

**LONDON BOROUGH OF WALTHAM FOREST**

Committee / Date:	Planning – 14 <sup>th</sup> January 2025
Application Reference:	240189
Applicant:	Holdland London Ltd
Location:	Chingford Kennels, 158 Chingford Mount Road, Chingford, London, E4 9BS
Proposed Development:	Demolition of existing buildings and subdivision of site with construction of 4 residential blocks ranging from 2 to 4 storeys in height to provide 40 residential units (Use Class C3); hard and soft landscaping; external amenity with children play area, refuse and recycling storage facilities; 12 car parking spaces (including 2 disabled spaces), bicycle parking provision; and other associated works. (For information only the proposal comprises of the following residential mix: 16 x 1 bed, 13 x 2 bed, 7 x 3 bed and 4 x 4 bed)
Wards Affected:	Larkswood

**1. RECOMMENDATION**

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

**Affordable Housing Provision:**

- Delivery of 5 (12.5% by unit) shared ownership homes
- Viability Review Mechanism (both early and late-stage review) to capture any surplus in profit generated from the development.

**Wheelchair Housing:**

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

**Highways and Transportation:**

- S278 Agreement:
  - Facilitating Works
    - (i) Road widening works to facilitate two-way traffic in the pinch points along Genever Close including any associated footway works to facilitate construction as set out within the provisional outline plan

[8160-211 Rev A]. Detailed drawing to be drawn up during the s278 for agreement by the relevant parties.

The works will be carried out by the Local Highway Authority, with the developer paying 50% of the costs.

(ii) Review of the existing street lighting design and new lighting design for the new 2 metre footway.

(iii) Review of all waiting and loading restrictions along Genever Close

The works relating to (ii) and (iii) will be carried out by the Local Highway Authority, at the cost of the developer.

(iv) Stage 1 and 2 Road Safety Audits (will be required for the outline design of the road widening works along Genever Close).

- Development Enabling (temporary) works - will be required for physical changes to be made to the highway to enable the development to be constructed. Enabling works are required prior to works commencing on site to facilitate construction. This includes:
  - i. Construction of two temporary construction crossovers on Genever Close.
  - ii. Temporary relocation of a lamp column outside of No. 4 Genever Close.
  - iii. Installation of temporary waiting and loading restrictions along Genever Close including a traffic management order.

The works will be carried out by the Local Highway Authority, at the cost of the developer. After the development construction is completed, the relevant enabling works must be removed, at the cost of the developer.

Costs in respect to Landownership and/or Rights of Way investigations will be funded by the developer and will be carried out by the Council's Commercial Estates and Investment Property & Delivery Team and Commercial Law [Legal Services] Team).

- S38 Agreement: Allow land to be offered up for adoption to become public maintainable highway (adoption of land along the development site frontage facing Genever Close), works to facilitate the construction of the new two metre footway along the frontage of the site.
- A S106 contribution of £2,000 is required towards CLP monitoring.
- A S106 contribution of £25,000 is requested for future CPZ consultation.
- A S106 request of £20,000 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.

- A pre and post development Highway Condition Survey of the adjoining carriageway and footway along the whole of Genever Close. The condition survey will also need to include the junction of Chingford Mount Road and Genever Close. The condition survey must include a site plan showing the location of where the photographs were taken on the public highway. This will be required, to ensure, 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.

#### **Car Free Housing**

- In the event a CPZ is implemented, this site must be classified as car-free with future residents not being entitled to parking permits.

#### **Travel Plans:**

- A financial contribution of £8,000 is required towards Travel Plan monitoring.

#### **Employment and Training Strategy:**

- Employment and Skills Plan to be sent over prior commencement on site.
- Construction Jobs - Procure that 30% of all jobs available for the construction or fit-out of the Development during the Construction Phase are fulfilled by Local Residents. Local Residents defined as residents of Waltham Forest, Hackney and Newham.
- Local Labour – Apprenticeships - Provide a minimum of 5 Apprentice Posts in the construction trade during the Construction Phase of the Development with such posts being first offered to Local Residents through the Council's Employment, Business and Skills Service. Default Payments to be applied if fall short.
- Work Placements - To provide a minimum 2 Work Placements, paid at London Living Wage (LLW) in the construction trade during the Construction Phase of the Development with such posts being first offered to Local Residents through the Council's Employment, Business and Skills Service
- Default Payments – as set out in LBWF's adopted Planning Obligations SPD if obligations above are not met.

#### **Air Quality:**

- A financial contribution of £11,500 towards implementation of the Air Quality Action Plan

#### **Energy efficiency and carbon reductions:**

- A financial contribution of up to £19,611 towards the Carbon Offset Fund to address the shortfall in carbon emission reductions for the residential development. 100% upfront payment of the carbon offset payment to be made on implementation.
- Second Carbon Offset (SOC) - capture of any additional shortfall.
- Final Carbon Emissions Report

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

**Epping Forest Special Area of Conservation (SAC):**

- A financial contribution of £627 per new homes towards Strategic Access Management and Monitoring (SAMM) with a total of £25,080.

**Retention of Architect**

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

**Legal Fees:**

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

**Monitoring and Implementation:**

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

**Minor Amendments**

- 1.2. That authority to be given to the Assistant Director - Development Management and Building Control in consultation with the Council’s Legal Services for the sealing of the S106 Agreement and to agree any minor amendments to the conditions or the legal agreement on the terms set out above.

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

## 2. REASONS REFERRED TO COMMITTEE

2.1. The Application has been referred to Planning Committee due to the level of public interest.

## 3. SITE AND ITS SURROUNDINGS

3.1. No. 158 Chingford Mount Road is a large spacious rectangular plot which fronts Chingford Mount Road and extends eastwards to the rear, reaching the western boundary of Memorial Park. The site has a single storey veterinary clinic fronting Chingford Mount Road which is currently operational and there are a number of kennel buildings to its rear which also host ancillary offices and staff areas. However, these rear buildings have been unused and vacant since May 2021 and are in a poor state of repair.



