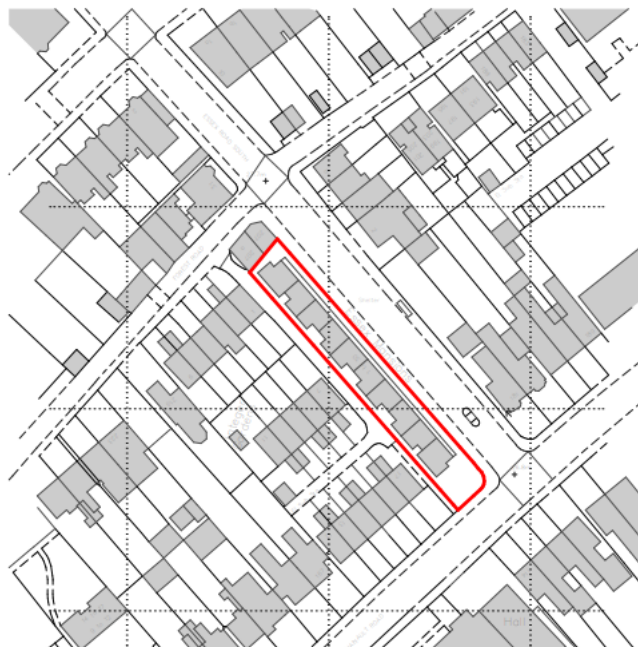
- Necessary highway works are undertaken.
- Measures are in place to improve the public realm and promote sustainable travel options and reduce car use.
- The new development is car free.

2 REASONS REFERRED TO COMMITTEE

- 2.1 This application is referred to the Planning Committee due to the number and type of representations received which are contrary to the planning officer's recommendation of approval.

3 SITE AND SURROUNDINGS

- 3.1 The application site comprises a three-storey flatted development known as "Essex Mansions", providing 30 one-bedroom residential units. The property is sited in linear fashion along the south western side of Essex Road South from its junction with Hainault Road south east of the site, to Forest Road north west of the site.



1 Site Location Plan 1:1250

- 3.2 The existing building is constructed of red brick with blue painted steel walkways externally providing entrance to the units. The roof of the building

overhangs the front of the properties and the walkway with a railing and roof clutter above. There are also redundant water tanks on the roof with disused chimneys.

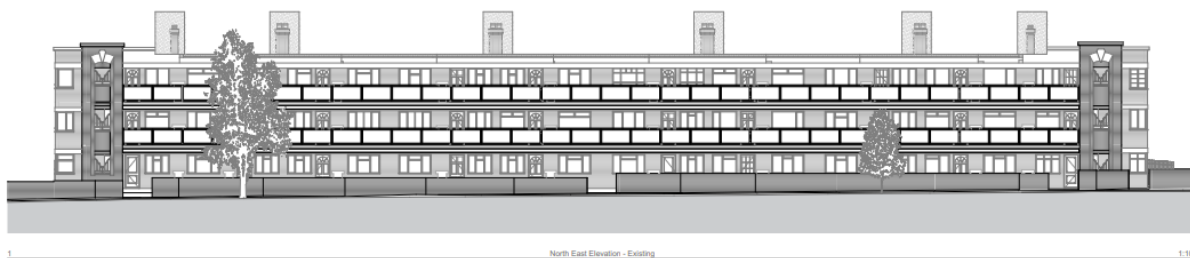


The existing building as viewed from the north east side of Essex Road.

- 3.3 The subject site has a Public Transport Access Level (PTAL) of 5 being located approximately 0.5 miles to the north-west of Leytonstone Underground Station and Leyton Midland Road Overground station is located a similar distance to the south west of the site. The site is served by a number of bus routes with a stop located directly outside the site on Essex Road South.
- 3.4 There is no existing on-site car or cycle parking, nor any amenity space provision. A small refuse storage area is located to the northern edge of the site, however it is insufficient to meet the demands of the existing building. There is a hardstanding area to the south of the site that is not conducive to communal amenity space given its relative scale and treatment.
- 3.5 The surrounding area is residential in character, predominantly comprising two storey terrace and semi-detached dwellings, as well as 3-4 storey flatted developments. The property is not located within a Conservation Area, is not listed and is not subject to an Article 4 direction other than the Borough-wide change of use from Class C3 to C4.

4 APPLICATION PROPOSAL

- 4.1 The application seeks planning permission for the construction of an additional floor above the existing 3 storey building to provide 5 two-bedroom self-contained residential units with an external communal walkway to provide access to the principal elevation. The scheme also includes provision of refuse and cycle storage.



- 4.2 The application is made following a previous application at the site for a similar development, this submission omits the previously proposed terraces to the rear and sides of the additional storey to provide amenity space for the proposed flats. The previous application (Reference 213235) was refused by the Local Planning Authority on 22 February 2022 for seven reasons which was appealed (Reference APP/U5930/W/22/3298059) and dismissed by the Planning Inspectorate, however the appeal decision does not uphold a number of the LPA's reasons for refusal dismissing the appeal on the basis of the design and visual impacts of, and the opportunity for overlooking from the proposed balconies.

5 RELEVANT SITE HISTORY

5.1 Planning:

- Ref. 213235 – Full Planning - Construction of an additional storey to create five 2-bedroom self-contained flats together with full length communal walkway (with metal guard rail) to the front and private balconies to the side and rear elevations. Provision of bin and cycle storage. – Refused
 - Appealed – 31/07/2023 – Dismissed

The Local Planning Authorities reasons for refusal were as follows:

1. The proposed development would unduly impact on amenities of the occupants of the neighbouring residential properties at Integer Gardens, in terms of overlooking, loss of privacy and general noise and disturbance. The development would be contrary to Policies CS2, CS13 and CS15 of the Waltham Forest Local Plan – Core Strategy (2012), Policies DM4, DM29, and DM32 of the Waltham Forest Local Plan – Development Management Policies (2013), Supplementary Planning Document 'Residential Extensions and Alterations' (2010) and Supplementary Planning Document 'Urban Design' (2010).

