

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 5 th November 2024
Application reference:	230555
Applicant:	HPP Capital
Location:	58 Hatherley Rd, Walthamstow, London E17 6SF
Proposed development:	Subdivision of 58 Hatherley Road to facilitate provision of one dwelling (Class C3) and demolition of 44 and 44a Westbury Road to facilitate construction of two semi-detached dwellings (Class C3). Associated works to include hard and soft landscaping, boundary treatment, refuse storage and cycle parking.
Wards affected:	High Street
Appendices:	None

1 RECOMMENDATION

- 1.1 That planning permission is GRANTED subject to conditions and informatives and completion of a Section 106 legal agreement.

Transport and Highways

- Section 278 Agreement
 - Renewal of the footway on both frontages of the site on 58 Hatherley Road and Westbury Road
 - Removal of redundant vehicle crossovers on Hatherley Road and Westbury Road. The crossovers will have to be reinstated to full height footway
 - Renewal of existing road markings
- £3,000 financial contribution towards improving sustainable modes of transport (walking and cycling), which future occupiers would benefit from
- A S106 contribution of £250 is requested towards CLP monitoring.
- Car-free status assigned to all new units, ensuring that future occupiers are not entitled to on-street car parking permits

SAMMS

- A financial contribution of £627 per new home towards Strategic Access Management and Monitoring (SAMM) with a total of £1881 (£627 x 3).

Legal Fees

- Legal monitoring fee equivalent to 5% of the total financial contribution

Monitoring and Implementation

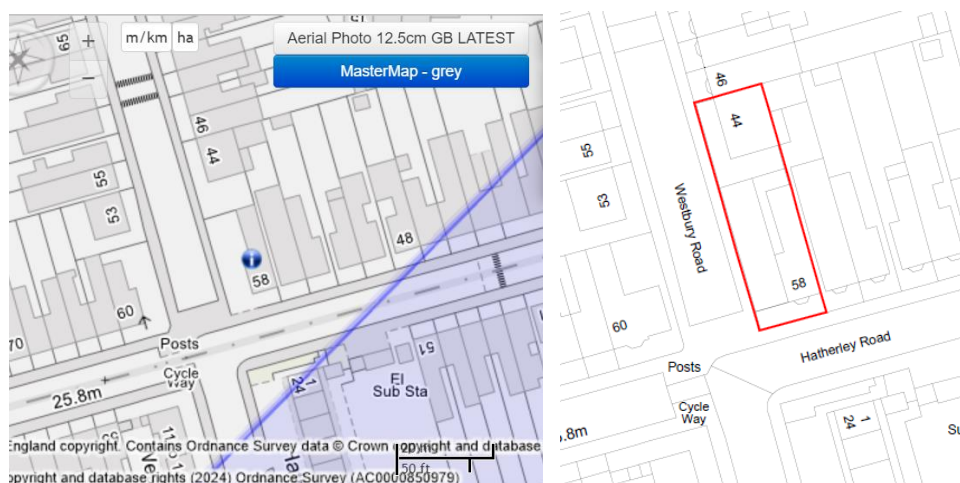
- Payment of the Council's legal fees for the preparation and completion of the Legal Agreement.

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 is comprising of a two-storey, detached property (no. 58 Hatherley Road) and a former garage and storage building at the rear of the site, currently in residential use (nos. 44 & 44A Westbury Road). The property at 58 Hatherley Road, although detached, follows the prevailing standard design for a terraced property and has since been subdivided into two individual flats.
- 3.2 Nos. 44 and 44A (as existing) are not considered to contribute positively to the architecture of the area and have been the subject of planning enforcement action with its alteration from a former garage site to residential across both floors which span between mid 2000 to 2015 [see Section 5.3 below].
- 3.3 The existing properties are not located in a Conservation Area, are not listed nor are they subject to an Article 4 direction other than the change of use between class C3 and C4, which applies to all residential properties across the borough.



Site Location Plan

4 APPLICATION PROPOSAL

- 4.1 The application seeks planning permission to formally subdivide the land and construct a total of three new dwellings. Nos. 44 and 44A would be demolished to facilitate the new development.

- 4.2 The proposed corner property would read as a continuation of the Hatherley Road terrace, following a similar footprint and layout to others in the adjacent terrace row.
- 4.3 The two dwellings at Westbury Road would also read as an extension to the perpendicular terrace row with an increase in height. The design approach is generally modern. Each property would have two bedrooms: the corner property over two floors, the semi-detached properties over three.
- 4.4 Refuse and cycle storage is proposed for all properties.

