

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 03 Dec 2024
Application reference:	241195
Applicant:	Mr Zaheer Hanif
Location:	Apollo House, 242 - 246 Wood Street, Walthamstow, London, E17 3NA
Proposed development:	Construction of two storey extensions to the building frontage at No.244 (including roof accommodation), with two rear dormer roof extensions and four roof-lights to the front roof-slopes to facilitate the creation of a self-contained dwelling (1 x 3-bedroom) (Use Class C3). Works include formation of a roof terrace at rear first floor level, provision of bicycle storage and refuse/recycling facilities to the rear.
Wards affected:	Upper Walthamstow
Appendices:	None

1. RECOMMENDATION

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

Epping Forest Special Area of Conservation (SAC):

- Financial contribution of £627 towards Strategic Access Management and Monitoring Strategy (SAMMs).

Highways and Transportation:

- Facilitating Highway works under a S278 will be required upon completion of the development, prior to occupation. The works will be funded by the Developer and carried out by the Council, relating to:
 - Removal of the existing vehicular crossover fronting the site and reinstatement of the footway.
 - Provision of a dropped kerb for waste collection and cycle access
- Financial contribution of £1,000 for improving sustainable modes of transport including walking and cycling in the sites vicinity which will directly benefit new residents in this development.
- Financial contribution of £250 for CLP monitoring.
- The developer would be required to carry out a pre and post construction highway condition survey of the carriageway and footways directly fronting the site. Any

damage to the highways as a result of the construction works would be reinstated by the Council and funded by the developer.

Monitoring and Implementation:

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

Legal Fees:

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

Minor Amendments

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

2. REASONS REFERRED TO COMMITTEE

- 2.1. The application has been referred to Committee due to the extensive level of public interest.

3. SITE AND ITS SURROUNDINGS

- 3.1. The application site is known as Apollo House located on the western side of Wood Street. The site is a part two, part single storey building which forms part of a terrace of properties. To the rear there is an ancillary two storey building and a single storey building separated from the building to the front by an open courtyard.
- 3.2. The Apollo House has changed from commercial use (Class E) to seven self-contained flats (residential use, Use Class C3) with permission granted in 2023.
- 3.3. The surrounding area is characterised by a mix of building typologies ranging from two to five storeys in height. To the north, south and west side, there are low scale residential properties while east of the site lays a mid-scale mixed-use development (Broadwest Apartments).

- 3.4. The site has a good Public Transport Accessibility Levels (PTAL) rating of 4, with the nearest station (Wood Street Overground Station) located 270m away, it is also located within Wood Street Strategic Location.
- 3.5. The site is located within a critical drainage area, however not within Flood Zone 2 or 3, and within the within the Borough-wide Air Quality Management Area (AQMA).
- 3.6. The site also falls within the zone of influence of the identified Epping Forest Special Area of Conservation (EFSAC), under the EU Habitats Directive (92/43/EEC) and within 400m buffer to EFSAC.
- 3.7. The property is not located within a Conservation Area/Area of Special Character, is not listed/locally 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 proposal seeks to add an extension above the existing single storey part of the building fronting Wood Street, to create a two storey element with a pitched roof incorporating two rear dormers, to create a 3 bedroom 5 person unit. A roof terrace will be created above the existing ground floor, to provide outdoor amenity space for the new unit.
- 4.2. The extension would feature painted rendering, uPVC windows and roof tiles to match with the existing terrace.
- 4.3. The proposed flat would be accessed through the existing entrance door fronting Wood Street. Residents would share cycle and waste storage located at the courtyard with existing flats, with additional capacities proposed.

5. RELEVANT HISTORY

Planning

- 5.1. Prior Approval was granted for application reference 230977 for change of use of the ground and first floor from commercial use (Use Class E) to residential use (Use Class C3) providing seven self-contained flats (1x2-bed, 4x1-bed and 2xstudio) on 02/06/2023.
- 5.2. During the Planning officer's site visit on 8th Aug 2024 it was observed that the approved works have been completed. However, the conversion of the single storey front building has not been implemented in accordance with the approval, in terms of materiality, finishes and overall design of the front elevation where the pre-existing brickworks has been rendered in white, and the fenestrations as built have smaller openings. The pitched roof has also been removed.
- 5.3. Given that these alterations to the original approved Prior Approval 230977 are not linked, nor affect the current proposal this would need to be addressed separately by Enforcement Team.

Table 1: Comparison of approved and existing front elevation

Approved front elevation	As built
	

5.4. Approval was granted for Approval of Details application reference 231720 relating to condition 5 (cycle storage) condition 6 (Refuse and recycling facilities) condition 7 (Construction Logistics Plan) and condition 8 (condition survey of the adjoining carriageway and footways on Wood Street.) relating to original planning approval reference 230977, on 04/09/2023

Pre-application

5.5. Pre-application advice (reference: PRE_23_0334) was sought for the construction of two storey extension to frontage building with roof terrace to rear at first floor level, cycle and refuse/recycling storage to yard, along with change of use of the ground and first floor of existing buildings from commercial use (Class E) to residential use (Class C3) to provide eight self-contained flats.

5.6. Development is supported in principle and the following matters were highlighted as needing to be addressed/clarified in order for a forthcoming submission to be supported:

- A material schedule, along with further work in relation to fenestration and window detailing, to ensure that development would be of high quality finish.
- A cross section drawing to confirm internal head heights, to ensure suitable living environment is created
- Detailed design of roof terrace, which would provide sufficient outdoor amenity of occupiers, but maintain privacy for neighbouring residential units/properties.
- Details to be provided to ensure adequate and suitable cycle and refuse facilities.

- 5.7. Since this pre-application, two separate applications were submitted: Prior Approval for change of use for 7 self-contained flats; and a full application for the two storey extension (this current application).

Planning Enforcement

- 5.8. None.

6. PUBLIC CONSULTATION

- 6.1. The Council circulated consultation letters to neighbouring residents on the 24th July 2024. Site Notices were displayed on the site, dated 29th July 2024.
- 6.2. The following properties have been consulted:
- Flat 1 to 5, Aysha Court, 251 Wood Street, E17 3NT
 - 234 to 250 (even) Wood Street, Walthamstow, London, E17 3NA
 - 1a and b, 3 and 5 Chestnut Avenue North, Walthamstow, London, E17 3NF
 - Flat 1 to 12, Broadwest Apartments, 245 Wood Street, Walthamstow, London, E17 3NT
 - 247 - 253 Wood Street, Walthamstow, London, E17 3NT
 - 253a and e Wood Street, Walthamstow, London, E17 3NT
 - Unit D South and North, 253 Wood Street, Walthamstow, London, E17 3NT
 - Crownlea, 253b Wood Street, Walthamstow, London, E17 3NT
 - Apollo House, 242 - 246 Wood Street, Walthamstow, London, E17 3NA
 - 2 to 8 (even) Roland Road, Walthamstow, London, E17 9HN
 - Kingfisher Court, 2a Roland Road, Walthamstow, London, E17 9HN
 - Nightingale Court, 2b Roland Road, Walthamstow, London, E17 9HN
- 6.3. Additional public consultation was undertaken from 25th Sep 2024 for 14 days due to receipt of a Daylight and Sunlight Report. A further consultation was then taken from 1st Oct 2024 for 14 days due to amendment to the proposal to increase bedroom number from 2 to 3 and alterations to the roof terrace.
- 6.4. For clarity, approved plans of application reference 230977 were removed from the submission. Further set in of the proposed roof terrace was also introduced. These alterations were made after the consultations, however due to the minimal changes and reduced scale of the proposal, no re-consultation is required.
- 6.5. As a result of the public consultations 6 objections were received from neighbouring properties.