Figure 1: Site Location

3.2. The area is predominately residential to the west of Chingford Mount Road however along this main road there are a mix of uses in close proximity to the site including commercial uses. It has been identified there are varying building styles and architectural designs including two storey/three storey buildings that contain a mix of commercial uses at street level and residential accommodation on the upper floors. There are also two storey

properties including traditional architecture and more recent additions and a new four storey residential block to the south west of the site.

- 3.3. To the north of the site across Genever Close (a cul-de-sac), there are predominantly two storey residential dwellings and a three storey residential block located at the eastern end.
- 3.4. Immediately to the south, the site is bounded by two storey residential dwellings that front Finch Gardens and Acorn Close including their front and rear gardens.
- 3.5. To the east, the site is bounded by Memorial Park, which along the boundary features mature vegetation and a number of trees.
- 3.6. The property is not located within a Conservation Area, is not listed and is not subject to an Article 4 direction.
- 3.7. The site has a PTAL of 3 on a scale of 0 to 6b, where 6b is the highest. This represents a medium public accessibility rating however the site is within reasonable walking distance of a wide range of amenities and services with regular bus services along Chingford Mount Road and the Higham's Park Overground station is approximately 20min walk or an 8-minute cycle ride away.
- 3.8. The site falls within the zone of influence of the identified Epping Forest Special Area of Conservation (EFSAC), under the EU Habitats Directive (92/43/EEC) and is within the Borough-wide Air Quality Management Area (AQMA).

#### 4. APPLICATION PROPOSAL

- 4.1. The application seeks planning permission for the subdivision of the existing site into two and the demolition of the existing kennel buildings on the rear part of the site to facilitate the redevelopment of the site to provide 40 residential units.
- 4.2. The proposal includes 4 residential blocks across the site. Block A is a two storey block (furthest building to the west), and Block B is a U-Shaped part two and part three storey block. Both Block C and D are four storey buildings with the top floor set back. Hard and soft landscaping surrounding the buildings and communal gardens are located between the blocks.
- 4.3. The overall housing mix would be:

Unit size	No. of Units	Mix
1 bed	16	40%
2 bed	13	32.5%
3 bed	7	17.5%
4 bed	4	10%
<b>Total</b>	<b>40</b>	<b>100%</b>

- 4.4. The 4 bed units would read as two storey dwellinghouses (marked in blue below) within the surrounding context connected to the flatted part of the scheme.



Figure 2: 4 bed units marked in blue.

- 4.5. Four wheelchair accessible units (WCH) are provided at ground floor level (3x1bed and 1x3bed) equating to 10%.
- 4.6. The scheme seeks to deliver 12.5% affordable housing by unit, equating to a total of 5 units. The units offered are 2 x 1bed units and 3 x 2bed units. The proposed tenure is Shared Ownership. The affordable units would be provided across Block B (Four units) and Block C (One unit).
- 4.7. The proposed development would present a central courtyard area surrounded on three sides of Block B, communal amenity areas between Block B and C and to the side of Block D. The proposed development would also feature private balconies, gardens or courtyards for each residential unit.
- 4.8. A total of 88 long stay residential cycle parking spaces and 6 short-stay are proposed, whereby residential provision is via a mixture of two tier bike store and individual bike stores/lockers.
- 4.9. The proposal includes the provision of 12 on site car parking spaces with 2 disabled spaces provided and incorporating electric car charging points.
- 4.10. Two vehicular access points would be from Genever Close, one between Block A and Block B (Western Access) providing 3 spaces and 1 disabled parking space and one between Block B and C (Eastern access) providing 7 parking spaces and 1 disabled parking space.
- 4.11. Each block has internal waste storage for the upper floor flats and ground floor units have individual waste bins in front garden areas. The eastern access would contain a refuse holding store, from where waste would be collected for Blocks A and B and provide a turning point for waste vehicles.
- 4.12. A landscape plan for the proposed development creates high quality landscape and a visually attractive environment with planting, functional amenity space, facilitate free and easy movement between buildings including the re-opening of a pedestrian route through Acorn Close (at the south eastern corner of the application site) and creation of a new 2m pavement that would run along Genever Close that will be adopted by highways.

## 5. RELEVANT SITE HISTORY



- 5.1. Planning application, reference 221855, had been submitted for the demolition of existing buildings and subdivision of site with construction of 4 residential blocks ranging from 2 to 4 storeys in height to provide 48 residential units (20x1-bed, 16x2-bed, 11x3-bed & 1x4-bed) (Use Class C3) with associated landscape that was refused on 31st January 2023.



Figure 3: Ground Floor Plan Ref 221855

- 5.2. Subsequently, the applicant engaged in pre-application discussions, relating to reference PRE\_23\_0186, to achieve a good design quality proposal and accommodation for future residents. This has led to the submission on the current application proposal.
- 5.3. There have been other previous historical pre-applications, PRE\_21\_0314 and PRE\_22\_0039 relating to residential development on the site, comprising up to 50 units.
- 5.4. Other site planning history relate to the kennels use as follow:
- 1977/0828 - Demolition of 80 existing kennels and replacement with 82 new kennels - Granted (28/2/1978).
  - 1972/0320 - Retention of 49 kennels- Granted (17/11/1972).
  - 1968/0243 - Construction of 3 kennel units with external with external exercise runs - Granted (10/5/1968).
  - 1962/0027A - Rebuilding and sounding proofing of 49 kennels 06/03/72 - Granted (4/4/1962).
- 5.5. There has also been Pre-Application (PRE\_21\_0076) and Planning application (220247) relating to the redevelopment of the veterinary building at the front of the site, which sought to retain veterinary on the ground floor and residential unit on the upper floor. This proposal was not progressed, and the relevant planning application was withdrawn on 16<sup>th</sup> August 2023.

### **Planning Enforcement**

- 5.6. There is no relevant enforcement history associated with this site.