2. *The proposed extension, by reason of its design, position and bulk, would be an unduly dominant and bulky addition which is out of keeping with the character of the original host property, the street scene and the local area, to the visual detriment of the locality. The proposal would be contrary Policies CS2 and CS15 of the Waltham Forest Local Plan – Core Strategy (2012), Policies DM4 and DM29 of the Waltham Forest Local Plan – Development Management Policies (2013), Supplementary Planning Document 'Residential Extensions and Alterations' (2010) and Supplementary Planning Document 'Urban Design' (2010).*

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

(i) impact of the proposed extension on the daylight and sunlight to the habitable rooms of the existing second floor flats, being flats 21-30 Essex Mansions,

(ii) the absence of section drawings, therefore Planning Officers are unable to establish the floor to ceiling height of the proposed flats,

(iii) the existing tree is not identified on the existing and proposed plans and

(iv) the proposed refuse collection arrangements are unclear and the proposed plans do not indicate the location of the dropped kerb to facilitate refuse collection.

As such it is not possible to establish that the development complies with Policies G6 and G7 of the London Plan 2021, Policies CS2, CS5, CS6, CS13 and CS15 of the Waltham Local Forest Plan - Core Strategy (2012) and Policies DM4, DM7, DM29, DM32 and DM35 of the Waltham Forest Local Plan – Development Management Policies (2013), Supplementary Planning Document 'Residential Extensions and Alterations' (2010) and Supplementary Planning Document 'Urban Design' (2010).

4. *The development provides poor standard of accommodation for the occupiers, comprising of*

(i) shortfall of built-in storage space which does not meet the minimum space standards and

(ii) location of refuse storage within the communal outdoor amenity space for the development.

The proposals would be contrary to Policy D6 of the London Plan 2021, Policies CS2, CS13 and CS15 of the Waltham Forest Local Plan - Core Strategy (2012), Policies DM4, DM7, DM29 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013) and Supplementary Planning Document 'Urban Design' (2010).

5. *The scheme is not car-free and proposes that occupiers of the proposed flats would benefit from parking permits. The application site is located within a Controlled Parking Zone (CPZ) and as such policy requires the development to be car-free. As such, the scheme is contrary to Policy CS7 of the Waltham Forest Local Plan - Core Strategy (2012) and Policy DM16 of the Waltham Forest Local Plan - Development Management Policies Submission (2012).*

6. *The proposal fails to incorporate adequate cycle storage capacity for the development. The proposal would be contrary to Policy CS7 of the Waltham Local Forest Plan - Core Strategy (2012) and Policies DM14 and DM16 of the Waltham Forest Local Plan Development Management Policies (2013).*

7. *The proposal fails to incorporate adequate measures to deal with collection of refuse and recycling materials, whereby:*

(i) the proposed refuse storage area does not provide adequate space for the required bin storage capacity,

(ii) the refuse storage location would have a detrimental impact on the amenity and quality of the communal outdoor amenity space serving Essex Mansions,

(iii) the refuse storage location would have a detrimental impact on the visual amenity of the Hainault Road street scene.

The proposal would be contrary to Policies CS13 and CS15 of the Waltham Local Forest Plan - Core Strategy (2012) and Policy DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

5.2 Pre-application:

None

5.3 Enforcement:

None

5.4 Adjacent/neighbouring sites:

None relevant.

6 **CONSULTATION**

6.1 Public Consultation

A site notice was displayed, dated 1 August 2024. The following addresses have been consulted by individual letter notification:

- 1 to 30 Essex Mansions, 1 Essex Road South, Leytonstone, E11 1JP
- First Floor Front Flat, 2 Essex Road South, Leytonstone, E11 1JR
- First Floor Rear Flat, 2 Essex Road South, Leytonstone, E11 1JR

- Ground Floor Left Flat, 2 Essex Road South, Leytonstone, E11 1JR
- Ground Floor Right Flat, 2 Essex Road South, Leytonstone, E11 1JR
- Ground Floor Flat 1, 4 Essex Road South, Leytonstone, E11 1JR
- First Floor Flat 2, 4 Essex Road South, Leytonstone, E11 1JR
- 2 -10 (evens) Essex Road South, Leytonstone, E11 1JR
- Ground Floor Flat 1, 31 Essex Road South, Leytonstone, E11 1JR
- First Floor Flat 2, 31 Essex Road South, Leytonstone, E11 1JR
- 199 to 219 (odds) Forest Road, Leytonstone, E11 1JS
- Elim Pentecostal Church Hainault Road, Leytonstone, E11 1EL
- 114 to 130 (evens) Hainault Road, Leytonstone, E11 1EL
- 167 Hainault Road, Leytonstone, E11 1EL
- 181 to 189 (odds) Hainault Road, Leytonstone, E11 1EL
- 1 to 17 Integer Gardens, Leytonstone, E11 1LJ
- 1, 1a -c, 3, 3b Forest Drive East, Leytonstone, London, E11 1JX
- 2 -6, 6a, 8-12 (evens) Forest Drive West, Leytonstone, London, E11 1LA

The Council received **27** representations, though some were found to be duplicated, therefore resulting in **11** objecting addresses.

Objection Received	Officer Response
Amenity Impact: Loss of privacy, overbearing, loss of light, outlook, disruption during construction	Given the proposal's relationship with neighbouring properties and supporting technical details, it is considered that the proposal would not unreasonably result in loss of light, overbearing impact or overlooking to existing occupiers. A condition would be included for a Construction Environmental Management Plan which will include details of control of dust and noise during construction.
Highways: Insufficient parking on street and congested roads	The principle of a car-free form of development is supported by Officers given the location within a Controlled Parking Zone (CPZ). Highways Officers have reviewed the development and recommended a number of ways to mitigate or avoid impacts of development.
Design: Overly dominant and not in keeping with the existing building or character of the area	In terms of architectural design, officers are of the view that the proposal is of an appropriate 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.