Table 2: summary of objection

Objection	Officer Response
Impact on daylight/sunlight	The impact is considered acceptable, further explained under section 11C.

Privacy	Given the relationship with neighbouring property the proposal raises no concerns in terms of privacy, further explained under section 11C.
Out of keeping with character	The proposal is considered to be in keeping with the host property and wider locality, further explained under section 11B.
Overbearing height	The proposed height would be the same as the host terrace and there are no overbearing concerns, further explained under section 11B.
Impact on property value	This is not a material planning consideration.

7. OTHER CONSULTATIONS

7.1. The following internal and external consultees were consulted, with comments received provided below:

Table 3: summary of internal responses

Consultee	Comments
Highways	No highway concerns raised and the following was recommended on grant of any forthcoming approval: <ul style="list-style-type: none"> - Condition of Detailed Construction Logistics Plan - Financial contributions towards monitoring the Construction Logistics Plan and improving sustainable modes of transport - S278 agreement for highways works: <ul style="list-style-type: none"> • Removal of the vehicular crossover fronting the site and reinstatement of the footway. • Provision of a dropped kerb for waste collection and cycle access.
Transport Policy	No comments received
Design	No comments received
Sustainability	No comments received
Waste Management	No comments received
Environmental Health	No comments received

Table 4: summary of external responses

Consultee	Comments
Thames Water	No comments received
Natural England	No concerns subject to appropriate mitigation
London Fire Brigade	No comments received

8. DEVELOPMENT PLAN

- 8.1. Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:
- A) the provisions of the development plan, so far as material to the application;
 - B) any local finance considerations, so far as material to the application; and
 - C) any other material considerations.
- 8.2. Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Waltham Forest comprises the Waltham Forest Local Plan LP1 (2024), and the London Plan. Other planning policies are material considerations.

The London Plan (2021)

- 8.3. The London Plan is the overall strategic plan for London and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital from 2019 to 2041.
- 8.4. The relevant policies within the London Plan 2021 relevant to this application are considered to include but not limited to:
- GG2 Making Best Use of Land
 - GG4 Delivering the homes Londoners need
 - D1 London's form, character, and capacity for growth
 - D3 Optimising site capacity through the design-led approach
 - D4 Delivering good design
 - D5 Inclusive design
 - D6 Housing quality and standards
 - D7 Accessible housing
 - H1 Increasing housing supply
 - H2 Small sites
 - H10 Housing size mix
 - G6 Biodiversity and access to nature
 - SI2 Minimising greenhouse gas emissions
 - SI5 Water infrastructure
 - SI13 Sustainable Drainage
 - T5 Cycling
 - T6 Car Parking
 - T7 Deliveries, Servicing and Construction
 - DF1 Delivering of the Plan and Planning Obligations

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

- 8.5. The draft version of the Local Plan underwent Regulation 18 public consultation between July 2019 and September 2019 and consultation on the proposed submission version between 26 October 2020 and 14 December 2020. It underwent examination and consultation on proposed modifications concluded on 21 September 2023. The Waltham Forest Local Plan (LP1) was subsequently adopted 29 February 2024 and therefore now forms a key part of the development plan in determining all planning applications. The previous Core Strategy (2012) and Development Management Policies (2013) are superseded by LP1.
- 8.6. The relevant policies are:
- Policy 4 Location of Growth
 - Policy 10 Central Waltham Forest
 - Policy 12 Increasing Housing Supply
 - Policy 19 Small Sites
 - Policy 15 Housing Size and Mix
 - Policy 38 Hierarchy of Centres
 - Policy 53 Delivering High Quality Design
 - Policy 56 Residential Space Standards
 - Policy 57 Amenity
 - 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 79 Biodiversity and Geodiversity
 - Policy 81 Epping Forest and the Epping Forest Special Area of Conservation
 - Policy 85 A Zero Carbon Borough
 - Policy 87 Sustainable Design and Construction
 - Policy 88 Air Pollution
 - Policy 89 Water Quality and Water Resources
 - Policy 93 Waste Management
 - Policy 94 Infrastructure and Developer Contributions

9. MATERIAL PLANNING CONSIDERATION

National Planning Policy Framework (2023) and 2024 Consultation

- 9.1. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as at the heart of the framework.
- 9.2. For decision-taking the NPPF states that the presumption means "approving development proposals that accord with an up-to-date development plan without delay" and where there are no relevant development plan policies, or the policies which are

most important for determining the application are out of date, granting permission unless "...any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".

- 9.3. The NPPF gives a centrality to design policies; homes should be locally led, well-designed, and of a consistent and high-quality standard. Local planning authorities (LPAs) are to make sure that the quality of approved developments does not materially diminish 'between permission and completion, as a result of changes being made to the permitted schemes.
- 9.4. The specific policy areas of the NPPF considered to be most relevant to the of this application are as follows:
- Delivering a sufficient supply of homes
 - Ensuring the vitality of town centres
 - Promoting healthy and safe communities
 - Promoting sustainable transport
 - Achieve well-designed places
 - Delivering a wide choice of high quality homes
 - Conserving and enhancing the natural environment

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

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

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

- 9.6. London Plan Supplementary Planning Guidance "Housing" (2016)This document provides guidance on a range of strategic policies including housing supply, residential density, housing standards, build to rent developments, student accommodation and appraisals.
- 9.7. This standard relates to the internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal Area (GIA) of new dwellings at a defined level of occupancy and floor areas and dimensions for key parts of the home including bedrooms and storage.

Living with beauty, promoting health, well-being and sustainable Growth, The report of the Building Better, Building Beautiful Commission (Jan 2020)

- 9.8. This report sets out a series of recommendations that seek to “ask for beauty, refuse ugliness and promote stewardship”. It sets out the aspiration that beauty should be an essential condition for the grant of planning permission.

National Design Guide: Planning practice guidance for beautiful, enduring and successful places (Jan 2021)

- 9.9. This sets out the ten characteristics of good design: Context, Identity, Built form, Movement, Nature, Public Spaces, Uses, Homes and Buildings, Resources and Lifespan. The purpose of ensure all forthcoming future developments are of high quality design and standard in its entirety.

Waltham Forest Supplementary Planning Document - Planning Obligations (2017)

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

10. LOCAL FINANCE CONSIDERATIONS

- 10.1. 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).
- 10.2. There are no grants which have been or will or could be received from central government in relation to this development.
- 10.3. The Council has not received and expects to receive income from LBWF CIL in relation to this development.
- 10.4. The Council has not received and expects to receive income from Mayoral CIL in relation to this development.