5 RELEVANT SITE HISTORY

5.1 Planning:

- 222096 - Demolition of existing residential buildings and construction of 7 no. three storey terraced maisonettes with front and rear roof terraces (7x2-bed) (Use Class C3). Associated landscaping, boundary walls, bicycle parking and refuse and recycling storage facilities. (Withdrawn)
- 061942 - Change of use from a single-family dwelling house into a house in multiple occupation for 7 unrelated. (Refusal)
- 060504 - Conversion of dwellinghouse into two self-contained flats comprising 1x 2bed and 1 x 3 Bed self-contained. (Refusal)
- 060021 - Self-containment of first floor of detached building at rear to form separate flat. (Withdrawn)
- 050502 - Demolition of conservatory, erection of a single storey rear extension and formation of a room in the roof involving the installation of a rear dormer window. (Approval)
- 041987 - Erection of a 2-metre-high brick wall fronting Westbury Road. (Approval)
- 041616 - Erection of a single storey rear extension. Formation of a room in the roof involving installation of a new dormer window. (Refusal)
- 040549 - Lawful development certificate (proposed) - formation of a room in the roof involving the installation of a rear dormer window and erection of a single storey rear extension. (Refusal)
- 030761 - Erection of 1 x 4 bed dwellinghouse at side of existing with parking at rear. (Refusal)
- 030897 - Conversion of dwellinghouse & loft space into 1 x 2 bedroom & 1 x 3-bedroom self-contained flats. Conversion of two storey building at rear into a 3-bedroom house with an integral garage. (Refusal)
- 030249 - Conversion of dwellinghouse into two self-contained flats (1x3 bed, 1x2 bed). Conversion of two storey building at rear into a 3-bed house.
- 021334 - Conversion of dwelling house and loft space into 1 x 2 bedroom and 1 x3 bedroom self-contained flats; conversion of two-storey building at the rear into a 3-bedroom house with an integral garage. Provision of an external staircase at the rear and two parking spaces in front garden. (Refusal)

- 950623 - Alterations to garage with domestic use over to form 3-bedroom dwellinghouse. (Refusal)
- 930105 Erection of a two-storey dwellinghouse. Provision of parking at rear. (Refusal)
- 930088 - Erection of a 3-bedroom dwellinghouse. (Refusal)
- 920540 - Erection of detached domestic garage with domestic use over. (Approval)
- 920015 - Erection of single storey estate office. (Approval)
- 920014 - Erection of detached domestic garage. (Approval)

5.2 Pre-application:

None

5.3 Enforcement:

5.3.1 Enforcement investigations:

- IN_386022 - Garage has been turned into one or more residential units. (Case closed)
- IN_387234 - Unauthorised installation of a window in the flank wall. (Case closed)
- IN_424076 - PCN issued.
- IN_382723 - Erection of rear wall. (Case closed)
- IN_382587 - Re-conversion and commencement of use as dwellinghouse. (Case closed)
- IN_381558 - Use of dwellinghouse as HMO. (Case closed)

5.3.2 Enforcement notices:

- NT_051524 - Without planning permission change of use to multiple occupation for up to 5 adults. (Case closed)
- NT_051520 - Without planning permission conversion and change of use of first floor playroom to dwellinghouse. (Case closed)
- NT_051155 - Non-compliance with planning condition 3 attached to planning consent 92/0874. (Case closed)
- NT_050912 - Non-compliance with planning conditions attached to planning consent 92/0874. (Case closed)

5.4 Adjacent/neighbouring sites:

None relevant.

6 **CONSULTATION**

6.1 Public Consultation

The application has been subject to revisions and subsequent re-consultation. Owners/occupiers of neighbouring properties have been consulted by individual letter notification (123 recipients).

- No. 7 - 10 to 22 Boleyn Close, Walthamstow, London, E17 6QZ
- No. 7 to 14, Westbury House, 37 Westbury Road, Walthamstow, London, E17 6RN
- No. 1-8, 17 to 24, Hatherley House, 30 Westbury Road, Walthamstow, London, E17 6SD

- No. 36 to 64 (even) Hatherley Road, Walthamstow, London, E17 6SF
- No. 41 to 65 (odd) Hatherley Road, Walthamstow, London, E17 6SE
- No. 70 to 76 (even) Hatherley Road, Walthamstow, London, E17 6SB
- 4, Hatherley House, 30 Westbury Road, Walthamstow, London, E17 6SD
- No. 44 to 73 Westbury Road, Walthamstow, London, E17 6RH
- Network House, 15a Westbury Road, E17 6RH

In total the Council received **8** representations, resulting in **5** objecting addresses throughout the life of the application, taking into account any amendments to the proposal. Addresses with multiple objections have been consolidated to one objection below.