## **6. PUBLIC CONSULTATIONS**



- 6.1. Following the initial validation of this application, the Council sent notification letters to neighbouring addresses and consultees on 22<sup>nd</sup> February 2024. Site Notices were displayed on site, dated 27<sup>th</sup> February 2024 and Press Notice dated 29<sup>th</sup> February 2024.
- 6.2. Following the receipt of an amended scheme which included reduction in parking and additional plant on roof top, the Council sent out further notification letters to neighbours and site notice dated the 16<sup>th</sup> December 2024.
- 6.3. The following properties have been consulted:
- 17 – 36 Kingsley Gardens (All)
  - 151 – 159 Chingford Mount Road (Odd)
  - 1 – 16 Finch Gardens (All)
  - 150 – 174 Chingford Mount Road (Even)
  - Rear Of 186-192 Chingford Mount Road
  - Waltham Forest Annexe Chingford Mount Road
  - 1 – 17 Genever Close (All)
  - 2 – 34 Acorn Close (Even)
  - 9 Acorn Close
  - 11 Acorn Close
  - 15 Acorn Close
- 6.4. As a result of the initial round of public consultation in February 2024, 1 comment of support, 3 objections were received from neighbouring properties and a petition with 124 signatures.
- 6.5. 3 additional responses were received during the re-consultation period in December 2024
- 6.6. The table below summarises the issues raised from both consultations:

<b>Objection Received</b>	<b>Response</b>
<p>Amenity Impact</p> <ul style="list-style-type: none"><li>• Development in close proximity to neighbouring properties</li><li>• Overlook and privacy</li><li>• Reduce levels of natural light</li></ul>	<p>Given the development site's layout in respect to neighbouring properties; the stepped height towards the southern edge of the site and separation distances, it is considered that the proposal would not unreasonably result in loss of light, overbearing impact or overlooking to existing occupiers.</p> <p>Furthermore, the application included a Sunlight and Daylight Assessment which assessed and concluded that the impact on neighbouring properties would not amount to an unreasonable harm, particularly for an urban location. Officers concur with the findings. This is further explained in Section 10[D] of this report.</p> <p>The amenity impact explained in more detail in Section 10[D].</p>

<b>Objection Received</b>	<b>Response</b>
<p>New development would change the character of the surrounding area.</p>	<p>Officers are of the view that the proposal adequately responds to the urban form of the street scape, identifying the existing built form of the surrounding area and responding to the wider character.</p> <p>Please see Section 10[B] in the full assessment below.</p>
<p>Insufficient parking for future number of residents and existing high parking stress</p>	<p>The application was accompanied by a Transport Statement setting out parking capacity and justification for the number of spaces proposed. It shows there would be capacity for parking. In addition, a clause will be enshrined in the s106 legal agreement, to prevent permits being issued to future occupiers should a CPZ be made.</p> <p>This is considered acceptable and is explained in more detail in the Highways section 10[H] of this report.</p>
<p>Impact of access via Genever Close</p> <ul style="list-style-type: none"> <li>• All transport would be via Genever Close which is unsatisfactory.</li> <li>• Proposed intensification of access would pose an unacceptable hazard to all highway users, compromising highway safety</li> </ul>	<p>The development would be accessed by Genever Close.</p> <p>It is considered that there would not be significant intensification of traffic due the development and various highway improvement works would be secured as a result of this development and this would benefit both new and existing residents, as set out in section 10[H] of the report.</p>
<p>Construction Impacts:</p> <ul style="list-style-type: none"> <li>• Construction vehicles will all enter and leave via Genever Close which will not cope with the large vehicles.</li> <li>• Noise, water and light pollution</li> <li>• Construction damage to road and</li> </ul>	<p>Appropriate measures can be put into place to deal with potential disruption caused by construction.</p> <p>A construction environmental management plan (CEMP) as well as a Detailed Construction Logistic Plan would be secured and submitted by way of planning conditions to ensure disruption is minimised to neighbouring residents. (See Section 14 Planning Conditions)</p>

<b>Objection Received</b>	<b>Response</b>
safety impacts to mounting pavement	
Increased crime rate/anti-social behaviour	<p>The redevelopment of the site would be considered to improve overall security for neighbouring properties as it would activate a currently vacant site.</p> <p>The proposed development would be conditioned if minded to be approved to comply with Secure By Design standards, in order to design in measures for safety and security within and around the site. (See Section 14 Planning Conditions)</p>
Detrimental effect on wildlife	<p>The councils Tree Preservation and Urban Greening Technician is satisfied with the submitted Biodiversity Impact Assessment and Preliminary Ecological Appraisal which sets out recommendations for existing and future recommendations for wildlife.</p>
Waste trucks already struggle to manoeuvre and pick up bins	<p>The waste team have not raised a concern in relation to the waste trucks entering the site.</p> <p>The existing situation would not be made worse by the development and the scheme proposes a turning area to allow waste trucks to exit in a forward gear as it currently manoeuvres in reverse out of Geneva Close.</p> <p>See Section 10[1] below for further detail.</p>
Refuse area used incorrectly/Increase in litter	<p>The scheme has included sufficient waste provisions for the site and would include a management company to oversee waste collection across the site which is secured via condition.</p>
Consultation over Christmas/not received	<p>Whilst not compulsory, a re-consultation was carried out after minor amendments were received on the scheme. This included letters to all neighbours previously consulted and a site notice located at the start of Genever Close.</p>

## 7. OTHER CONSULTATIONS

### Internal and External Representations Received

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

Consultees	Response
<p><b>Highways</b></p>	<p>There were three main areas raised by Highways that required to be addressed as part of the proposal these include:</p> <ul style="list-style-type: none"> <li>- Access and road safety issues along Genever Close</li> <li>- Parking issues and increased parking stress</li> <li>- Site safety access and how the development complex is serviced.</li> </ul> <p><i>The Highways Team and Planning Officers have been engaging and agreed with the applicant to progress the development proposal. Please see Section X below for full details on Highways matters.</i></p> <p><i>Highways requested the following to be incorporated into any forthcoming proposal:</i></p> <ul style="list-style-type: none"> <li>- <i>Conditions</i> <ul style="list-style-type: none"> <li>• Detailed CLP</li> <li>• Condition Survey</li> <li>• Car Park Management Plan</li> <li>• Servicing and Delivery Plan</li> <li>• SuDS</li> <li>• Boundary Treatment</li> <li>• External Lighting</li> <li>• Stage 1 and 2 Road Safety Audit</li> </ul> </li> <li>- <i>S106 terms</i> <ul style="list-style-type: none"> <li>• Car free wording that would exclude future residents from eligibility for permits in the event of a future CPZ</li> <li>• Contribution towards CPZ implementation</li> <li>• Contribution to improving walking and cycling.</li> <li>• Pre and Post development Highway Condition Surveys</li> <li>• Areas for future adoption require a S38 agreement.</li> <li>• Facilitating Highway works to fall under Section 278</li> </ul> </li> </ul>
<p><b>Transport Policy</b></p>	<p>Transport Policy welcome pedestrian and cycle access to the site from Genever Close and a new path linking the site with Acorn Close, as well as enhanced pedestrian infrastructure along Genever Close.</p> <p>Request:</p> <ul style="list-style-type: none"> <li>• Two Blue Badge bays with one additional passive provision</li> </ul>