11. ASSESSMENT

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

- A) Principle of Development
- B) Urban Design
- C) Living Conditions – Existing occupiers
- D) Living Conditions – Future occupiers
- E) Transport and Highways
- F) Waste Management
- G) Sustainable Design and Energy Efficiency
- H) Landscape and Ecology
- I) Environment Impact
- J) Planning Obligations

A. Principle of Development

- 11.2. National, London and Local Plan policies all seek to encourage sustainable housing development on appropriate sites in urban areas.
- 11.3. Policy H1 of the London Plan (2021) states that to ensure housing targets are achieved, boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their planning decisions, especially sites with Public Transport Accessibility Levels (PTAL) of 3-6 and small sites. Policy H2 of the London Plan also states that boroughs should pro-actively support well-designed new homes on small sites (i.e. those below 0.25ha) through planning decisions in order to increase the contribution of small sites to meeting London's housing needs and to provide opportunities for a variety of locations, housing types and developers.
- 11.4. Policies 12 and 19 of the adopted Waltham Forest Local Plan LP1 (2024) sets out that the development should make effective and efficient use of land by seeking to optimise housing densities, well-designed new homes on small sites will generally be supported. Policy 4 of the adopted Waltham Forest Local Plan LP1 (2024) directs growth to Strategic Locations to deliver new homes.
- 11.5. The subject site is located within Wood Street Strategic Location, in close proximity to Wood Street District Centre and has a good PTAL rating of 4. The site is well connected by overground with Wood Street Station located 270m away and several bus routes passing by the application site. The surrounding area is mixed in character, with commercial and residential uses in buildings of two to eight storeys buildings.
- 11.6. The creation of an additional unit in this location, given the strategic location of the site, within proximity to Wood Street District Centre and well connected by public transport, the development to facilitate one additional residential unit (3b5p) to the site in this location is considered appropriate, and would contribute towards meeting the Borough's identified housing needs. As such, the principle of development is acceptable with regards to additional housing, in line with Policies H1 and H2 of the London Plan (2021), Policies 4, 12 and 19 of the adopted Waltham Forest Local Plan LP1 (2024).

B. Urban Design

- 11.7. 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. Paragraph 208 states that where a proposal leads to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits.
- 11.8. Policies D3 and D4 of the London Plan (2021) states that development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

- 11.9. Policy 53 of the Waltham Forest Local Plan states that the Council will expect a high standard of urban and architectural design for all the new development.
- 11.10. The proposal would sit atop an existing single storey building to create a two-storey extension. The extension would include a first-floor projection and two rear dormers at roof level.
- 11.11. The design would reflect the general pattern of development providing a traditional front elevation and to the rear create an outrigger projection. The development would have a consistent building line and height with the host terrace, whilst these two proposed frontages would appear narrower than the existing terrace, the matching fenestrations, lintels, sills, roof tiles and painted rendering would deliver a sympathetic design replicating the adjoining properties along this terrace. The proposed front rooflights would be well situated within the roof plane and share similar appearance as the rooflights commonly found in the immediate area. Compared with the existing single storey building, the proposal would improve the setting of the subject site along the terrace and within the street scene.
- 11.12. Whilst rear dormers are not common in the area, the proposed dormers would be set 0.4m to 0.6m away from both sides, and 0.4m above the eaves to remain subordinate to the roofscape. Given the sufficient set in, the proposed design is considered proportionate and would not cause unreasonable impact to the immediate rear context. In this context there is no reasonable justification to not support such structure into the rear roof profile, so long as it is considered that there will not be a top-heavy impact.
- 11.13. The upper floor terrace has been carefully designed, with 1m railings, planters and soft landscaping running along to soften the appearance of the terrace. The terrace would also be set away 2.9m from No.246 and 3.8m from No.240. Given the sufficient separation, the proposed terrace would not appear dominant to cause significant visual harm in the relevant context.
- 11.14. A planning condition shall be included to ensure the details of the railings, planters and associated soft landscaping.
- 11.15. In terms of materiality, the proposal would be rendered, featuring roof tiles and UPVC fenestrations to match with the host terrace. Detailed material schedule would be conditioned to ensure the design and quality of the materials.
- 11.16. Overall, the proposal would enhance the current appearance and setting of the building within the wider streetscape and character, and in particular continuing the two storey terraced language along the street frontage whilst also optimising the use of the site.

C. Living Conditions – Existing occupiers

- 11.17. Policy D6 of the London Plan (2021), along with Policy 57 of the Waltham Forest Local Plan LP1 (2024) requires that new home proposals respect the amenity of existing and future occupiers, neighbours and the surrounding area by avoiding harmful impacts from overlooking, enclosure and/or the loss of privacy, outlook and daylight/sunlight to adjacent residential properties.
- 11.18. The proposal has been carefully designed to protect the amenity of existing occupiers within the existing site and on neighbouring properties.

(i) Outlook and Privacy

246/246A Wood Street (adjoining)

- 11.19. These flats are located to the southern side of the proposed development. Whilst there is a first-floor side window at 246/246A, it is obscure-glazed and serves a bathroom. Furthermore, no side window is proposed to cause any unreasonable impact in terms of overlooking nor privacy.
- 11.20. Although there is a first floor rear window at 246/246A which serves a bedroom, the proposed development has been carefully designed with most of the flank walls setting away 2.5m from the shared boundary to mitigate sense of enclosure and outlook. The proposal also fulfils the 45 degree rule measuring from this bedroom window of 246/246A, which indicates that there would be acceptable daylight/sunlight and outlook.
- 11.21. The proposed roof terrace would also set away 2.9m from the common boundary with those properties; planters and soft landscaping would also be placed along the boundary to mitigate impact of overlooking and privacy. Overall, given the sufficient set back and overall design, the proposal is considered not to cause significant impact on residents of 246/246A in terms of enclosure, outlook nor privacy.

240/240A Wood Street (adjacent)

- 11.22. These flats are located to the north of the subject site. Since the proposal would be situated within the existing side building line of No.244, the 3.4m separation from No.240 would remain in the form of an open courtyard to the side. Whilst it is noted there are two first floor side windows present at 240/240A, they are inserted to the rear outrigger and set further away from the proposed site. Besides, they would mainly face the open courtyard and a small section of the proposed terrace. Overall, given the separation and set back of the proposal, the development is not considered to cause overbearing impact on No.240/240A in terms of enclosure nor outlook.
- 11.23. The proposed first floor terrace would be screened by 1m tall railings and plants along the boundary. Given the separation distance stated above, the proposed boundary treatment and associated soft landscaping are considered effective to mitigate relevant impact of overlooking and privacy.
- 11.24. In light of the above, given the sufficient set back and overall design, the proposal is not considered to cause overbearing impact on residents of 240/240A in terms of enclosure, outlook nor privacy.

242 to 246 (even) Wood Street (host property and adjacent flats at the back)

- 11.25. The proposed development would sit above No.244 (flat B and C) with a smaller footprint, setting back 3.7m to 6m from the ground floor rear building line. The proposed development would reposition the front door and remove 1.5sqm internal space from flat B to place the stairs. The total gross internal space of Flat B would be reduced to 50.5sqm, which still meets the internal space standards of Local Plan and London Plan for 1b2p.
- 11.26. The proposal would not incur any change to the amenity of the existing occupiers of both flats in terms of enclosure, outdoor space nor privacy.