Objection Received	Officer Response
<p>Loss of light, out of character addition of balconies and overlooking, unclear refuse storage provision</p> <p>Various other non-planning complaints regarding ownership of the site and the applicant's intentions</p> <p>Other objections which no longer apply due to amendments to the design</p>	<p>Overlooking would remain within the levels expected of a residential area of London and ensures residents have access to an area of amenity spaces</p> <p>Objectors are reminded that the LPA can only consider material planning considerations in decision making</p>
<p>Design out of character including materials, overlooking from balconies, objection to third storey generally</p>	<p>The proposed design is modern and would helpfully differentiate the existing and proposed development</p> <p>Overlooking would remain within the levels expected of a residential area of London and ensures residents have access to an area of amenity spaces</p> <p>No objection is raised to a third storey generally considering the mixed heights present in the immediate area – this ensures a sensible intensification of the site which is also viable</p>
<p>Construction congestion, impacts upon parking, alter character of the existing street</p>	<p>Design is modern and would helpfully differentiate the existing and proposed development.</p> <p>Construction congestion/disturbance would likely occur however the application was</p>

Objection Received	Officer Response
	submitted with an Outline Construction Logistic Plan, which Council's Highway Team support. Further, the application would be approved via condition for a Detailed Construction Logistics Plan to ensure construction and disturbances is kept to a minimum.
Effect upon foundations of existing property, noise disturbance from a 3-storey house, out of character addition from its modern design, lack of parking, out of character to build rented homes	<p>Boundary issues and matters relating to building regulations are not material planning considerations but are instead covered under different legislation.</p> <p>Noise issues during construction and during the use of the proposed would be controlled under separate legislation.</p> <p>Design is modern and would helpfully differentiate the existing and proposed development.</p> <p>The new units would be car-free and not entitled to on-street residential parking permits</p> <p>For minor development such as this the LPA does not differentiate between homes built to either sell or rent – this is a matter for the applicant to consider</p>
Chosen materials out of character, party wall problems and noise, lack of parking	<p>Design is modern and would helpfully differentiate the existing and proposed development</p> <p>Boundary issues and matters relating to building regulations are not material planning considerations but are instead covered under different legislation</p> <p>The new units would be car-free and not entitled to on-street parking permits</p>

6.2 Statutory Consultation

Consultees	Response
Highways	<p>Request for S278 works to include renewal of the footway, removal of redundant vehicle crossovers and renewal of existing road markings</p> <p>Detailed comments for the submission of a detailed CLP</p>

Consultees	Response
	Further request for boundary treatment condition, condition survey, car-free, £3,000 financial contribution towards sustainable transport, SUDS condition, other standard highway informatives including CLP monitoring.
Sustainability & Energy	No comments received as this is a minor scheme the standard conditions are applied.
Waste & Recycling	Waste arrangements are confirmed as acceptable
Environmental Health	No comments received
Tree Officer	The site provides opportunity for urban greening, request for hard/soft landscaping condition and bird boxes condition
Thames Water	No objection
London Fire Brigade	No comments received
Natural England	Confirmation that the site lies within the zone of influence of EFSAC

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
- D1: London's form, character and capacity for growth
- D4: Delivering good design

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:

- 1: Presumption in Favour of Sustainable Development
- 5: Management of Growth
- 19: Small Sites
- 53: Delivering High Quality Design
- 56: Residential Space Standards
- 57: Amenity
- 60: Promoting Sustainable Transport
- 61: Active Travel
- 66: Managing Vehicle Traffic
- 85: A Zero Carbon Borough
- 89: Water Quality and Water Resources
- 91: Managing Flood Risk
- 93: Waste Management

8 OTHER MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework (2023)

- 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; homes should be locally led, well-designed, and of a consistent and high-quality standard. Local planning authorities (LPAs) are to make sure that the quality of approved developments does not materially diminish "between permission and completion, as a result of changes being made to the permitted schemes."