Consultees	Response
	<ul style="list-style-type: none"> <li>• Two-year car club membership for future occupiers.</li> <li>• Financial contributions towards Travel Plan.</li> </ul>
<b>Environmental Health (Air Quality)</b>	No objections raised subject to conditions and s106 financial contribution.
<b>Environmental Health (Noise)</b>	No objections raised.
<b>Environmental Health (Contaminated Land)</b>	No objections raised subject to condition.
<b>Design</b>	<p>Design Officers raised no concerns of the proposed scheme in respect to height, massing and design.</p> <p>Proposal is supported subject to planning conditions to ensure good quality development outcome, in respect to:</p> <ul style="list-style-type: none"> <li>- materials, boundary treatment and additional details</li> </ul> <p>(See Section 14 Planning Conditions)</p>
<b>Nature Conservation Officer</b>	<p>Officers support the proposal subject to planning conditions in respect to:</p> <ul style="list-style-type: none"> <li>- landscaping details, planting schedule and other recommendations.</li> </ul> <p>(See Section 14 Planning Conditions)</p>
<b>Waste</b>	No objection raised and support waste management provision and facilities on site.
<b>Parks</b>	No objection subject to conditions relating to trees within the nearby park. This would be secured with a detailed Arboricultural Method Statement.
<b>Secured by Design</b>	<p>Conditions requiring Secured by Design Accreditation.</p> <p>(See Section 14 Planning Conditions)</p>
<b>Sustainability</b>	Development to meet the required CO2 reduction targets, sustainable design standards and water use calculations and where the development does not achieve required carbon reduction a standard financial contribution would be paid towards a carbon offset fund.

Consultees	Response
<b>Thames Water</b>	No concerns were raised.
<b>London Fire Brigade</b>	No concerns raised in respect to the proposed development and have no further observations to make.
<b>TFL</b>	No objection raised.
<b>Natural England</b>	No objection raised subject to mitigation which will be provided in the form of SAMMS and SANGS.
<b>Employment</b>	Requested following to achieve local employment opportunities as part of the development: <ul style="list-style-type: none"> <li>• 30% local labour</li> <li>• 5 Apprentices</li> <li>• 2 work placements</li> </ul>

## 8. DEVELOPMENT PLAN

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

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

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

### London Plan (2021)

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

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

- GG1 Building Strong and Inclusive Communities
- GG2 Making Best Use of Land
- GG4 Delivering Homes Londoners Need
- D1 London’s form, character and capacity for growth
- D2 Infrastructure requirement for sustainable densities
- D3 Optimising site capacity through the design-led approach

- D4 Delivering good design
- D5 Inclusive Design
- D6 Housing quality and standards
- D7 Accessible Housing
- D8 Public realm
- D14 Noise
- H1 Increasing housing supply
- H4 Delivering Affordable Housing
- H10 Housing size mix
- G1 Green Infrastructure
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- S11 Improving Air Quality
- S17 Reducing Waste and supporting the circular economy
- S13 Sustainable Drainage
- T5 Cycling
- T6 Car Parking
- T7 Deliveries, Servicing and Construction
- DF1 Delivering of the Plan and Planning Obligations

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

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

- Policy 1 Presumption in Favour of Sustainable Development
- Policy 2 Scale of Growth
- Policy 3 Infrastructure for Growth
- Policy 4 Location of Growth
- Policy 5 Management of Growth
- Policy 6 Ensuring Good Growth
- Policy 8 Character-Led Intensification
- Policy 11 North Waltham Forest
- Policy 12 Increasing Housing Supply
- Policy 13 Delivering Genuinely Affordable Housing
- Policy 15 Housing Size and Mix
- Policy 16 Accessible and Adaptable Housing
- Policy 48 Promoting Healthy Communities
- Policy 50 Noise, Vibration and Light Pollution
- Policy 53 Delivering High Quality Design
- Policy 55 Building Heights
- Policy 56 Residential Space Standards
- Policy 57 Amenity
- Policy 58 Making Places Safer and Designing Out Crime
- Policy 60 Promoting Sustainable Transport



- Policy 61 Active Travel
- Policy 62 Public Transport
- Policy 63 Development and Transport Impacts
- Policy 64 Deliveries, Freight and Servicing
- Policy 65 Construction Logistic Plans
- Policy 66 Managing Vehicle Traffic
- Policy 67 Electric Vehicles
- Policy 77 Green Infrastructure and the Natural Environment
- Policy 78 Parks, Open Spaces and Recreation
- Policy 79 Biodiversity and Geodiversity
- Policy 80 Trees
- Policy 81 Epping Forest and the Epping Forest Special Area of Conservation
- Policy 85 A Zero Carbon Borough
- Policy 86 Decentralised Energy
- Policy 87 Sustainable Design and Construction
- Policy 88 Air Pollution
- Policy 89 Water Quality and Water Resources
- Policy 90 Contaminated Land
- Policy 93 Waste Management
- Policy 94 Infrastructure and Developer Contributions

## 9. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework (2024)

- 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination*”.
- 9.3. The NPPF gives a centrality to design policies; homes should be locally led, well designed, and of a consistent and high quality standard. Local planning authorities (LPAs) are to make sure that the quality of approved developments does not materially diminish ‘between permission and completion, as a result of changes being made to the permitted schemes’.
- 9.4. The specific policy areas of the NPPF considered to be most relevant to the assessment of this application are as follows:
- Delivering a sufficient supply of homes
  - Promoting healthy and safe communities
  - Promoting sustainable transport
  - Making effective use of land
  - Achieve well-designed places

- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment

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

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

London Plan Affordable Housing and Viability SPG (2017)

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

Waltham Forest Affordable Housing and Viability SPD (2018)

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

Waltham Forest Planning Obligations SPD (2017)

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

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.