- 11.27. Located to the rear (west) of the proposed development within the application site, lies a part single, part two storey building that host 4 self-contained flats. The rear elevation of the proposed two storey extension would set away 9m to 11m from these flats and the proposed roof terrace would set away approximately 6m away. The set back is similar to the existing separation between Nos.246, 248 and these ancillary buildings. Overall, given the immediate context and town centre location, the proposed set back is considered sufficient to mitigate impact of enclosure, outlook and privacy.
- 11.28. Furthermore, 1m tall railings and soft landscaping are proposed to mitigate impact of overlooking.
- 11.29. It is acknowledged that there are rooflights installed to these self-contained flats, however they are either inserted at second floor level, or on a pitched roof plane, together with the separation distance stated above and angle, the possibility of overlooking from the proposed terrace/dormer into the rooflights would be fairly limited. Overall, the proposal is not considered to cause detrimental impacts on the existing residents of 242 to 246 (even) Wood Street.

247 to 251 (odd) Wood Street and Broadwest Apartments (opposite)

- 11.30. These two to five storeys properties are located to the east of the subject site approximately 20m away from the application site and proposed development. Given the generous separation distance, with a two-lane main road between as a buffer, the proposal is considered not to have a detrimental impact in terms of enclosure, outlook nor privacy.
- 11.31. To conclude, the proposed development would not cause unreasonable impact on the neighbouring properties in terms of outlook nor privacy.
- (ii) Daylight, Sunlight and Overshadowing
- 11.32. The Mayor's Housing SPG (2016) states that "an appropriate degree of flexibility needs to be applied when using the Building Research Establishment (BRE) guidelines to assess daylight and sunlight impact of new developments on surrounding properties as well as new developments themselves.
- 11.33. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites, and accessible locations. This should consider local circumstances, the need to optimise housing capacity and the scope for the character and form of an area to change over time".
- 11.34. The assessment should therefore not be limited to a technical exercise against the default BRE guidelines and recommendations but should take into consideration the current and future physical context of the site and its surroundings, considering that BRE is for guidance purposes and there are no policy requirements with regards to numerical values.
- 11.35. A Daylight and Sunlight Report (dated 17 October 2024) was submitted and provides a detailed daylight and sunlight technical study of the development and its impact on the neighbouring properties.
- 11.36. Impact of the proposal on the following properties has been assessed:
- 1 to 12 Broadwest Apartments

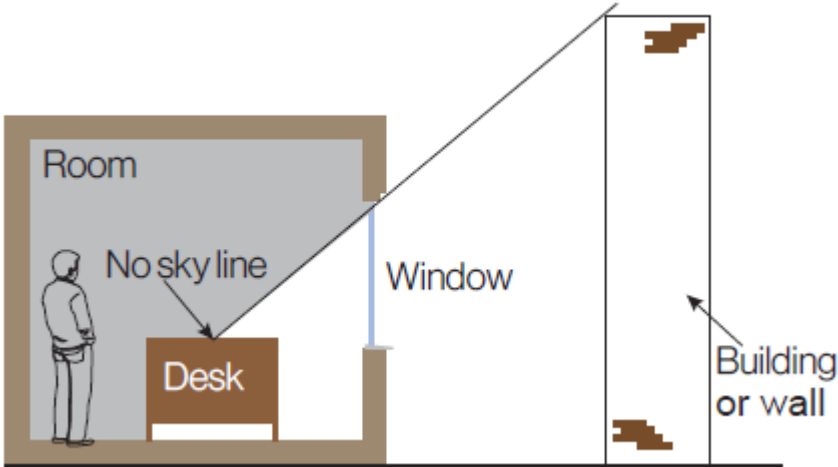
- 240, 240A, 242 to 246 (even) and 247 to 253 (odd) Wood Street

Figure 1: location of the subject site (in blue) and surrounding properties (extracted from daylight report)



- 11.37. In terms of overshadowing, all gardens and open spaces tested meet the BRE recommendations which at least 50% of each amenity space would receive at least two hours of sunlight on 21 March (equinox).
- 11.38. In regards to sunlight, all windows that face within 90 degrees of due south have been tested for direct sunlight. All windows with a requirement for sunlight (i.e. all main living rooms and conservatories) pass both the total annual sunlight hours test and the winter sunlight hours test. The proposed development therefore would satisfy the BRE direct sunlight to windows requirements.
- 11.39. In terms of daylight, two types of assessment have been conducted:
- 11.40. Vertical Sky Component: all windows with a requirement for daylight (i.e. living rooms, kitchens and bedrooms) pass the VSC test. VSC is the ratio of the direct sky illuminance falling on the vertical wall at a reference point (usually the centre of the window), to the simultaneous horizontal illuminance under an unobstructed sky.
- 11.41. Daylight Distribution: the distribution of daylight within a room can be calculated by plotting the 'no sky line'. The no sky line is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.

Figure 2: no sky line divides areas of the working plane which can and cannot receive direct skylight (extracted from the BRE guide)



11.42. All rooms with a requirement for daylight pass the daylight distribution test with the exception of one room (living/kitchen) of flat D at 242 to 246 Wood Street.

Figure 3: affected window 69 of 242 to 246 Wood Street (extracted from daylight report)