Objection Received	Officer Response
	This is discussed in section 9B of this report taking into account the history of the site.
Reduction in property values and signs of subsidence	The impact on property values is not a material planning consideration. Structural matters would need to be addressed by the developer and building control
Insufficient waste provision to serve existing residents	Waste provisions are increased as a result of this development. A condition is included to secure numerically policy compliant provisions. This is discussed at section 9H of this report.
Similar proposal recently refused	The site history is understood and taken into account with this application. This submission has taken into account the recent appeal decision (APP/U5930/W/22/3298059) and has submitted revisions in line with the Inspector's comments.
No accurate predicted timescale for development	This detail is not required in order to assess the scheme against planning policy.
Impact of water tanks being removed from the roof	Officers note this concern, however it is considered a civil matter that would require agreement between the developer and landowners. Any utility connections would be resolved by the applicant with any required permissions sought outside of planning remit.

6.2 Statutory Consultation

Consultees	Response
Design	The appeal Inspector found the balconies would be unacceptable in design terms which have been removed under this resubmission, meaning new homes would not have any private outdoor amenity space, contrary to Policy 56 Part C. In this instance, it appears that the provision of external amenity space is not possible for the new or existing homes in the building. The deck access provides a limited area of defensible space outside each flat door. Though not

Consultees	Response
	<p>private amenity space by definition, it provides occupants with opportunity for fresh air.</p> <p>The drawings show windows to the new floor to be flush with outer wall, resulting in a flat appearance that will contrast negatively with the existing windows on lower floors. The drawings should be revised to show a window reveal and it is advisable to condition window reveals to depths that match those of the windows of the existing building.</p> <p>It is advisable to condition for material samples so that we can ensure a good match, including aspects such as the window material/colour/design, RAL colour for the metal deck, material and RAL colour for the balustrade associated with the staircase, mortar style and colour as well as brick colour, as well as rainwater goods which are missing from the drawings and DAS currently.</p> <p>Information is also missing on the materials and details of the roof – details of the roof eaves, fascia and soffit, including depth of overhang, materials and colours should be conditioned.</p>
Highways	<p>No highway safety concerns raised subject to the following matters being addressed with any forthcoming approval:</p> <ul style="list-style-type: none"> • Conditions involving the submission of a Detailed Construction Logistics Plan, and highways condition survey. • S278 Agreement subject to extend of changes on public highway. • Financial contributions towards monitoring the Construction Logistics Plan, managing public transport route impacts as a result of waste collection and construction period, and improving sustainable modes of transport. • S106 to secure car free development
Sustainability and Energy	<p>Policy 85 A.: “Requiring all development to promote low carbon energy generation and maximise the opportunity for renewable energy following the London Plan energy hierarchy;”</p> <p>The energy hierarchy has been followed.</p> <p>At Be Lean stage most of the fabric specifications are good. Although the Window u-value of 1.6 is disappointing when as low as 1.0 is now available and frequently used.</p>

Consultees	Response
	<p>Lack of Be Clean action is justified by the size and type of development.</p> <p>Be Green renewable energy is provided with heat pumps and PV.</p> <p>Be Seen actions are for a later stage.</p> <p>Policy 85 B ii.: “All new build development of more than one home or greater than 100sqm must achieve a minimum of 35% reduction below Part L...”</p> <p>Achieved with 49%</p> <p>Policy 85 B ii. a.: “‘Be Lean’ stage (energy efficiency) carbon reduction targets before other measures are incorporated to meet the overall 35% reduction target, achieving a minimum of: a. 10% reduction below Part L of the Building Regulations for residential development;”</p> <p>Achieved with 23%</p> <p>Policy 87 B.: “applications for residential development of one or more new homes, or non-residential development of greater than 100sqm are required to submit a Sustainability Statement”</p> <p>Provided.</p> <p>Policy 87 B. ii: “Encouraging residential development to target higher standards of sustainability, including the Home Quality Mark and Passivhaus or equivalent;”</p> <p>Not targeted. Targeting HQM or Passivhaus should be encouraged</p> <p>Policy 87 B. iii: “Ensuring that development of one or more homes, or greater than 100sqm, is designed according to sustainable development principles to achieve zero-carbon targets in line with the London Plan and Policy 85 ‘A Zero Carbon Borough’;” (plus Policy 85 B. i.)</p> <p>A 49% carbon reduction over Part L is achieved on site. The offset payment required for the rest in order to achieve net zero carbon has been calculated as £7,240. This matches my own calculation.</p> <p>Policy 87 B. iv. “Adopting sustainable construction and demolition methods, including using sustainably sourced, reused and recycled materials and where</p>

Consultees	Response
	<p>feasible demolished material from the development site”</p> <p>Commitment is given to these. This would be best evidenced by following HQM as above.</p> <p>Policy 87 B. v. “Controlling and monitoring dust, NOx, PM10 and PM2.5 emissions from development aligned with measures set out in Policy 88 'Air Pollution';” (+parts of Policy 88)</p> <p>No mention found. The Air Source Heat Pumps proposed will cause no local air pollution in use. Dust control would best be evidenced by following HQM as above.</p> <p>Policy 87 B. vi. “Maximising Urban Greening and blue and green infrastructure measures, and incorporating ‘living building’ principles into new and existing developments, including measures to improve biodiversity;”</p> <p>No mention found. Would best be evidenced by following HQM as above.</p>
Metropolitan Police	<p>Insufficient evidence provided with the application relating to security or SBD measures such as access control, boundary treatments, CCTV, lighting, security relates products or bike and bin storage security for holistic approach to crime prevention considering increase in occupants.</p> <p>If development is supported, the SBD Homes 2024 Guide does allow for sites to achieve Certification (Bronze or Silver Standard) if appropriate security measures are incorporated following discussion with our unit. It is recommended that the developer contacts the Designing Out Crime Officers as there have been reported crime in the last 3 years in the block itself and surrounding area.</p>
Waste & Recycling	<p>The plans show 7 x 1100 communal bins, they would need 4 x 1100 refuse and 4 x 1100 recycling bins for the correct waste capacity, as well as the 2 x 240 food waste bins shown in the plans.</p>