Local Finance Considerations

- 9.10. Local Finance Considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL).
- i. There are grants which have been or will or could be received from central government in relation to this development.
  - ii. The Council has not received but does expect to receive income from LBWF CIL in relation to this development.

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

## **10. ASSESSMENT**

10.1. The main issues which will be addressed in this report are:

- A. Principle of Development
- B. Design of the development
- C. Safety and Security
- D. Impact on Neighbouring Amenity
- E. Housing – tenure and mix
- F. Market and affordable housing and viability
- G. Standard of Residential Accommodation
- H. Transport and Highways
- I. Waste Management
- J. Sustainable Design and Energy Efficiency
- K. Trees, Landscaping and Ecology
- L. Environmental Impact

### **A. PRINCIPLE OF DEVELOPMENT**

- 10.2. National, London and Local Plan policies all seek to encourage sustainable housing development on appropriate sites in urban areas. In particular, The London Plan (2021) identifies the urgent need to increase housing supply in London to address the substantial population increase in the capital and requires Waltham Forest to deliver 1264 new homes per year. Waltham Forest Local Plan Part 1 (2024) has been recently adopted with a target of 27,000 additional homes to be provided over the plan period (2023-2035).
- 10.3. Policy 4 focus new development primarily in Strategic Locations and other Site Opportunity Locations. Whilst the site would not be set within a strategic location, the policy goes on to set out targets for elsewhere in the borough, setting a minimum of 5,150 new homes outside the identified Strategic Locations (1,660 outside of the Strategic Locations in North Waltham Forest – policy 11).
- 10.4. In ‘planning for growth’ Policy 5 of the Waltham Forest Local Plan (2024) it seeks to make an effective use of previously developed land.
- 10.5. Policy 8 seeks to ensure that appropriate density and intensification is achieved in a manner that is informed by, and responds to, the character and context of the site under consideration.
- 10.6. Policy 12 sets out the housing supply target setting out this would be delivered by making effective and efficient use of land by seeking to optimise housing densities and ensuring new homes address different housing needs and provide a variety of housing choices.
- 10.7. Policy 28 sets out the approach to non-designated employment land where residential would be supported where it uses Agent of Change principles and it provides replacement or intensified employment floorspace or the scope for mixed-use intensification with employment uses has been explored fully and any loss of floorspace is justified or the proposal accords with an adopted allocation in a Development Plan Document for residential or mixed-use development.

*(i) Loss of Kennels Site (at the rear)*

- 10.8. The current proposal relates to the sub-division and redevelopment of the site to provide 40 residential flats. This would constitute a change of use of land from Kennels to the rear (Use Class Sui Generis) to residential (Use Class C3).
- 10.9. Due to the above policy considerations, the principle of a fully residential scheme is supported. The site is currently underused with the current use as a 'Kennels' remaining vacant and unused since May 2021 and the buildings are in a poor state of repair.
- 10.10. The Veterinary Clinic to the front, which provides an important service to the local area would remain in place however sub divided from the site with the access remaining from Chingford Mount Road.
- 10.11. Whilst the development involves the loss of employment floor space, it is not a designated employment area. Policy 28 seeks to prevent the loss of well performing employment floorspace to residential uses and usually expecting a marketing report to be submitted with any planning application involving the re-use or redevelopment of a Class B2, B8 or Class E part G site for an alternative non-employment use. The site is currently classed as sui generis not falling within the category of requiring marketing evidence, further to this the site is currently not well performing having been vacant a number of years.
- 10.12. Given that the site is vacant, and its declining condition, it presents an inefficient use of the land which represents a clear barrier to future employment uses on the site. It is considered that a residential development would represent an opportunity to provide a distinct and high-quality development that optimises its potential and deliver a sustainable form of development that would be more appropriate within the context.

*(ii) Proposed residential use*

- 10.13. The principle of optimising the capacity of this development site for residential is supported within the London Plan through policy GG2 as well as a local level through policy 5 which supports growth on previously developed land.
- 10.14. It is considered that the former kennel site is suitable for redevelopment as a redundant brownfield site in line with the aspirations of the Waltham Forest Local Plan. The application site is considered not to be currently making an efficient use of land when there is potential for growth and intensification to deliver social value. Such public benefits from its redevelopment would make a significant contribution to current key targets for housing and provision of 5 shared ownership units.
- 10.15. The development therefore represents an opportunity to provide a distinct and high-quality development that optimises its potential and delivers a sustainable form of development within this part of the Borough.

**B. DESIGN OF THE DEVELOPMENT**

- 10.16. The NPPF (2024) states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 10.17. Policies D4 and D6 of the London Plan (2021) states that development should be of a high quality of design and placemaking. Policy D8 states that development encourage and explore opportunities to create new public real and maximise the contribution that the public realm makes to encourage active travel.
- 10.18. The Waltham Forest Local Plan LP1 Policy 53, states that development proposals should reinforce or enhance local character, taking in account existing patterns of development, townscape, skyline, urban forms, building typologies, architecture, materials, and other features of local and historical significance. It adds that developments should respond appropriately to their context in terms of scale, height and massing.
- 10.19. The development proposal has evolved through working with Council officers, to create a development that would be of a high quality and make a positive contribution to the area. The key considerations when assessing the design aspects of the development are addressed as follows:
- (i) Form and Layout*
- 10.20. The proposed development provides a spatial layout that delivers a contemporary, high quality, residential development that adheres to good urban design principles in terms of responding well to the existing urban structure, urban grain and spatial constraints.
- 10.21. The site is constrained due to its location and so, is challenging to achieve a development that sits conformably within its surroundings. In the previous application refused, the proposal created a relationship with the north of the site which is separated by the Genever Close and has greater separation than that to the South to which the site has a closer link. This proposal under consideration created four differing blocks, aligning with the urban form of the properties to the south of the site that the boundary adjoins.
- 10.22. Block A is set between 174 Chingford Mount Road and 15 Finch Gardens with a two storey building with a traditional pitched roof which broadly aligns with the neighbouring building lines.
- 10.23. Block B sits in line with No. 16 Finch Gardens and arches around to create a U shape building that ends in line with No. 26 Acorn Close with a communal amenity space located in the centre. Both ends would be two storeys in height with a pitch roof increasing to three storeys.
- 10.24. Block C sits in line with 28 Acorn Close, directly adjacent and would be two storeys with a pitch roof profile stepping up to four storeys.
- 10.25. Block D sits more centrally within the site than the other blocks and not directly relating to the southern boundary however the general building placement aligns with those in the wider area and creates a three storey building with a fourth storey set in from all sides.