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

- Achieving well-designed and beautiful places

Local Finance Considerations

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

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

Other Planning Guidance

- 8.3 Technical housing standards - nationally described space standard (2015)
- 8.4 Supplementary Planning Document - Revised Planning Obligations (2017)

9 ASSESSMENT

- 9.1 The main issues for consideration, in relation to the proposed development are as follows:
 - A. Principle of development
 - B. Urban design
 - C. Amenity (future occupiers)
 - D. Amenity (existing occupiers)
 - E. Trees and biodiversity
 - F. Highways
 - G. Waste Management
 - H. Sustainability
 - I. Legal matters

A. Principle of development

- 9.2 Development plan policy at both a national and local level seeks to encourage sustainable housing on suitable urban sites. Policy 5 seeks to accommodate growth through effective use of previously developed land to maximise the number of quality homes and Policy 15 seeks to ensure a supply of land for homes to meet the diverse needs of the borough, with an identified shortage of family-sized homes (i.e. 3+ bedrooms). Policy 19 states residential-led proposals for the development of well-designed new homes on small sites will generally be supported. In particular, proposals will be supported where they seek to infill, intensify and re-model areas of existing housing.
- 9.3 The application site is within an established residential area of the borough and the site is not designated to any other land use. In this instance although all three proposed dwellings are 2-bedroom, it should be noted that the housing mix target percentage points can realistically only be applied to major developments of 10+ units. Such residential development can therefore be supported in principle, provided that it is compliant with the relevant development plan policies. Further, given the context of the existing site the provision for an infill development and the rear existing building which is of poor visual interest and poor housing,

its replacement with a new development would be acceptable in this instance and in compliance with policy 19 of the Local Plan.

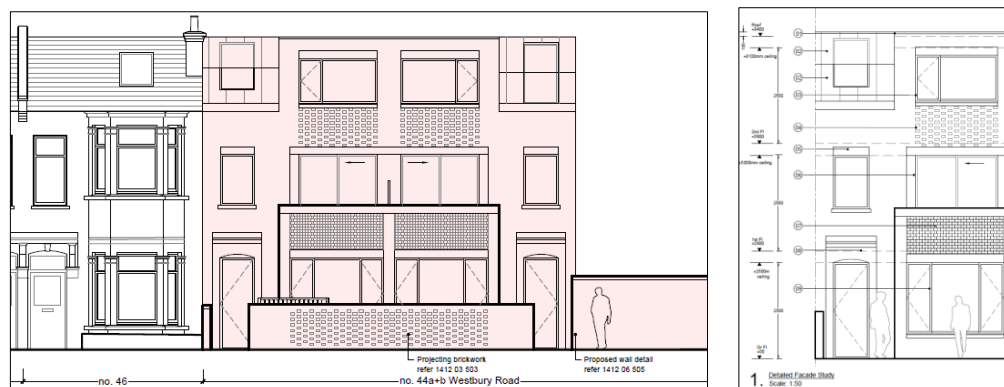
B. Urban design

- 9.4 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.
- 9.5 The additional dwelling at the Hatherley Road elevation would follow the same general height, width/depth as other properties in the terrace row without the addition of a rear outrigger. This measures 5.1m total width, extending fully to the side boundary of the site and would not project beyond the adjoining property's rear building line. This is a sensible option for residential intensification of the site and, given the scale of the existing property's side/rear garden amenity space, it would not be out of character or lead to overdevelopment. The design approach for this property is modern, making use of materials such as pre-cast concrete, zinc wall/roof tiles and light-coloured brickwork, which overall gives the impression of a modern take on a Victorian terrace-style property.



Hatherley Road Elevation (left) & Façade Details (right)

- 9.6 For the proposed pair of dwellings at Westbury Road, the proposal would formally subdivide the land and create two new dwellings, demolishing the existing structure which is of no architectural merit. This would read as an extension of the existing Victorian terrace, though more modern and three storeys in height. In this instance extending upward is also considered sensible for residential intensification of the site, whilst the maximum height would not exceed the maximum height of other existing dwellings in the Westbury Road terrace. The development would also not extend beyond the adjoining property's rear building line.



Westbury Road Elevation (left) & Façade Details (right)

- 9.7 A boundary wall is proposed to surround the properties. At the frontages this would be 1-1.2m height and at other areas 2m. There is precedent in the existing situation for a 2m wall, which currently fully encloses the side/rear and also the existing Westbury Road properties. It would therefore be an improvement to the streetscene when compared to the existing, allowing for the Westbury Road properties to appear less enclosed overall. The brickwork also makes use of attractive patterns to match the main dwelling(s).
- 9.8 The design overall would provide for an attractive, modern but suitable intensification of the site. In response to the comments received by representations, the design would be distinct from its surroundings but provide for a contemporary approach that suits the area to which it relates. Good design does not necessarily need to constitute something which is a copy of its surroundings, especially in areas which are already provided with diverse forms and finishes. The proposal, in respect to its scale, layout and design complies with the design objectives of Policy 53 of the Local Plan.