7 DEVELOPMENT PLAN

The London Plan (2021)

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

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

- GG2 Making 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
- D6 Housing quality and standards
- D14 Noise
- H1 Increasing housing supply
- H2 Small sites
- H10 Housing size mix
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI 1 Improving Air Quality
- SI 2 Minimising greenhouse gas emissions
- SI 7 Reducing Waste and supporting the circular economy
- SI 13 Sustainable Drainage
- T1 Strategic approach to transport
- T4 Assessing and mitigating transport
- T5 Cycling
- T6 Car Parking
- T7 Deliveries, Servicing and Construction
- DF1 Delivering of the Plan and Planning Obligations

Waltham Forest Local Plan LP1 (2024)

7.2 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 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 9 South Waltham Forest
- Policy 12 Increasing Housing Supply

- Policy 15 Housing Size and Mix
- Policy 19 Small Sites
- Policy 53 Delivering High Quality Design
- 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 65 Construction Logistics Plans
- Policy 66 Managing Vehicle Traffic
- Policy 81 Epping Forest and the Epping Forest Special Area Of Conservation
- Policy 85 A Zero Carbon Borough
- Policy 91 Managing Flood Risk
- Policy 93 Waste Management
- Policy 94 Infrastructure and Developer Contributions

8 OTHER MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework (2023) and 2024 consultation

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

For decision-taking the NPPF states that the presumption means "approving development proposals that accord with an up-to-date development plan without delay" and where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless "...any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

The NPPF gives a centrality to design policies. Local planning authorities (LPAs) are to make sure that the quality of approved developments does not materially diminish "between permission and completion, as a result of changes being made to the permitted schemes."

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

- Delivering a sufficient supply of homes
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land
- Achieve well-designed places
- Conserving and enhancing the natural environment

Other Planning Guidance

- 8.2 Technical Housing Standards – nationally described space standards (2015)
Supplementary Planning Document Urban Design (2010)
Supplementary Planning Document Residential Extensions and Alterations (2010)
Supplementary Planning Document Revised Planning Obligations (2017)

Local Finance Considerations

- 8.3 Local Finance Considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL).
- i. There are no grants which have been or will or could be received from central government in relation to this development.
 - ii. The Council has not received and does expect to receive any income from LBWF CIL in relation to this development.
 - iii. The Council has not received and does expect to receive any income from Mayoral CIL in relation to this development.

9 ASSESSMENT

- 9.1 The main issues for consideration, in relation to the proposed development are as follows:
- A. Principle of development
 - B. Design and character
 - C. Safety and Security
 - D. Residential Amenity
 - E. Housing Mix
 - F. Standard of Accommodation
 - G. Highways
 - H. Waste management
 - I. Sustainability and Energy
 - J. Landscaping and Ecology
 - K.

A. Principle of development

- 9.2 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).

- 9.3 The National Planning Policy Framework (NPPF) at paragraph 124 part (e) supports opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers. It should be noted that the reference to consistency with prevailing height is proposed to be deleted in the consultation draft of the NPPF.
- 9.4 Policy 8 of the Waltham Forest Local Plan Part 1 (LP1) 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 identifies that the Council aims to maximise the opportunities to increase the supply of homes on all suitable, appropriate and available sites. This includes encouraging appropriate residential intensification, making effective and efficiency use of land by optimising housing densities and supporting new homes on small sites to contribute to housing need.
- 9.5 The proposal would provide additional residential accommodation on currently developed land which is welcomed in land use terms. It would result in a net gain of 5 residential units in an accessible and sustainable location close to local amenities and would maximise the number of homes on site, as well as introducing new housing mix providing 2-bedroom units within the flatted development.
- 9.6 In light of this, the principle of development providing additional residential units is considered acceptable and in line with Policy 12 of the LP1.

B. Design and character

- 9.7 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. Policies D4 and D6 of the London Plan (2021) states that development should be of a high quality of design and placemaking. Policy 53 seeks to ensure that development responds appropriately to its context in terms of scale, height and massing, enhancing local character in relation to the architectural integrity of the area.
- 9.8 The proposal involves the upward extension above the 3-storey building, to occupy the full length and width of the existing building and to reflect the style and appearance of the original building. In considering the current application, the external elevations differ from the previous submission (Ref. 213235) through the removal of the proposed balcony and terraces.
- 9.9 The previous assessment took into consideration the context of the site, being two storey terrace dwellings around the immediate vicinity of the site, with some arranged over three storeys. The assessment of the Local Planning Authority acknowledged the presence of four storey flatted developments in the wider locale, most notably Harley House to the south west being the nearest, whilst the appeal decision identifies a variety in scale of nearby buildings including the

three storey properties of Margaret's Court and Dennis Court and the four storied Egerton Court and Hillboro Court.