Figure 4: Layout

- 10.26. In respect to the previously refused planning application Ref: 221855, Officers are of the view that the layout of the new residential blocks as part of this application has been designed conservatively to respect the wider urban grain in particular with the existing built form to the south.
- 10.27. A pedestrian access through the site would be created and would feature a new route connecting Acorn Close to Genever Close. This in turn, would result in the creation of natural surveillance from the proposed units fronting this entrance. Permeability and free flow of pedestrian movement would thus be re-activated between the north and south of the development site. Council's Design Team have expressed their support in the new layout of the development which is an improvement compared to the previous refusal.

*(ii) Height and massing*

- 10.28. The proposed development involves the creation of four residential blocks that vary in height from two storeys to four storeys. Two storeys at its lowest at the west end of the application site and four storeys the east (rear) end of the site.
- 10.29. The proposed building blocks A, B and C would respond to the site context by stepping down to two storeys when meeting the existing two storey traditional housing on Finch Gardens and Acorn Close. Pitched roof profiles would also be incorporated to the two storey elements. The pitched roof profile would align with the traditional two-storey buildings in the area, enhancing the architectural harmony and preserving the area's visual consistency. This approach is beneficial at the juxtaposition because it maintains the established aesthetic, ensuring the new structure complements its surroundings rather than disrupts the character of the neighbourhood.



Figure 5: Elevations

- 10.30. Block D does not relate directly to buildings on the southern boundary as Block A, B and C do, however it sits in a location that corresponds to the existing built form of the neighbouring properties and is sited centrally. The four storey height is appropriate in this context with a reasonable separation away from both 34 Acorn Close (to the south) and 9-17 Genever Close (to the north), with the fourth storey set back further (across all elevations) to increase this separation.
- 10.31. The proposed development is considered to represent the most efficient use of land in development terms and to be the most effective in design terms. The proposed development is considered to respond well within its context creating relationships with the neighbouring properties. As such it would be acceptable under design, visual and massing terms, in that it would respond to the forms of development that are considered appropriate within the context and designation of the site.

*(iii) Detailing and materials*

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



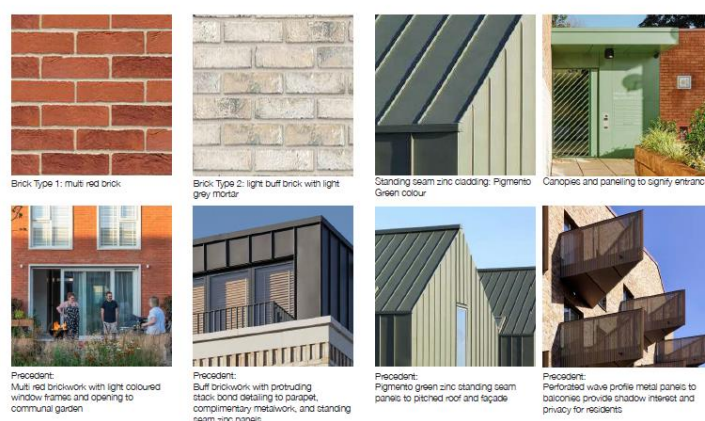


Figure 6: Material Palette

- 10.33. Differing material tones are supported and provide contrast between elements, grounding the building and weaving it into the streetscape. Different bricks as well as careful detailing will add interest and texture to the building. Brick work is used predominately across the site on the ground, first and second floors. As a contrast, green zinc cladding is used on the third floor and on the roof level of the two storey properties which was carefully considered in relation to the window and balcony treatments. Both windows and balcony treatments feature perforated metal screen with wave profile that would be the same colour as the zinc cladding to create a cohesive elevation.
- 10.34. The proposed elevations would incorporate a range of design features which would serve both a practical and aesthetic purpose. The reasonably well considered windows sizes and generous balconies would provide a high level of residential amenity for future occupiers, which have been designed to not detract from the overall visual balance of the building within the wider area.
- 10.35. Solar panels and Air Source Heat Pumps are proposed within the scheme at roof level. The solar panels have been shown to not exceed the parapets proposed to the top of the roofs as such would not be visible within the street scene of the development. Whilst the communal Air Source Heat Pump would extend upwards by approximately 1.7m, it would be set away from the roof edge and screened by acoustic louvers as such would have minimal impact to the design of the building.
- 10.36. Overall, the proposal is considered to provide a balanced form of design with the use of appropriate materials that are sympathetic and compatible with the surrounding built form.
- 10.37. To secure a high-quality scheme, a clause has been included in the legal agreement to ensure the original architects of this application to be retained from construction to completion stage. Planning condition would also be included to remove the Permitted Development Rights from the four new units that read as single family dwelling houses to ensure any forthcoming extensions or alterations shall be fully assessed by the local planning authority, to ensure that these properties are not inappropriately extended to the detriment of the overall original build design and quality.
- 10.38. In light of this, the proposed development, given the design, layout, height, scale and materials would be acceptable, introducing a high-quality form of development within the existing urban form in the vicinity and the wider locality in accordance with policies D4, D8 and D9 of the London Plan (2021) and Policy 53 of the Waltham Forest Local Plan LP1 (2024).