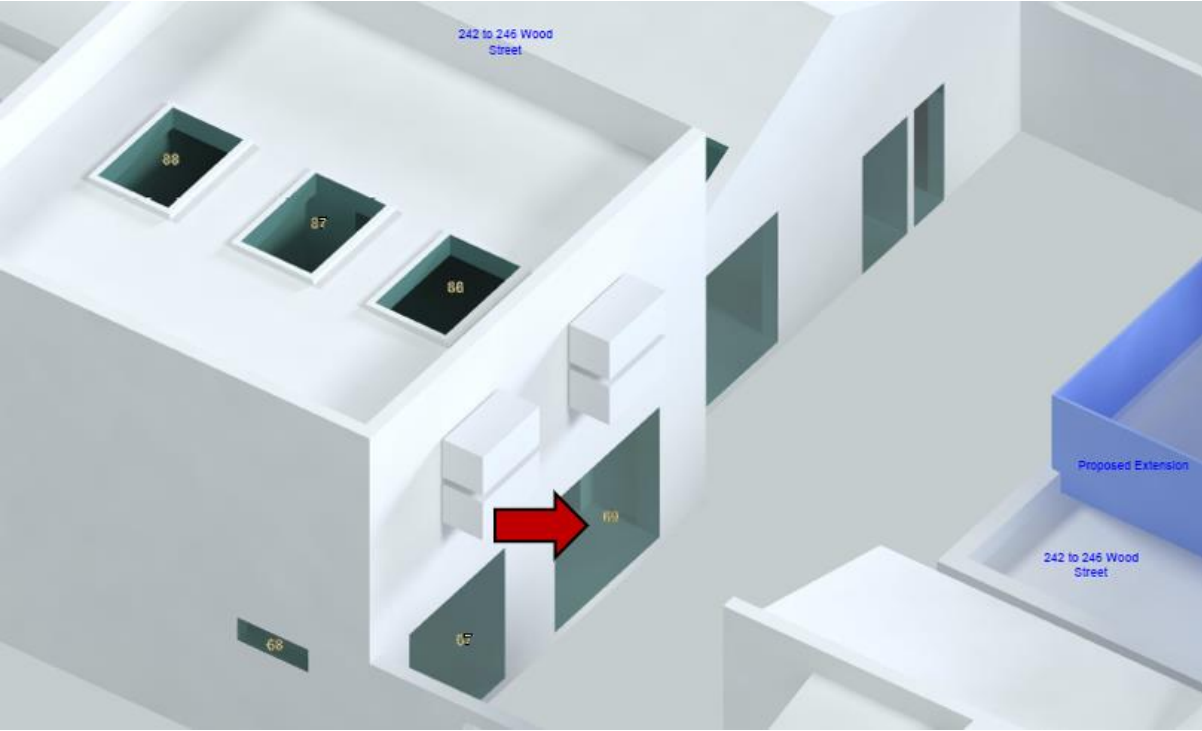
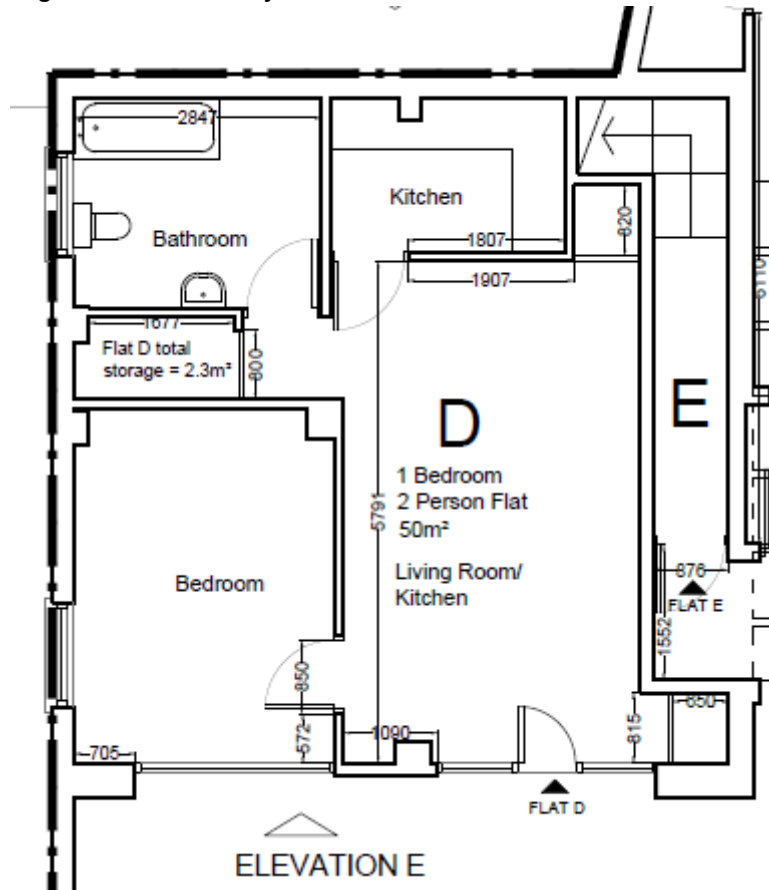


Figure 4: internal layout of flat D of 242 to 246 Wood Street



- 11.43. This flat is situated at the back of the subject plot, similar to a mews location within an urban context. The flat benefits from two east-facing windows, serving the living room/kitchen and a bedroom.
- 11.44. The living/kitchen is served by only one window (number 69). After the development, daylight distributed to this window would be 59%, which is a reduction greater than 0.8 times its current level (92%).
- 11.45. Whilst the post-development daylight would not comply with BRE guidelines, the BRE guide acknowledges that if an existing building contains rooms lit from one side only and are greater than 5 metres deep, areas receiving direct skylight will be less than other buildings with multiple aspects and/or lesser depth.
- 11.46. The room served by window 69 is single aspect and is over 5 metres deep. Due to these constraints, a greater reduction of direct daylight caused by development would be unavoidable. Whilst the BRE guide gives numerical guidelines, the guide states that these should be applied sensibly and flexibly.
- 11.47. Whilst the proposal would have noticeable impact on the no sky line of this flat, the impact would be limited to only one window. The bedroom window would still benefit from reasonable daylight.
- 11.48. Besides, natural light distributed to this flat would still maintain at a reasonable level, as confirmed by the VSC test, direct sunlight and overshadowing test.
- 11.49. On balance, given the urban context where the development situated within, and the BRE guidance advocates for a flexible and contextualised approach, the proposed

development would not have a significant harm on daylight and sunlight of neighbouring residents to warrant refusal in this instance. The proposal would comply with Policy D6 of the London Plan (2021) and Policy 57 of the Waltham Forest Local Plan LP1 (2024).

- 11.50. In conclusion, it is considered that the development would be acceptable on amenity terms concerning privacy and would have limited ability to overlook neighbouring properties. Additionally, the development would be broadly in line with BRE guidance and would not have a significant harm on daylight and sunlight of neighbouring residents. The proposed development would be in accordance with the requirements of Policy D6 of the London Plan (2021) and Policy 57 of the Waltham Forest Local Plan LP1 (2021).

D. Living Conditions – Future occupiers

(i) Internal Space Standards

- 11.51. 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.
- 11.52. Policy D6 (Housing Quality and Standards) of the London Plan (2021), along with Policy 56 (Residential Space Standards) of the Waltham Forest Local Plan LP1 (2024) requires that new development proposals meet the specified minimum internal and external space standards. Additionally, these policies require adherence to qualitative standards for privacy, outlook, and daylight.
- 11.53. The table below demonstrates that the unit would comfortably exceed the minimum overall space requirements.

Table 5: internal and external space

Dwelling Type	London Plan Required Space standards GIA (sq. metres/m ²)(per dwelling)	Proposed Space Standards, GIA (sq. metres/m ²)	Compliance
3 bedroom, 2-storey, 5-person dwelling (Local Plan and London Plan)	93m ² with 2m ² built-in storage	99m ² with 2m ² storage	Complies
Bedroom (Technical Housing Standards)	Single bedroom: 7.5 m ² with (at least 2.15m wide)	Single bedroom: 7.8m ² with a width of 2.4m. Double bedroom 1 and 2: 14.8m ² (12m ² if omitting space with less than 2m	Complies

	Double bedroom: 11.5m ² (at least 2.75m wide)	ceiling height), with a width of 3m and 3.5m.	
Private Amenity space (Local Plan)	11m ²	Roof terrace: 12m ²	Complies

(ii) Ceiling height

11.54. 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.

11.55. The ceiling height of the proposed development would measure 2.5m on the first floor and approximately 60% (17m²) of the loft level. Overall, 75% of the gross internal area would meet the ceiling height required by London Plan to provide good quality accommodation.

(iii) Outlook, daylight and privacy

11.56. Turning to the level of outlook, daylight and privacy afforded to the unit proposed, an acceptable number of windows would be provided in locations conducive to providing both outlook and internal privacy. The proposed flat would be dual aspect to allow sufficient daylight and natural ventilation. The proposed railings and associated soft landscaping would be placed along the roof terrace to provide screening and enhance privacy of future residents.

(iv) External Space Standards

11.57. In terms of amenity space standards, Waltham Forest Local Plan Policy 56 states that for houses (terraced, semi-detached and detached) - a minimum of 50 m² of private amenity space should be provided per dwelling. For flatted development - a minimum of 10 sq. m amenity space to be provided for one and 2 bedroom flats and maisonettes. Flats and maisonettes containing three bedrooms or more should provide a minimum of 10sqm of external amenity space per dwelling plus an additional 1sqm for each additional occupant. Private external amenity spaces must be a minimum of 5sqm and achieve a minimum depth and width of 1.5m.