- 9.10 The appeal decision also notes that in terms of this immediate context, Essex Mansions is an established block already differs from the prevailing character in terms of form, scale and plot shape. Notwithstanding the fact that the existing substantial rooftop water tanks sets Essex Mansions above the residential three storeys of the main building, given they are highly visible. The appeal decision considers that as the resulting ridgeline of the proposed development would only reach slightly higher than them, the additional height and bulk from ground level would be less readily perceptible.
- 9.11 In considering the nearby roofscapes, the use of gables, parapet walls, crenelated detailing are visible, as well as the varied roof form of the opposite church and the use of ridges and valleys as is proposed in this instance. Therefore, given the limited harmony in the character of roof treatments, the variety proposed with this scheme would not be overtly out of keeping with the prevailing grain of individual properties in the locale.
- 9.12 Given the relative similarities in the proposals in terms of the submitted plans and resulting visual appearance, it is reasonable to apply this assessment from the Inspector to this proposal and is considered to result in sound decision-making.
- 9.13 The Inspector dismissed the appeal on design and character impacts, however only by virtue of the proposed balconies being an uncharacteristic feature relative to the prevailing traditional character of the area being unable to identify any other balconies within the immediate vicinity, stating "Whilst the overall scale and form of the proposed additional storey would be acceptable as reasoned above, the use of balconies in those locations would, by contrast, appear clearly incongruous." Therefore, this resubmission has omitted the proposed balconies to address the policy non-compliant feature.
- 9.14 The Design Officers have reviewed the scheme, requesting conditions are included to secure details of external materials, including window and roof treatments, to ensure the resulting development is in keeping with the character of the existing building. In line with the Officers comments, the applicant has submitted amended plans showing the inseting of windows from face to brick to 100mm to maintain the appearance of the existing building.
- 9.15 For the above reasons, the development is considered to comply with the design objectives of Policy 53 of the Local Plan.

C. Safety and Security

i) Fire Safety

- 9.16 The application submission includes a Fire Statement in support of the proposed development. This demonstrates that fire safety has informed the design process and evacuation strategies can be fully implemented. Subject to the development meeting current building regulations this would secure the necessary fire safety measures in compliance with London Plan (2021) policies D5, D11 and D12 in respect of fire safety.

ii) Security

- 9.17 The proposed flats would be accessed via to existing circulation cores that will be extended upwards to provide deck access to the new flats. It is noted that the Designing Out Crime Officer (MET) raises concern on the basis of insufficient information to confirm acceptable security measures. However, on balance, it is considered that given the proposal would be utilising existing access points to the building, the minor uplift in units and condition to secure relevant Certificate of Compliance to the Secure by Design Guides would not result in adverse impact for existing or proposed occupants with regards to security. It is noted this approach is accepted in the Designing Out Crime Officer comments. Therefore, the proposal is considered to adhere to the requirements of Policy 58 of the adopted Waltham Forest Local Plan LP1 (2024).

D. Residential Amenity

- 9.18 Policy 57 seeks to maintain the amenity of current and future occupiers in terms of overlooking, noise, enclosure and/or the loss of daylight, sunlight, outlook and privacy. The SPD Residential Extensions and Alterations and the SPD Urban Design provide specific design guidelines to facilitate high quality development and reduce impacts to neighbouring occupiers.

i) Loss of privacy and Overlooking

- 9.19 The outlook from the flats proposed in the north easterly, north westerly and south easterly direction would not result in undue effects to neighbouring living conditions given the resultant distance between the subject windows and nearby properties, being approximately 17m and 20m, and the nature of the intervening area. In terms of the front elevation windows, these would be setback further behind the front walkway and one of these windows in each property would serve a bathroom, being a non-habitable room, further reducing the impacts of the front windows on the neighbouring occupiers.
- 9.20 The representations received regarding the potential for overlooking into the curtilages of Integer Gardens have been considered with this resubmission. Officers note that the previous application on the site was refused by the Local Planning Authority through reason one on the basis of amenity impact upon Integer Gardens, in terms of overlooking, loss of privacy and general noise.
- 9.21 It is acknowledged that the proposal would result in new fenestration facing in the direction of the properties that make up Integer Gardens, 10 windows of which that would be roughly in line with the rear elevation of the block and the others inset. The Daylight and Sunlight Assessment shows only a single first floor obscured window facing the block at the closest properties to Essex Mansion. Within the appeal decision the Inspector concludes that given the height of the proposed windows, natural views through these windows would be over the roofscape of neighbouring properties. Only with difficulty and stood against the windows would it be possible to obtain views obliquely downwards towards Integer Garden curtilages. Although the proposal may result in some additional perception of being overlooked, the potential for loss of privacy as a result of the proposed windows would not be significant. This is confirmed by the Inspector's decision, which did identify adverse amenity impacts from the balconies that have now been omitted.

9.22 In light of the appeal decision which lays out that there would not be a significant adverse impact upon neighbouring properties with regards to overlooking or loss of privacy, and the omission of the balconies that would have provided a formal external overlooking opportunity towards Integer Gardens, the Local Planning Authority can reasonably conclude that the proposed development would comply with Policy 57 of the Waltham Forest Local Plan LP1 (2024).

ii) Outlook

9.23 181 Hainault Road and the Integer Gardens properties are oriented such that views from the main windows of these properties would not be detrimentally impacted by the proposed development in terms of outlook. Views from rear elevation windows would be un-changed looking directly forwards and right for 1-7 and 17-21 Integer Gardens as well as 181 Hainault Road, and to the left for 7-11 Integer Gardens. It is acknowledged that the development would be visible from the gardens of these properties as well as views to the side when looking up, however the proposed development would not block any important views or vistas from these properties and it is considered that an acceptable level of outlook would still be retained from these properties and their gardens.

9.24 2-8 Essex Road South and the nearby properties on the south eastern side of Hainault Road would have views to the proposed development from the front windows, however would not be visible from the rear windows of these properties and would not cause a detrimental loss of outlook from the gardens of these properties. On balance it is considered that the scheme would not cause unacceptable impacts to the quality of outlook from these properties.

iii) Daylight and Sunlight

9.25 The application was supported by a daylight and sunlight assessment which concludes that although there would be some impacts, the impacts of the development would not be detrimental, and changes to daylight and sunlight to the neighbouring habitable room windows would be within BRE guidelines.

9.26 The Local Planning Authority raised concern under the previous application that the assessment failed to consider the impact upon the existing units at Nos. 21 to 30 Essex Mansions, this was addressed at appeal stage with a subsequent statement in respect to those flats. This has been included as part of the updated daylight and sunlight assessment to reflect this revision of the scheme and concludes that the addition proposed would extend no further forward than the protruding roof present without adversely affecting the existing units at Essex Mansions. This is supported by the Inspector's comments within the appeal decision, stating "If anything, based on additional modelling in the DSAS, it appears by virtue of altering that element of the block, north-east facing habitable rooms at nos. 21-30 Essex Mansions would benefit from slightly improved natural light availability." (Paragraph 33 of Appeal Decision APP/U5930/W/22/3298059).