## **C. SAFETY AND SECURITY**

### *(i) Fire Safety*

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

### *(ii) Crime Prevention*

- 10.41. Policy D11 of the London Plan (2021) set out policy which requires all new developments to design out crime and incorporate an acceptable level of safety and security measures and ensure development is resilient to emergency.
- 10.42. Policy 58 of the Waltham Forest Local Plan LP1 (2024) set out requiring all major development to seek to achieve for Secured By Design accreditation via the Secured by Design scheme.
- 10.43. The Secure by Design Officer noted that most of their initial concerns in the design have been addressed since their meeting with the Architects and the site does have the potential to achieve SBD Certificate. Further consideration is required in relation to:
- Lighting/CCTV to footpath to Acorn Close
  - Defensible planting
  - Boundary treatment
  - Access Control
  - CCTV
  - Bulky packages
  - Door/Window Specification
- 10.44. In order to secure compliance, a relevant Secure by Design condition will be imposed subject to planning approval to mitigate and secure necessary mitigations and deliver a secure, safe environment for all users of the proposed development in accordance with Policy D11 of the London Plan (2021) and Policy 58 of the Waltham Forest Local Plan LP1 (2024).

## **D. IMPACT ON NEIGHBOURING AMENITY**

- 10.45. The London Plan (2021) Policy D6 states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context.
- 10.46. Waltham Forest Local Plan LP1 (2024) Policy 57 states that new development should respect the amenity of existing and future occupiers, neighbours and the surrounding area by

avoiding harmful impacts from overlooking, enclosure and/or the loss of privacy, outlook and daylight/sunlight to adjacent residential properties.

*(i) Outlook and Privacy*

- 10.47. The proposed development has been carefully designed to protect privacy and overlooking to future and existing residents in the surrounding area. In terms of the layout and positioning of the proposed blocks, the proposal has broadly aligned with the existing properties to the south.
- 10.48. In respect to the relationship of the application site and the properties fronting Finch Gardens and Acorn Close, any proposed habitable room windows would not directly face existing habitable room windows of neighbouring properties to the south as the new building would broadly align with the existing neighbouring building lines. Block B however due to its layout, would have some habitable room windows that would face south. It is important to note that these windows would be reasonably set back away from the boundary and overlook the central courtyard before the rear gardens of these properties. Therefore, there is reasonable separation distance that would not harmfully impact these neighbouring properties to warrant a refusal given the urban context. To the north, habitable room windows would face the side elevation of properties to Genever Close however these would also have a relationship that is across the street which is common in urban locations.
- 10.49. Officers are satisfied that the design would generally ensure protection to neighbouring outlook and privacy, as detailed below.
- 10.50. Block A has a common front and rear configuration with the windows directly facing the development site (to the east) and the existing vets (due west). No. 174 has windows located to the side that would face the blank flank wall of Block A with a separation of 4.5m. The two storey building would be considered to be consistent with prevailing residential environment, not creating a detrimental impact in terms privacy or outlook.
- 10.51. Block B features a 3-storey element that would sit 8.78m from the boundary with No. 16 facing across the rear gardens of Finch Gardens. The units that face Finch Gardens directly, have been designed with habitable rooms facing predominately away from this edge to promote privacy to this boundary. A greater separation is located toward Acorn Close which is a typical minimum separation distances applied in an urban context such as this. This elevation would feature deck access however no balconies are provided on the elevation that faces directly Finch Gardens and Acorn Close.



Figure 7: Block B distance between neighbouring properties.

- 10.52. Block B and C is set back from the boundary of the site with Genever Close creating a sufficient buffer and relationship with the street and neighbouring residential properties opposite. The provision of windows and balconies in this residential building overlooking this space would be consistent with this prevailing residential environment.
- 10.53. Block C does not feature any windows that would create a direct loss of privacy. The south elevation has no windows and the northern elevation does not directly face any properties to its north.
- 10.54. Block D is centrally located away from both residential neighbouring boundaries. Where windows are located that face residential properties these have been shown as obscure glazed or angled to alleviate direct overlooking. A separation of approximately 13m is provided to both the properties on Genever Close and Acorn Close increasing to 15m at the 4<sup>th</sup> storey which is considered appropriate in an urban context.



Figure 8: Relationship between neighbouring properties

(ii) *Daylight, sunlight, and overshadowing*

- 10.55. The Mayor's Housing SPG (2016) states that *"an appropriate degree of flexibility needs to be applied when using the BRE guidelines to assess daylight and sunlight impacts of new developments on surrounding properties as well as new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites, and accessible locations. This should consider local circumstances, the need to optimise housing capacity and the scope for the character and form of an area to change over time"*. The assessment should therefore not be limited to a technical exercise against the default BRE guidelines and recommendations but should take into consideration the current and future physical context of the site and its surroundings, considering that BRE is for guidance purposes and there are no policy requirements with regards to numerical values.

**Vertical Sky Component**

- 10.56. It is generally accepted that in cities or densely populated town centre locations, a retained Vertical Sky Component (VSC) of 20% or more, represents a reasonably good level of daylight, and a retained Vertical Sky Component in the mid-teens (15% and above) is acceptable.
- 10.57. Non-compliance with the BRE recommendations is limited to the Vertical Sky Component (VSC) test in respect of isolated windows at 34 Acorn Close, 174 Chingford Mount Road and 9 to 16 Genever Close with a total of eleven windows not meeting the recommendation.

- 10.58. The remaining 134 out of the 145 main habitable room windows tested (92%) meet the BRE VSC recommendations. This represents an improvement over the 2022 scheme, which had 18 windows not meeting the VSC test.
- 10.59. Those neighbouring buildings not fully adhering to initial BRE criteria for daylight and sunlight are discussed in further detail below:

**No. 34 Acorn Close**

- 10.60. The daylight/sunlight report sets out that there are 5 windows which do not pass the Vertical Sky Component test, however they do achieve before/after ratios of 0.7 and above, which is acceptably close to the target of 0.8 stated in the BRE guide.
- 10.61. The baseline light levels of these windows are higher than usually expected in an urban context as currently the windows are largely unobstructed. Where the retained levels fail to meet the target in the BRE guide it is also important to review the retained levels of daylight that the windows will continue to receive post development. The windows will all retain VSC scores of between 25.0% to 26.5%. For schemes in densely populated urban locations, it is generally accepted that a VSC of 20% or more is considered reasonably good.