11.58. In this instance, the required amenity space for the proposal would be 11sqm. A roof terrace of 12sqm is proposed. By virtue of its design and generous size, the proposed terrace is considered an appropriate and well-designed amenity space for future occupants.

(v) Secure by Design

11.59. Policy D11 of the London Plan sets out requirements for all new developments to design out crime and incorporate an acceptable level of safety and security measures and ensure development is resilient to emergency. Policy 58 of the Local Plan developments

should minimise opportunities for criminal behaviour by requiring all forms of new development to incorporate Designing out Crime and Secured by Design principles.

- 11.60. The proposed flat would be accessed through the existing front door on the ground floor. The access to the communal courtyard and cycle store would remain unchanged, through a side gate with a keypad lock. These arrangements are considered reasonable and appropriate to maintain safety and security of the development, in accordance with Policy D11 of the London Plan and Policy 58 of the Local Plan.

(vi) Inclusive Design

- 11.61. London Plan Policy D5 states that development proposal should achieve the highest standards of accessible and inclusive design. Policy D7 requires 10% of new housing must meets Building Regulation requirement Part M4 (3) 'wheelchair user dwellings', i.e., is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users and all other dwellings to meet M4 (4) .
- 11.62. Policy 16 of the Waltham Forest Local Plan (2024) sets out an expectation for high quality accessible homes requiring all new homes to be accessible and adaptable and a minimum of 10% to be wheelchair accessible, or easily adaptable meeting M4(3).
- 11.63. There is no lift provided in this development and therefore M4 (2) compliance cannot be achieved in this instance. Paragraph 3.7.6 of the London Plan identifies that in circumstances such as this where a lift cannot reasonably be provided M4 (2) is not required.

E. Transport and Highways

- 11.64. The National Planning Policy Framework (2023) states that development should take opportunities to promote walking, cycling and public transport use.
- 11.65. 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.
- 11.66. 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).
- 11.67. 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

11.68. Policies 60 and 66 seek to effectively manage parking whereby all residential development are required to be car-free. The proposed development will not be served by any off street parking provision.

11.69. The site is located within a Controlled Parking Zone and Officers consider that the small-scale nature of the proposed development means the development would have an insignificant impact on parking stress within the vicinity of the site. As such, the absence of car parking provision is considered to be acceptable in this case and in compliance with Policies 60 and 66.

11.70. Highways requested that a s106 clause be added restricting future occupants from obtaining a parking permit. Given the scale of the development and low impact of adding 1 flat, it is not considered appropriate, nor proportionate in this case.

(ii) Cycle Parking

11.71. Local Plan Policy 61 and Appendix 1 sets the minimum requirements for cycle parking for new developments at 1.5 cycle-space/one-bedroom or dwellings, two cycle-racks/two-bedrooms and 3 spaces per all other dwellings.. Accordingly, the proposal would be required to provide a minimum of 3 cycle space for future residents of the three-bedroom flat.

11.72. There are 8 cycle parking spaces approved for the self-contained flats under prior approval ref: 230977 and their design was approved under application ref: 231720. Together with the proposed unit, a minimum of 11 bike parking spaces is required. It is noted from proposed plans that 11 parking spaces would be provided within the open courtyard, which is the same location approved under the above applications.

11.73. In light of the above, the development would comply with the objectives of adopted Local Plan Policy 61 and Appendix 1.

(iii) Sustainable Travel

11.74. Overarching objectives as laid out in London Plan Policy T1, and the Local Plan Policy state the importance of meeting the Mayor's strategic target of 80% of all trips in London to be made by foot, cycle or public transport by 2041. The proposal includes no car parking, and having regard to planning policy, a S106 request of £1,000 is requested toward improving sustainable modes of transport including walking and cycling in the sites vicinity which will directly benefit new residents in this development in line with policy 60 and 61 of the Local Plan.

(iv) Highway Works

11.75. The application site benefits from an existing dropped kerb for vehicular access into the open courtyard, which will no longer be required as part of this development. However a smaller dropped kerb would still be required to allow for cycle access and refuse collection. This therefore will require facilitating highway works to be carried out as part of the development. In order to secure the relevant highway works a Section 278 Agreement will be required with following extent of works to be included:

- Removal of the existing vehicular crossover fronting the site and reinstatement of the footway.
- Provision of a dropped kerb for waste collection and cycle access.

11.76. These works would be carried out by the Local Highway Authority funded by the developer.

(v) Construction Logistic Plan

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

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

11.79. An Outline Construction Logistics Plan was submitted with no significant highway nor pedestrian safety concern raised by Highways Officers. Planning conditions would be included to ensure a detailed construction logistics plan to be submitted for consideration and approval prior to commencement of any site preparation. It needs to ensure that disruption will be kept to a minimum within the area.

11.80. To ensure compliance with the CLP, a S106 contribution of £250 would be requested towards CLP monitoring which is required to facilitate cost incurred on the Highways Team for directly monitoring of the development, ensure that there is no damage public realm and should there be any damage to facilitate any claims required in terms of remedial works required. The monitoring of the development is an additional service commitment for the Highways Team, above and beyond the statutory Local Highways Authorities role and monitoring is directly related to the facilitating the development during the construction phase and protecting the public realm.

(vi) Highway Condition Survey

11.81. The developer would also be required to carry out a pre and post construction highway condition survey of the carriageway and footways fronting the site. Any damage to the highways as a result of the construction works would be reinstated by the Council and funded by the developer. This would be secured as part of the legal agreement.

F. Waste Management

11.82. Policy SI7 of the London Plan (2021) seeks to reduce waste and support the circular economy.

11.83. 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.

11.84. For households, the Council operates a three colour, two-wheeled bin systems with a weekly collection. Black 140 litre wheeled bin for refuse, green 140/240 litre wheeled bin for recycling and a brown 140/240 litre wheeled bin for organic waste.

11.85. It is at the developer's discretion to choose the size of the bins required for recycling dependent on the size of the house. However, Waste Management Guidance (2014) recommends that would recommend for households of two or more bedrooms that a 240ltr bin is used for recycling.

- 11.86. The waste storage and collection for the existing flats were approved under application ref: 231720. The waste storage is located to the open courtyard adjacent to the gated entrance. There are two 1100 litres recycling and general refuse bins, one 240 litres food waste bin. There is also an area to the side of the bins reserved for bulk waste storage. This existing storage would sufficiently accommodate the additional 1 unit proposed.
- 11.87. In light of the above, the proposal would comply with the objectives of adopted Local Plan policies 57 and 93.