9.27 Overall, the identified effect in terms of the availability of natural light within the daylight and sunlight assessment would not fall below the threshold limits within the BRE Guidance and would not unacceptably impact the amenity or quality of life of existing residents. Therefore, the Local Planning Authority can reasonably conclude that the proposal meets the requirements of Policy 57 of the Waltham Forest Local Plan LP1 (2024).

E. Housing Mix

- 9.28 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. 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.
- 9.29 The proposal would introduce 5 new units that would be 2 bedroom 3 person properties. Given the size and scale of the scheme, as well as the context of the existing building being 1 bedroom 2 person units, the uplift in smaller units in this case would be considered acceptable and introduce some low level mix to the building overall. As such the proposal with respect to housing mix would therefore be consistent with the objectives of London Plan Policy H10 (2021), and Policy 15 of the Waltham Forest Local Plan LP1 (2024).

F. Standard of Residential Accommodation

i) Internal Space Standards

- 9.30 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.
- 9.31 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. 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.
- 9.32 Proposed standard of accommodation:

Dwelling Type	Minimum Policy Requirement (sqm)	Proposed Dwelling Size (sqm)	Complies?
2bed 3 person (5 units)	61m2	68-70 m2	Yes
Storage	2m2	2m2	Yes
Bedroom 1	11.5m2 (2.75m width)	15m2	Yes
Bedroom 2	7.5m2 (2.15m width)	8m2	Yes
Living Room/Kitchen	-	33-35m2	Yes

Private Amenity	External	5m2	0 m2	No
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- 9.33 The proposal would fail to provide private external amenity space, which would fail to meet the requirements of Policy 56. However, in considering the existing context of the building without private amenity space and the nearby open spaces to the site (the closest being Abbots Park at 9 minute walk and Leyton Flats nearby), the lack of private amenity space is weighed up in the planning balance and is not considered to demonstrably adversely impact the quality of living of the proposed occupants.
- 9.34 The flats would have open-plan living areas with integrated kitchen and dining areas with the units being dual aspect. The habitable rooms within both units would also meet the minimum spatial requirements in that double bedroom and single bedroom would meet and exceed 11.50 sqm and 7.5sqm. The previous refusal reasons noted the lack of sectional plans, meaning Officers could not confirm internal ceiling heights, and there was a shortfall of built-in storage space. The details submitted under this scheme show the proposed floor to ceiling height of each unit would meet 2.50 metres in height with built in storage that would meet the minimum standards of 2 square metres per unit, as required by policy D6 of the London Plan (2021), 57 of the Waltham Forest Local Plan (LP1) and the Technical Housing Standards – nationally described space standard’ (2015).

G. Highways

- 9.35 The NPPF (2023) states that development should take opportunities to promote walking, cycling and public transport use. 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.
- 9.36 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).
- 9.37 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.
- i) Car Parking*
- 9.38 The site is located within a Controlled Parking Zone (CPZ). As such, the development must be car-free. The previous application on the site proposed that the occupiers of the flats would benefit from parking permits and this

therefore formed refusal reason five. The Inspector found that the proposal would not be unacceptable in respect of parking implications, taking into account the scale of the development, PTAL rating of 5 and the likely increase in cars. However, the decision also makes clear that in any event the potential for a car free development can be secured by condition or planning agreements which the applicant is amenable to.

- 9.39 Since the appeal, the new local plan has been adopted which makes clear under Policy 66 that within existing Controlled Parking Zones a car-free arrangement with legal agreements will be required. As such, taking into account the development of the application to avoid reliance on permitted parking and the policy requirements of the Waltham Forest Local Plan LP1, any permission would be subject to an s106 agreement ensuring occupiers are not provided car permits for the area.

ii) Cycle Parking

- 9.40 London Plan (2021) Policy T5 and Table 10.2 set out the minimum standards for new development cycle parking provision. Appendix 1 of the Local Plan (2024) sets out the Council's cycle parking standards which requires at least 10 cycle storage spaces.
- 9.41 The proposal includes cycle storage to the south western corner of the site providing 12 cycle parking spaces. This would meet the required cycle provision for the proposed units and also provide a further 2 units for existing residents. The previous application on the site included refusal reason on the basis of not supplying sufficient cycle storage to serve both existing and proposed residents nor it being evident how the proposal could accommodate the required storage space required given the limitations on the site should it be a detail secured by condition. However, the Inspector concluded that a proposal 'need only consume its own smoke' rather than rectify an existing lack of provision. Therefore, the cycle storage proposed numerically meets the requirements of the Local Plan and is considered to be policy compliant.

iii) Highways Infrastructure

- 9.42 The application is accompanied by a Construction Logistics Plan (CLP) and Construction Management Plan. The Council's Highways Development team requested several changes and clarifications to the submitted Outline CLP prior to the determination of the application. However, considering that the application will be conditioned to include a Detailed CLP and that financial contributions will be secured to ensure the development adheres to the final CLP, officers are satisfied that the application can progress despite the outstanding CLP revisions.
- 9.43 The application has provided some of the details requested within the Highways Officers comments, however it is considered these details can be incorporated into the Detailed CLP as there is no in principle objection on highways safety grounds.
- 9.44 As such a forthcoming planning consent, an appropriately worded pre-commencement condition will be attached requiring the submission of a detailed CLP in accordance with Policy 65 of the adopted Waltham Forest Local Plan LP1 (2024). Additionally, a developer contribution of £750 towards CLP monitoring will be required, which will be secured by Section 106 Agreement.