C. Amenity (future occupiers)

- 9.9 To ensure that good quality homes are built, to create a suitable and sustainable living environment for present and future generations and to mitigate against the adverse effects of overcrowding, Policy 56 of the Local Plan and the Technical Housing Standards – nationally described space standard (2015) set out the required minimum internal standards for new residential units.

Gross internal area (GIA)	Unit 58a (Hatherley Road)	Unit B (Westbury Road)	Unit A (Westbury Road)
Policy target	79 (2-storey, 2-bed, 4-person)	79* (3-storey, 2-bed, 4-person)	79* (3-storey, 2-bed, 4-person)
Proposed	77 sqm	85 sqm	85 sqm
Minimum room sizes			
Double – 11.5m²			
Single – 7.5m²			

Bedroom 1	14 sqm	14.6 sqm	14.6 sqm
Bedroom 2	11 sqm	13.8 sqm	13.8 sqm
Amenity – 50m²	48 sqm	42 sqm	9 sqm
Storage – 2m²	4.1sqm	3.7sqm	3.7sqm

*It should be noted that there is no space standard GIA target for 3-storey, 2-bedroom units. The 2-storey equivalent has therefore been applied to units A and B.

- 9.10 Officers have measured all proposed drawings to determine whether the relevant space standards are complied with. The above table implies that Unit 58a would not meet the internal space standard for 2-bedroom 4 person unit with 77sqm, however given the difference is less than 2sqm it is not considered that this short fall would warrant a refusal as all other relevant internal space standards are met by all 3 units.
- 9.11 In terms of internal head height, the nationally described space standard sets a minimum ceiling height of 2.3 metres for at least 75% of the gross internal area of the dwelling. To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. The proposed section drawings demonstrate an internal ceiling height of 2.5m is achieved for all habitable rooms and at least 75 of the gross internal area.
- 9.12 For the provision of private amenity space, the target for 2-bedroom dwellinghouses is 50sqm. Unit 58a is provided with a 48sqm garden, Unit B a mixture of a garden and one balcony totalling 42sqm and Unit A with two balconies totalling 9sqm. For Unit 58a, the same margin of error can be applied as the shortfall is only ca. 2sqm. For Units A and B, although the proposed amenity space is less than the policy target, given the site's proximity to local amenities in a town centre location (e.g. Lloyd Park 9-minute walk, Walthamstow High Street or Hoe Street 5-minute walk) on balance this is acceptable as future occupiers would be provided with a good level of amenity within the local area.
- 9.13 Any communal garden spaces should also provide a minimum of 50sqm. Following the subdivision of land the existing property, existing occupants of the 2 flats at no. 58 Hatherley Road would be provided with a shared garden totalling 46sqm, which is acceptable on balance for the above reasons.
- 9.14 With this in mind, the proposal is, on balance, considered to comply with all relevant space standards in accordance with Policy 56 of the of the Local Plan, ensuring a good quality of accommodation for future occupiers.
- 9.15 Turning to the level of outlook, daylight and privacy afforded to each proposed unit, an acceptable number of windows would be provided in locations conducive to providing both outlook and internal privacy. Rear-

and side-facing windows of the upper floors of the Westbury Road dwellings would be conditioned to be installed with obscured glazing, though the relevant rooms are either non-habitable or are provided with additional windows at the front elevation. This means that a number of habitable rooms would be dual aspect for the purpose of ventilation only. This would also ensure that outlook is maintained for future occupiers whilst protecting neighbours.