G. Sustainable Design and Energy Efficiency

(i) Energy Efficiency

- 11.88. Policy SI2 of The London Plan sets out a CO2 reduction target of 35% against Building Regulations 2013 for major developments.
- 11.89. Policy 85 of Waltham Forest Local Plan LP1 (2024) requires all development to promote low carbon energy generation and maximise the opportunity for renewable energy following the London Plan energy hierarchy. All development of more than one home or greater than 100sqm must achieve a minimum of 35% reduction below Part L of the Building Regulations on-site, targeting net zero carbon where possible, in line with the London Plan energy hierarchy and with best practice guidance, including the GLA's Energy Planning Guidance. Development should meet the following London Plan 'Be Lean' stage (energy efficiency) carbon reduction targets before other measures are incorporated to meet the overall 35% reduction target.
- 11.90. The application proposes only one new unit, to be created as part of an extension to an existing building, and therefore, it would be acceptable for this to meet requirements as set out in the Building Regulations requirements. An outline energy and sustainability statement has been submitted and it states that the carbon emission standards would be achieved by use of renewable energy and thermal specification, and therefore there are no concerns with the development in meeting the Building Regulations requirements.
- 11.91. Overall, the proposal is considered in line with Policy SI2 of The London Plan and Policy 85 of the Local Plan.

(ii) Water Efficiency

- 11.92. Policy SI5 of the London Plan states that development should minimise the use of mains water in line with the Operational Requirements of the Building Regulations to achieve mains water consumption of 105 litres or less per head per day. In addition, Policy 89 of the Waltham Forest Local Plan (2024) states that residential development must not exceed a maximum water use of 105 litres per head per day (excluding the allowance of up to 5 litres for external water consumption).
- 11.93. It is noted from the submitted Planning Statement that efficient fixtures with low flow rates would be installed to ensure the total internal water consumption would not exceed 105 litres or less per head per day. Planning condition would be included to ensure that the details of water efficiency measures in accordance with Policy SI5 of the London Plan and Policy 89 of the Local Plan.

H. Landscape and Ecology

(i) Urban Greening

- 11.94. 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
- 11.95. Policy 79 of the Local Plan sets out proposals should seek to protect and enhance biodiversity and geodiversity resources in the borough and achieve biodiversity net gain.
- 11.96. Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) specifies that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (“the biodiversity gain condition”) that development may not begin unless:
- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.
- 11.97. All planning permissions granted in England have to deliver at least 10% biodiversity net gain, effective from 12 February 2024.
- 11.98. The biodiversity gain condition does not apply to some types of development, including householder development, development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats such as hedgerows.
- 11.99. The development would be built above an existing property and would not incur any loss of existing biodiversity. Therefore the proposal is exempt from the BNG requirement.
- 11.100. Notwithstanding the above, soft landscaping is proposed along the roof terrace to enhance urban greening and local biodiversity, as such the proposal is in line with Policies GG1, G1 and G5 of the London Plan (2021) and Policy 79 of the Local Plan.

(ii) Epping Forest Special Area of Conservation (SAC)

- 11.101. 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.

- 11.102. 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.
- 11.103. A contribution of £627 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.
- 11.104. A HRA has also been completed as the competent authority, the site falls within 400m of the Epping Forest as such Urban Effects have been considered, relevant conditions have been imposed to ensure the impact is mitigated.
- 11.105. On the basis of the above, it is considered that the proposed development would have an acceptable impact on ecology. As such, the proposed development would accord with Policy 81 of the Waltham Forest Local Plan LP1 (2024), and London Plan Policies G1 and G6.

I. Environment Impact

- 11.106. Policy SI1 of the London Plan (2021) sets out the requirements for new development to address poor air quality. All forms of development must be at least air quality neutral. At a local level, Policy 88 of the Waltham Forest Local Plan LP1 (2024) ensure the avoidance of any adverse air pollution impacts and aim to improve air quality.
- 11.107. If planning permission is granted, an Air Quality and Dust Risk Assessment and Management Plan (AQDMP) should be submitted and approved by the Council and this is to be secured by means of a planning condition, for the management of the site during construction phase.

J. Planning Obligation

- 11.108. Section 106 (s106) Agreements are a material consideration in the determination of a planning application. The purpose of such an Agreement is to make otherwise unacceptable development acceptable and they should only be sought where they meet all of the following tests:
- Necessary to make the development acceptable in planning terms,
 - Directly related to the development and
 - Fairly and reasonably related in scale and kind to the development.

11.109. In terms of the s106 Agreement, the required Heads of Terms, having regard to planning policy, the Waltham Forest Supplementary Planning Document "Obligations" (2017) and for this development relate to:

- Financial contribution of £627 towards Strategic Access Management and Monitoring Strategies (SAMMS) against mitigating the impact of the development upon the Epping Forest Special Area of Conservation (SAC)
- Highway works under a S278 will be required upon completion of the development, prior to occupation. The works will be funded by the Developer and carried out by the Council:
 - i) Removal of the vehicular crossover fronting the site and reinstatement of the footway.
 - ii) Provision of a dropped kerb for waste collection and cycle access.
- Financial contribution of £1,000 for improving sustainable modes of transport including walking and cycling in the sites vicinity which will directly benefit new residents in this development.
- Financial contribution of £250 for CLP monitoring.
- A condition survey will be required of the adjoining carriageway and footway on Wood Street, to ensure, if the public highway is damaged as a result of the construction works, that any damage would be reinstated by the Council and funded by the developer.
- Legal Fees:
 - i) Payment of the Council's legal fees for the preparation and completion of the Legal Agreement.
 - ii) Monitoring Fee - A financial contribution towards the implementation and monitoring of and securing compliance with the S106, equal to 5% of the total of all other financial contributions.

11.110. The applicant has agreed with the Heads of Terms, therefore the development would be in compliance with planning policy, viability and the Council's Planning Obligations SPD (2017), the Waltham Forest Supplementary Planning Document "Affordable Housing and Viability" (2018) and Policy 94 of the Local Plan (2024).

12. ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

- 12.1. In making your decision you must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
- 12.2. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- 12.3. 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).

- 12.4. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 12.5. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 12.6. The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered and may be balance against other relevant factors.
- 12.7. It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 12.8. 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.
- 12.9. You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

13. CONCLUSION

- 13.1. The principle of the introduction of a new 3-bedroom residential unit in this location is acceptable. The proposal would provide a satisfactory standard of accommodation for future occupants and would not have an adverse impact on neighbouring amenity or highway/parking conditions. Subject to compliance with the requirements of conditions to be imposed on the development and the completion of a Section 106 agreement, the proposal is in compliance with relevant policy and can be recommended for approval accordingly.

14. RECOMMENDATION

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

Planning Conditions

Time Limit

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

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

Approved Plans and Documents

2. The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents and thereafter maintained as such for the lifetime of the development:
 - Location plan, dated Apr 2024
 - Existing plans: 65-76B, 77C, 78B, 79B, 80B and 81B, dated Nov 2024
 - Proposed plans: 65-82A, 84A, 85A, 87A and 88A, dated Oct 2024; 65-83C, 86B, dated Nov 2024
 - Construction Logistics Plan, issue 3, dated Oct 2024
 - Daylight and Sunlight Report, dated 17 October 2024
 - Planning Fire Safety Strategy, undated
 - Supporting Statement, dated May 2023

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

Construction

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

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

4. Prior to the commencement of the development, a Construction/Demolition Method Statement including any demolition works, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for the:
 - 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.
 - Haulage routes
 - Likely noise levels to be generated from plant
 - Details of any noise screening measures
 - Proposals for monitoring noise and procedures to be put in place where agreed noise levels are exceeded

- Where works are likely to lead to vibration impacts on surrounding residential properties, proposals for monitoring vibration and procedures to be put in place if agreed vibration levels are exceeded. Note: it is expected that vibration over 1mm/s measured as a peak particle velocity would constitute unreasonable vibration.
- The method statement shall make reference to and comply with The Mayor of London's Supplementary Planning Guidance (SPG) 'The control of dust and emissions from construction and demolition' <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/control-dust-and>
- In particular the applicant shall
 - Submit for approval an Air Quality (dust) risk assessment
 - Submit an for approval Air Quality & Dust management Plan
 - Equipment and plant used on site shall comply with the requirements for 'Non-Road Mobile Machinery' (NRMM)
 - Submit a for approval Dust monitoring programme

All the above submissions shall have regard to the Mayor's SPG Reference shall be made to:

- BRE four part Pollution Control Guides 'Controlling particles and noise pollution from construction sites'.
- BS 5228: Noise and vibration on construction and open sites

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).