- 9.45 A highway condition survey is required the adjoining carriageway and footway on Essex Road South. The condition survey should cover the site frontage and 20m on both sides including any area on the public highway identified for loading/offloading. This has been included in the S106 heads of terms.
- 9.46 A financial contribution of £5,000 is also requested towards improving walking and cycling (£1000 per additional unit). This aligns with transport policies that require the incorporation of existing and new public transport networks, including walking and cycling, into the design of the development to mitigate the impact on the highway network, including road safety. As well as this, a contribution of £5,000 requested towards managing public transportation accessibility changes because of waste collection and construction impacts upon the nearby bus route and stop on Essex Road.

H. Waste management

- 9.47 Policy SI7 of the London Plan (2021) seeks to reduce waste and support the circular economy. 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.
- 9.48 The Local Planning Authority previously included refusal reasons regarding waste provision, referring to insufficient space provided for required for appropriate bin capacity, adverse impact on amenity and quality of the communal outdoor space serving Essex Mansions and detrimental impact on the visual amenity of the street scene on Hainault Road.
- 9.49 The existing waste provision is located to the north east corner of the site and is considered insufficient to serve the existing occupants. The proposal here seeks to supply 7 x 1110 communal bins and 2 x 240 food waste bins. The Waste Officer has reviewed the application and states the resulting 35 units would require 8 x 1110 communal bins for refuse and recycling and the 2 x 240 food waste bins, therefore the plans show a 1110 litre bin shortfall. However, the Inspector made clear that there is sufficient physical capacity within the appeal site to accommodate the required waste storage and that a policy compliant provision is readily achievable, being reasonably secured via condition. Therefore, it is Officer's view that the minor shortfall in waste provision proposed can be addressed at condition stage taking into account the existing poor provisions and relative improvement, as well as the appeal decision commentary recommending this approach where a development is otherwise acceptable as a whole.
- 9.50 This application proposes the bin storage in a hard surfaced area beyond the south-eastern elevation of the block fronting Hainault Road, this necessitates forming an access within the existing brick wall along Hainault Road. This new opening would not be adversely out of character in the locality, noting the variety of treatment materials as well as a number of historic walls evidently being removed to create driveways. Therefore, the pedestrian access would not be incongruous as confirmed by the Inspector's appeal decision. In addition to this, the Inspector also concluded that the refuse provision would be largely obscured from public view in light of the existing boundary wall. This application has also provided details of the external appearance of the bin storage

structures which would appropriately screen the bins and not appear unduly out of keeping with the area.

- 9.51 The area was previously identified as communal amenity space by the Local Planning Authority under the previous application, however Officers accept the Inspector's assessment stating that there is nothing to suggest that this area is utilised as communal space in association with the flats, nor is it conducive to any particular purpose being considered an incidental space. Therefore, this proposal would introduce a productive use of the area with improved bin storage for both existing and proposed residents. The refusal reason also identified concern with regards to the existing tree on site, this has now been identified on the submitted plans and would not be impacted by the development. Given the existing hardstanding around the tree, it is not considered that the introduction of bin storage on this area would adversely impact it.

I. Energy and Sustainability

- 9.52 Policies 85 and 87 of the Waltham Forest Local Plan LP1 (2024) require developments to ensure high environmental standards of development and sustainable resource management and efficiency to support the long-term sustainability of our environment and respond to climate change in a practical and effective way. The proposed development would be required to incorporate measures to limit carbon dioxide emissions and provide resilience to climate change, going beyond the minimum Building Regulation requirements.
- 9.53 The London Plan sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013. The Waltham Forest Local Plan 85 is in line with this. This requirement applies to all new developments over a threshold of one residential unit in order to fully comply with The London Plan and Local Plan Policies 85 and 87.
- 9.54 Whilst the Energy & Sustainability Statement confirms that the applicant seeks to achieve the above targets through a number of energy efficiency features as well as the use of an air source heat pump, however, these are not shown on submitted plans and therefore an assessment for their visual impact is not possible. However, given that the proposal is creating units within existing building, it would be sufficient for the development to meet the building regulation requirements. An informative would be added that should any additional structures be proposed such as an air source heat pump, these would need to be the subject of a separate planning application for formal consideration.
- 9.55 Local Plan Policy 89 states that developments should implement water efficiency measures to achieve usage of less than or equal to 105 litres per person per day for residential use. This is supported by Policy S15 of the London Plan (2021).
- 9.56 The Energy & Sustainability Statement submitted with the application details how the scheme will incorporate measures for water saving, including low flow rate showers, taps and dual flush toilets. Should planning permission be forthcoming, a suitably worded condition will be attached to ensure compliance with Policies 89 and S15.

J. Landscaping and Ecology

i) Urban Greening and Biodiversity Net Gain

- 9.57 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. 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. Biodiversity net gain is now also a statutory requirement under the 1990 town & Country Planning Act for most new developments.
- 9.58 It is considered that the proposal would be exempt as it is below threshold as the development does not impact a priority habitat and impacts less than 25sqm of on-site habitat given the nature of the development as an upward extension.
- 9.59 Whilst there is no loss of biodiversity as the extension extends on the main building, the application also indicates existing mature trees to the east and south of the site which are to be retained and protected. The supporting Design and Access Statement indicates provision of new planting and shrubberies will be included to enhance the communal spaces and provide soft borders and defensible zones. To secure these enhancements in line with the principals of biodiversity net gain, a suitably worded condition will be attached to ensure details of the soft landscaping.
- 9.60 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.

Epping Forest Special Area of Conservation – Appropriate Assessment

- 9.61 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.
- 9.62 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.

- 9.63 A contribution of £627 per unit (£3135 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.
- 9.64 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.

10 PLANNING OBLIGATIONS

- 10.1 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.
- 10.2 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.

Transport and Highways

- A S278 Agreement will be needed subject to the extent of changes on public highways to be understood and agreed.
- Car free for the new units.
- A S106 contribution of £5,000 towards walking and cycling infrastructure.
- A S106 contribution of £5,000 towards public transport accessibility changes.
- A S106 contribution of £750 towards CLP monitoring.