D. Amenity (existing occupiers)

- 9.16 Policy 57 seeks to maintain the amenity of current and future occupiers in terms of overlooking, enclosure and/or the loss of daylight, sunlight, outlook and privacy.
- 9.17 In terms of the physical development, this would read as an extension of the existing terraces and the heights of the existing terrace rows are not exceeded.
- 9.18 To the west, the corner property would read as a simple continuation of no. 58 Hatherley Road, creating a pair of semi-detached properties and would not introduce overshadowing, outlook or privacy concerns which are above the levels expected of a residential area.
- 9.19 To the north, the building height would be increased when compared to the existing structure which is of poor design quality, though it would not exceed the overall height of the existing Westbury Road terrace row it would join, therefore this is considered acceptable with regard to levels of overshadowing, outlook and privacy. Additionally, all windows in the rear elevation would be fitted with obscured glazing and there is no external amenity space proposed at the rear at first-/second-floor level. This has been designed with amenity protection in mind for nearby occupiers.
- 9.20 It is acknowledged that the presence of front-facing external amenity spaces at first and second-floor level to serve these properties is not typically characteristic of the immediate terrace row, however there is precedent for front-facing balconies further to the south at the block of flats which directly faces no. 58 Hatherley Road, ca. 40m from the application site. It is therefore not considered to be out of character for the wider streetscene. It would also ensure that future residents are provided with good-quality external amenity space.
- 9.21 In response to comments received by representations, officers consider that overlooking would remain within the levels expected of a residential area. It should be noted that the new development fronting Westbury Road has omitted all external roof terraces from the rear at second floor level and would be condition to ensure this area would not be used for any amenity provision. Officers have measured the submitted drawings together with other mapping software; the distance maintained from front balcony spaces to opposite residential dwellings along Westbury Road is ca. 18m, which is generally considered acceptable in the sense of overlooking to other nearby properties.

E. Trees and biodiversity

- 9.22 The application is not required to meet the statutory Biodiversity Net Gain (BNG) as it was received prior to its adoption. With exception to the existing rear garden at no. 58 Hatherley Road which would be retained, the site as existing is otherwise fully hardsurfaced.
- 9.23 However, Council's tree officers provided comments as to how the site has potential to provide a much-needed improvement to urban greening through a mixture of hard and soft landscaping. A hard/soft landscaping condition is therefore recommended to ensure that this is successfully managed. Any hard surfacing must be permeable or provided with adequate drainage.
- 9.24 A bird box condition was suggested and is considered suitable to improve biodiversity at the site.
- 9.25 The above conditions would ensure that biodiversity is enhanced at the site, in accordance with Policy 79 of the Local Plan.

Epping Forest Special Area of Conservation Appropriate Assessment

- 9.26 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.
- 9.27 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.
- 9.28 A contribution of £627 per unit (£1,881 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.

- 9.29 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.

F. Highways

- 9.30 Policy 60 (Promoting Sustainable Transport) states that the Council will actively encourage sustainable travel. Development should not have a harmful impact on the walking and cycling environment.
- 9.31 Policy 66 outlines that the Council looks to manage parking by encouraging car-free development, particularly in locations with high levels of parking stress. The Council will look to limit car parking for developments to spaces designed for disabled people and to meet operational and service needs. The site is located within a controlled parking zone (CPZ), as such the proposal should be car-free. To ensure the proposal remains car-free, permission would be subject to a S106 agreement ensuring future occupiers are not entitled to on-street residential parking permits for the local CPZ.
- 9.32 In summary, officers are satisfied that any proposed conditions and S106 agreement would provide sufficient mitigation against any potential car parking pressure generated by the proposal. This conclusion is supported by highway officers and would ensure compliance with the objectives of Policy 66.
- 9.33 Local Plan Policy 61 and Appendix 1 sets the minimum requirements for cycle parking for new developments at 2 cycle-space per 2-bedroom dwelling. Accordingly, the proposal would be required to provide a minimum of 6 cycle spaces for future residents of the development, which is indicated in the proposed plans and would be incorporated within the front/rear gardens of each property. The applicant also proposes additional cycle storage for the existing flats at no. 58 Hatherley Road, which is welcomed.
- 9.34 Highway officers were consulted and raised no objection to the principle of development. Comments were provided in response to the applicant's outline CLP, which can be taken on board prior to submission of a detailed CLP. A CLP must follow CLOCS guidance and further information including templates is available online. The planning officer should be contacted to request the full highways consultee response to inform a future submission. It was also requested that a condition is included for a highway condition survey, however given the scope of the S278 works proposed this would see renewal of at least part of this section of public highway.
- 9.35 Additionally, highway officers requested a financial contribution of £250 towards CLP monitoring.
- 9.36 The development should utilise SUDS and all opportunities must be explored. Potential SUDS features for this site include water butts, rain

gardens, and soakaways, that must be designed together with infiltration test results and recommended soakage rates where soil conditions may be suitable for infiltration. The inclusion of rainwater harvesting, and greywater recycling systems should be assessed and used if feasible. SUDS features included within the drainage design should be fully justified by adopting techniques in a hierarchical manner, maximising the use of those techniques higher up the hierarchy and those that deliver multi-functional benefits (refer to 3.4.14 and 3.4.15 of the GLA's Sustainable Design and Construction SPG). The developer should demonstrate that the requirements of table 3.1 of the SPG documents have been considered. A condition is therefore recommended for a SUDS strategy for the site.