5. Prior to the commencement of development on site, the developer is required to carry out a condition survey of the adjoining carriageway and footways on Wood Street. This will be required prior to the commencement of any works to include a wider scope than the developments immediate frontage to include all junctions using for vehicle routing. The condition survey will need to be submitted to the Council's Highways team for records and will need to include a site plan showing the location of the photographs. If the public highway is damaged as a result of the construction works this would be reinstated by the Council and funded by the developer.

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

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

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

Architecture and Design

7. Notwithstanding the submitted plans, prior to the commencement of development, notwithstanding site clearance and investigation works, demolition and construction to

slab level, samples and a schedule of materials to be used in the 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 the visual amenities of the area in accordance with Policy 53 of the adopted Waltham Forest Local Plan LP1 (2024).

8. Prior to the first occupation of the new residential unit, details relating to the roof terrace railings, planters and associated soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority, and the agreed proposal shall be fully implemented and thereafter maintained 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).

9. Prior to the first occupation of the new residential unit, details relating to the residential entrance relating to the display of postal number and position of letter box facility shall be submitted to and agreed in writing by the Local Planning Authority, and the agreed proposal shall be fully implemented and thereafter maintained for the lifetime of the development.

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

10. The approved rooflights shall not protrude more than 150mm beyond the roof plane when measured from the perpendicular with the external surface of the roof. 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 the visual amenities of the area in accordance with Policy 53 of the adopted Waltham Forest Local Plan LP1 (2024).

Sustainable Design and Energy Efficiency

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

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

Waste Management

12. The development shall be implemented in accordance with the approved details on drawing number 65-82, dated Apr 2024 and the refuse and recycle stores shall be brought into use prior to first occupation of any of the dwellings hereby permitted and shall be retained as such for the lifetime of the development.

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

Informatives

1. To assist applicants the Local Planning Authority has produced policies and provided written guidance, all of which is available on the Council's website and which have been followed in this instance. And the decision was delivered in a timely manner.
2. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development may be liable to pay the London Borough of Waltham Forest Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Waltham Forest CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2019. One of the development parties may now need to assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at CIL@walthamforest.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.

Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window.

Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Waltham Forest Council website at <https://walthamforest.gov.uk/content/community-infrastructure-levy>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>.

Note: The Mayoral CIL Charging Schedule (MCIL1) (adopted 2012) will be superseded by MCIL2 Charging Schedule; and will take effect from 1 April 2019. The London Borough of Waltham Forest has been moved from Band 3 to band 2, increasing the MCIL2 rate from £20 to £60 per sq. m (excluding indexation).

3. A legal agreement has been entered into with the London Borough of Waltham Forest in conjunction with this grant of planning permission to ensure sustainable transport contribution, monitoring of Construction Logistics Plan, SAMMS contribution, legal fees and monitoring fee.
4. **IMPORTANT:** Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences. You will be in breach of

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

- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.

- Beginning development in breach of a planning condition will invalidate your planning permission.

- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a Certificate of Lawfulness.

5. It is the developer's responsibility to ensure all signage associated with the proposed development i.e. street nameplates, building names and door numbers are erected prior to occupation, as agreed with the Councils Street Naming/Numbering Officer.
6. This determination does not constitute permission to build under the Building Regulations 2010. Works should not commence until any appropriate building regulation applications have been submitted and where necessary approved.
7. 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.
8. The AQDMP can form part of the Construction Environmental Management Plan (CEMP). The AQDMP shall include the following for each relevant phase of work (demolition, earthworks, construction and track out):
 - i. A summary of work to be carried out;
 - ii. Proposed haul routes, location of site equipment including supply of water for damping down, source of water, drainage and enclosed areas to prevent contaminated water leaving the site;
 - iii. Inventory and timetable of all dust and NOx air pollutant generating activities;
 - iv. List of all dust and emission control methods to be employed and how they relate to the Air Quality (Dust) Risk Assessment;
 - v. Details of any fuel stored on-site;
 - vi. Details of a trained and responsible person on-site for air quality (with knowledge of pollution monitoring and control methods, and vehicle emissions);
 - vii. Summary of monitoring protocols and agreed procedure of notification to the local authority; and
 - viii. A log book for action taken in response to incidents or dust-causing episodes and the mitigation measure taken to remedy any harm caused, and measures employed to prevent a similar incident reoccurring. Developments assessed to be medium risk or greater for any of the steps required in an Air Quality and Dust Risk Assessment (AQDRA) regular or continuous PM10 monitoring should be carried out on site. Baseline monitoring should commence 3 months before the commencement of works and continue throughout all construction phases. Details of the equipment to be used, its positioning, additional mitigation to be employed during high pollution episodes and a proposed alert system should be submitted to the Council for approval. No demolition or

development shall commence until all necessary pre-commencement measures described in the AQDMP have been put in place and set out on site. The demolition and development shall thereafter be carried out and monitored in accordance with the details and measures approved in the AQDMP. The IAQM “Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites” details appropriate monitoring for the scale of the site or project.

Air Quality ADMS-Roads input data and output files must be provided to LB of Waltham Forest on validation of the planning application. AQ modelling must be based on transport related inputs which have been approved by LB of Waltham Forest Transport Assessment team. It is essential that junctions and heavily congested roads are modelled accurately, and this is reflected in the choice of relevant node spacing and vehicle speed inputs – clearly showing the node distance with speed reduction as the vehicle approaches the area of congestion/junction. This also applies to pedestrian crossings, roundabouts and any street layout which causes congestion such as single lanes with a bus stop. Where under predictions occur nodes must be scrutinised and where necessary vehicle speeds adjusted to reflect queuing. It is the responsibility of the applicant to ensure that their appointed consultants’ modelling verification is robust and adjustment factors clearly explained and justified, calculations and graphs must be provided at validation. Margin of error must not exceed 4 (refer to LAQM guidance as best practice). Contrary to the values given in the EPUK guidance a magnitude of change greater than 0.5 µg/m³ is considered significant in areas where present concentrations are approaching / breaching limit values and shall be assessed as such. Any other scenarios should be considered which are relevant to this site.

9. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water’s Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via <https://protect-eu.mimecast.com/s/NnT8CPjLVhNRRj4IzKCJR>.
10. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
11. This determination does not constitute permission to build under the Building Regulations 2010. Works should not commence until any appropriate building regulation applications have been submitted and where necessary approved.
12. This notice is without prejudice to your responsibilities under any other legislation.