SAMMs

- A financial contribution of £627 per new home towards Strategic Access Management and Monitoring (SAMM) with a total of £3135 (£627 x 5).

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 financial amount of S106 contributions towards monitoring, implementation and compliance of the legal agreement.

11 CONCLUSIONS

- 11.1 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 existing site. In considering the history of the site, the appeal decision attracts significant weight in this case and to apply the Inspector's assessment to this application in conjunction with the relevant adopted policies is considered to result in sound-decision making.
- 11.2 The report provides officer's comprehensive consideration of the planning application and its supporting documentation, including the additional information submitted and any representations received. 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. The report has considered the proposals in light of the Local Plan LP1 (2024) policies and other material considerations or representations relevant to the environment effects of the proposals.
- 11.3 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.

12 ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

- 10.1 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:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
 - 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).
 - Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 12.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 12.3 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 balanced against other relevant factors.

- 12.4 It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 12.5 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.
- 12.6 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 RECOMMENDATION

- 13.1 It is recommended to the Planning Committee that planning permission is granted subject to the following conditions and informatives.

13.2 Conditions

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

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

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

- 21061-LSI-ERM-ZZ-DR-A-1300-S0-P04, 21061-LSI-ERM-ZZ-DR-A-1260-S0-P04, 21061-LSI-ERM-ZZ-DR-A-1261-S0-P03, 21061-LSI-ERM-ZZ-DR-A-1262-S0-P04 & 21061-LSI-ERM-ZZ-DR-A-1370-S0-P03 received 10 October 2024
- 21061-LSI-ERM-XX-DR-A-1170-S0-P01, 21061-LSI-ERM-XX-DR-A-1175-S0-P02, 21061-LSI-ERM-XX-DR-A-1176-S0-P05 dated 8 July 2021
- 21061-LSI-ERM-XX-DR-A-1180-S2-P02 dated 15 April 2022
- Planning Statement – Savills – October 2023
- Design & Access Statement – Life Touching Design – November 2023
- Daylight and Sunlight Assessment – Herrington Consulting – November 2023
- Parking & Servicing Strategy - Impacts Report – Transport Planning & Highway Solutions – November 2023

- Final Outline Construction Logistics Plan (CLP) - Transport Planning & Highway Solutions – November 2023
- Energy and Sustainability Statement - P24-024/ES/Information/03 April 2024
- Planning Fire Safety Strategy for Non-Major Development – Essex Mansions

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

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

Reason: To safeguard and enhance the visual amenities of the locality, in accordance with Policies 53 and 72 of the adopted Waltham Forest Local Plan LP1 (2024).

4. Prior to the commencement of development on site a Detailed Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The logistics plan shall include details of site access, journey planning, access routes, hours of delivery, temporary traffic arrangements or restrictions, site operation times, loading and unloading locations and material storage. All works shall be carried out in accordance with the approved details throughout all demolition and construction works.

Reason: To ensure considerate construction and to protect the amenities of the nearby residents to ensure that disruption is kept to a minimum and does not affect highway traffic flows, to comply with Policy 65 of the adopted Waltham Forest Local Plan LP1 (2024).

5. Prior to the commencement of development on site a highway site condition survey to assess the condition of the public highway surrounding the site shall be submitted to and approved in writing by the Local Planning Authority. Any damage to the highway incurred as a result of the construction works would be reinstated by the Council and funded by the developer.

Reason: In the interest of highway and pedestrian safety, to comply with Policies 61 and 66 of the adopted Waltham Forest Local Plan LP1 (2024).

6. 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/whatwehttps://www.london.gov.uk/what-we-do/planning/implementing-londonplan/supplementary-planning-guidance/control-dustanddo/planning/implementing-londonplan/supplementary-planningguidance/control-dust-and>

In particular the applicant shall:

- Submit for approval an Air Quality (dust) risk assessment
- Submit for approval an Air Quality & Dust management Plan (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).

7. Prior to first occupation of any part of the development hereby permitted, notwithstanding site investigation and clearance works, demolition and constructions to slab level, a scheme detailing measures to reduce water use within the new 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).

8. 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).

9. 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).

10. 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).

11. Prior to occupation, the development shall achieve a Certificate of Compliance to the relevant Secure by Design Guide(s) or alternatively achieve Crime Prevention Standards submitted to and approved in writing by the Local Planning Authority in conjunction with the Metropolitan Police. The development shall be carried out in accordance with the approved details and thereafter shall be fully retained and maintained as such for the lifetime of the development.

Reason: In the interest of security and sustainable development, in compliance with Policies 53 and 58 of the adopted Waltham Forest Local Plan Part 1 (2024).

12. All window reveals on the external faces of the development hereby permitted shall be set in 100mm (minimum) from the external face of the building and thereafter retained as such.

Reason: To safeguard and enhance the visual amenities of the locality, in accordance with Policies 53 and 72 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 have been followed in this instance, and offers a pre-planning application advice service.

2. A legal agreement will be entered into with the London Borough of Waltham Forest in conjunction with this grant of planning permission.

3. The applicant is reminded that this permission relates to planning permission only and does not constitute approval under any other legislation including Building Regulations.

4. It is an offence to place scaffolding, skip or hoarding on the highway without permission. Early contact with the Council's Network Operations is advisable, as it may affect the construction programme.

5. If approved it is the developer's responsibility to ensure all signage associated with the proposed development i.e., street nameplates, building names and door numbers will be erected prior to occupation, as agreed with the Council's Street Naming/Numbering Officer.

6. Please note; once a Highway Works Application is received, the process of validation, technical review, design development and drafting of legal agreements is approximately 12 months. This process must be completed prior to commencement of the highway works, with occupation only permitted once the highway works are complete.

To avoid delays, an application to Highways should be made within 6 months of implementation of the planning permission.

7. The approval relates only to the works within the description of development. Any additional structures to be proposed such as an air source heat pump, would require a planning application for formal consideration.

8. 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.

9. **IMPORTANT:** Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.

- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a Certificate of Lawfulness.