G. Waste management

- 9.37 In accordance with Policy 93 of the Local Plan, development should ensure that waste is managed in the most environmentally friendly way to protect human health and the environment from pests and other environmentally damaging effects. For households the Council operates a three-colour bin system with weekly collections: black 140L wheeled bin for refuse, green 140/240L wheeled bin for recycling and a brown 140/240L wheeled bin for organic waste. It is at the developer's discretion to choose the size of the bins required for recycling dependent on the size of the house, though Waste Management Guidance (2014) recommends that a 240L bin is used for recycling for households of 2+ bedrooms.
- 9.38 It is confirmed by Council's Waste Team that the proposed waste arrangements are acceptable. This includes wheeled bins for refuse and recycling for each unit, as well as an organic wheeled bin for units with a garden. Drag distances are also acceptable for positioning bins on collection day(s). The proposal would therefore comply with Policy 93 of the Local Plan.

H. Sustainability

- 9.39 Policies 85 and 89 require development to ensure 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.
- 9.40 The proposal would be required to incorporate measures to limit carbon dioxide emissions and provide resilience to climate change, going beyond the minimum Building Regulations requirements. The London Plan sets out a CO₂ reduction target, for regulated emissions only, of 35% against Building Regulations. The Local Plan is in line with this and therefore applies to this application. A condition requiring the development to submit details of the measures adopted to achieve at least a 35% reduction in carbon emissions over Building Regulations is therefore recommended. Similarly, a condition is recommended to ensure that the proposed development incorporates measures to achieve a target of 105L water use per person per day for each dwelling. Both conditions are considered standard for this type of development.

I. Legal matters

- 9.41 The conditions set out in the draft S106 heads of terms ensures that any adverse impact of the scheme is militated against and the positive aspects of the proposal advanced by the applicant are carried out through implementation. The following heads of terms have been agreed with the applicant/agent:

Transport and Highways

- Section 278 Agreement
 - Renewal of the footway on both frontages of the site on 58 Hatherley Road and Westbury Road
 - Removal of redundant vehicle crossovers on Hatherley Road and Westbury Road. The crossovers will have to be reinstated to full height footway
 - Renewal of existing road markings
- £3,000 financial contribution towards improving sustainable modes of transport (walking and cycling), which future occupiers would benefit from.
- A S106 contribution of £250 is requested towards CLP monitoring.
- Car-free status assigned to all new units, ensuring that future occupiers are not entitled to on-street car parking permits.

SAMMS

- A financial contribution of £627 per new home towards Strategic Access Management and Monitoring (SAMM) with a total of £1881 (£627 x 3).

Legal Fees

- Legal monitoring fee equivalent to 5% of the total financial contribution

Monitoring and Implementation

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

10 CONCLUSIONS

- 10.1 In summary the proposed development, by virtue of its scale, siting and overall design would be an acceptable form of development, subject to compliance with the relevant pre-commencement and pre-occupation conditions and completion of a legal agreement. The overall scheme is considered a sensible and attractive intensification of the site which would respect the character of the local area in terms of both visual amenity and continued amenity protection for nearby residents. Additionally, the proposed S106 legal agreement would provide adequate mitigation from the development in terms of sustainable transport, parking and the Epping Forest Special Area of Conservation.

Taking into account the consistency of the scheme with the Local Plan and considering all material planning considerations, the proposal is acceptable. It is therefore recommended to committee members that planning permission is granted subject to conditions, informatives and completion of a Section 106 legal agreement.

11 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:
- 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.
- 11.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 11.3 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.
- 11.4 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

- 11.5 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.
- 11.6 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.

12 RECOMMENDATION

12.1 It is recommended to committee members that planning permission is granted subject to the following conditions and informatives.

12.2 Conditions

1. The development hereby permitted shall begin not 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 1412/03/500 Rev A dated 6th February 2023 and 1412/01/500 Rev A, 1412/01/501 Rev A and 1412/04/500A, dated 29th April 2024.

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

3. The materials to be used for the external surfaces of the development hereby permitted shall match those specified in drawing numbers 1412/03/501, 1412/03/502 and 1412/03/503A, dated 29th April 2024, and shall thereafter be retained as such for the lifetime of the development.

Reason: To safeguard the visual amenities of the area in accordance with Policy 53 of the adopted Waltham Forest Local Plan LP1 (2024).

4. The siting, design, height and finish of all new walls, gates, fencing, railings and other means of enclosure shall match the details specified in drawing numbers 1412/06/501, 1412/06/502, 1412/06/503 and 1412/06/505A, dated 29th April 2024, and shall thereafter be retained as such for the lifetime of the development.

Reason: In the interest of general visual amenity and the amenity of neighbouring occupants, in accordance with Policies 53 and 57 of the adopted Waltham Forest Local Plan LP1 (2024).

5. Prior to first occupation of the development hereby permitted, any window(s) serving the side and rear elevations of the proposed dwellinghouses at Westbury Road at both first and second-floor level shall be fitted with obscured glazing and, apart from any top-hung light that has a sill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. The window(s) shall thereafter be permanently retained as such.

Reason: To prevent overlooking and loss of privacy in the interests of the amenities of the adjoining property, in accordance with Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

6. The siting, design, height and finish of refuse and cycle storage shall match the details specified in drawing numbers 1412/06/504 and 1412/06/506, dated 29th April 2024, and shall thereafter be retained as such for the lifetime of the development.

Reason: To ensure that waste management has no undue visual or amenity impacts and that the development promotes sustainable modes of transport, in accordance with Policies 53, 57, 61 and 93 of the adopted Waltham Forest Local Plan LP1 (2024).

7. Prior to the commencement of development on site, notwithstanding site investigation work, clearance, demolition and construction to slab level, details of the hard and soft landscaping to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of the retained and proposed planting around the site(s), along with the requirement to demonstrate that all hardstanding areas are permeable. 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 and 79 of the adopted Waltham Forest Local Plan LP1 (2024).

8. Prior to the commencement of development hereby permitted, notwithstanding site investigation and clearance works, demolition and construction to slab level, details relating to the design and location of three habitat bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out fully in accordance with the approved details prior to first occupation of the development and shall be thereafter maintained as such for the lifetime of the development.

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

9. Prior to the commencement of any development on site including demolition, 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, amongst other matters. All works shall be carried out in accordance with the approved details throughout all demolition and construction stages.

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).

10. Prior to the commencement of development on site, notwithstanding site investigation work, clearance and demolition, a SUDS (Sustainable Urban Drainage System) to deal with surface water drainage from the site, including details of proposed rainwater harvesting systems, green roofs and proposed soakaway designs together with infiltration test results and recommended soakage rates, shall be submitted to and approved 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 Waltham Forest Local Plan LP1 (2024).

11. Prior to first occupation of the development hereby permitted, a scheme demonstrating how the scheme reduces the carbon emissions of the development by at least 35% compared to Building Regulations shall be submitted to and approved in writing by the Local Planning Authority. The report shall explain what measures have been implemented in the construction of the development. The development and energy efficiency measures documented and approved shall be retained for the lifetime of the development.

Reason: In the interests of the sustainability and energy efficiency of the development, to meet the requirements of Policy 85 of the adopted Waltham Forest Local Plan LP1 (2024) and Policy SI 2 of the London Plan (2021).

12. Prior to first occupation of the development hereby permitted, a scheme detailing measures to reduce water use within the development to meet a target water use of 105 litres or less per person per day shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved scheme and thereafter retained, as such for the lifetime of the development.

Reason: To minimise the water use of the development in accordance with Policy 89 of the adopted Waltham Forest Local Plan LP1 (2024) and Policy SI 5 of the London Plan (2021).

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order amending, revoking or re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Classes A, AA and B of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the opinion of the Local Planning Authority, the nature and density of the site layout requires strict control over the form of any additional development that may be proposed in the interests of both

visual and residential amenity, in accordance with Policies 53 and 57 of the adopted Waltham Forest Local Plan LP1 (2024).

14. The rear-facing flat roof area of the development hereby approved fronting Westbury Road at second-floor level shall be accessed for the purpose of maintenance only and not be used as a balcony, roof garden or sitting out area at any time.

Reason: To preserve the privacy and amenities of the adjacent property occupiers, in accordance with Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

12.3 Informatives

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

2. 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.

3. Construction and demolition works audible beyond the boundary of the site should only be carried out between the hours of 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturdays and not at all on Sundays or on Public/Bank Holidays.

4. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and eaves overhang, will encroach on, under or over adjoining land. The applicant's attention is also drawn to the terms of the Party Wall Act 1996.

5. 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.

6. Unless otherwise agreed, hardstanding levels within the red line boundary and threshold levels shall be designed to tie into existing public highway back of path levels. Discharge of surface water onto public highway is not permitted.

7. 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.

8. 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.