**No. 174 Chingford Mount Road**

- 10.62. Two windows fail the conventional 27% and 0.8 BRE criteria. The windows are on the side of 174 Chingford Mount Road facing the application site and sit close to the boundary with only a minor setback. The BRE guide sets out an alternative method which can be adopted in cases where an existing building has windows that are unusually close to the site boundary. The alternative Vertical Sky Component targets are derived by calculating the level of light that the window would achieve if obstructed by a hypothetical 'mirror-image' of the existing neighbouring building, an equal distance away from the boundary. The 'mirror-image' approach needs to be applied sensibly and flexibly, it would be inappropriate to block the windows up and remove all or nearly all of their light.
- 10.63. In this case the proposed block is set away from the boundary at a greater distance to that of No. 174 and is proposed as a two storey similar to that of neighbouring properties. Both windows, meet or surpass their alternative target.

**Nos. 9 to 16 Genever Close**

- 10.64. There are 4 windows to this block which do not meet the BRE VSC recommendations. The windows are located to the side on the ground floor and second floor of the projection and all face south. Of these, 3 experience before/after ratios of between 0.71 and 0.78, which is only marginally below the BRE 0.8 recommendation. All four windows will continue to retain VSC score of between 21.2% - 25.8% which is acceptable in urban locations.

**Daylight Distribution**

- 10.65. In terms of daylight distribution, all rooms with a requirement for daylight pass the daylight distribution test.

**Sunlight to Windows**

- 10.66. All neighbouring windows that face within 90 degrees of due south have been tested for direct sunlight. All windows with a requirement for sunlight pass both the total annual sunlight hours test and the winter sunlight hours test.

### **Overshadowing to Gardens and Open Spaces**

- 10.67. The submitted report also assesses the impact in terms of external overshadowing whereby all gardens and open spaces tested meet the BRE recommendations.

### **Summary**

- 10.68. In light the above in respect to neighbouring amenity, on balance, it is considered that the development would be acceptable on amenity terms concerning privacy and would have limited ability to overlook neighbouring properties. Additionally, the development would be broadly in line with BRE guidance and would not have a significant harm on daylight and sunlight of neighbouring residents. Given that BRE guidance advocates for a flexible and contextualised approach in line with the Mayor's Housing SPG (2016), the proposed development would be in accordance with the requirements of London Plan Policy D6 of the London Plan (2021) and Policy 57 of the Waltham Forest Local Plan LP1 (2021).

## **E. HOUSING – TENURE AND MIX**

- 10.69. The NPPF (2024) states that establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
- 10.70. It should be noted that the Secretary of State in his letter to the Mayor (dated 13<sup>th</sup> March 2020) directed an amendment to the wording of the London Plan (2021) Policy H10 (A9) to state: *“The need for additional family housing and the role of one and two bed units in freeing up existing family housing.”*
- 10.71. The London Plan (2021) Policy H10 requires schemes to generally consist of a range of unit sizes, having regard to robust local evidence of need and the nature and location of the site.
- 10.72. Policy 15 of the Waltham Forest Local Plan Part 1 (2024) sets out that there is a need for a range of dwelling sizes and tenures to meet the housing needs of its diverse population.

	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed plus</b>
<b>Preferred dwelling mix – Market</b>	20%	50%	30%
<b>Preferred dwelling mix - Intermediate</b>	30%	50%	20%

- 10.73. The proposal for 40 residential units (including 5 affordable units) would provide the following combined housing mix:

- 16 one-bedroom units (40%);
- 13 two-bedroom units (32.5%);
- 7 three-bedroom units (17.5%); and
- 4 four-bedroom units (10%).



- 10.74. The proposed 5 affordable units would be in the form of intermediate shared ownership homes as set out in the table below:

<b>Unit size</b>	<b>No. of Units</b>	<b>Mix</b>
1 bed / 2 persons	2	40%
2 bed / 3 persons	3	60%
<b>Total</b>	<b>5</b>	<b>100%</b>

- 10.75. Although the percentage of 2 bedroom units is not consistent with the requirements set out by policy 15 of the WFLP LP1 (2024), by reason of an uplift of one-bed units, policy H10 of the London Plan (2021) accept a level of flexibility in terms of housing mix on higher density developments within accessible locations by supporting a higher proportion of one and two bed units which are close to a town centres or public transport. Policy 15 also allows for a variation in mix if justified by location, area characteristics, design constraints and viability of schemes.
- 10.76. The provision of an increased number of smaller units is therefore accepted and considered consistent with the requirements of policy H10, by virtue of the site's position with access to transport links. The site is located within a constrained plot requiring careful consideration of neighbour amenity as such smaller units would be acceptable in line with Local Policy 15.
- 10.77. The variation of units to be delivered would help create a mixed and balanced community and contribute to identified local needs, particularly given the wider local area consisted predominantly of single family dwelling homes and therefore the development would be in accordance with the objectives of Policy 15 of the Waltham Forest Local Plan LP1 (2024) and London Plan (2021) Policy H10.
- 10.78. As such the proposal with respect to housing mix would therefore be consistent with the objectives of London Plan Policy H10 (2021), and Waltham Forest Local Plan LP1 (2024).

## **F. MARKET AND AFFORDABLE HOUSING AND VIABILITY**

- 10.79. Policy H4 of the London Plan (2021) seeks to maximise affordable housing provision to ensure an average of at least 43,500 additional affordable homes per year across London. London Plan Policy H4 sets out a strategic target for the provision of 50% of new homes as affordable, listing specific measures intended to achieve this aim, including threshold approach and the use of grant to increase provision beyond normally achievable levels.
- 10.80. London Plan Policy H5 states that planning applications for proposals following the viability tested route should include detailed supporting viability evidence, which should be scrutinised to ensure the delivery of the maximum level affordable housing. It also sets out the requirement for early-stage, late-stage, and mid-term stage (for larger phased developments) viability reviews post planning permission for viability tested schemes. The Affordable Housing and Viability SPG sets out additional guidance on the implementation of these policies.
- 10.81. Policy 12 of the Waltham Forest Local Plan LP1 (2024) sets out a strategic target for 50% of all new homes to be genuinely affordable across the Plan Period. Policy 13 of the Waltham

Forest Local Plan LP1 (2024) sets out a threshold approach to viability where sites meet a minimum of 35% would not require a viability assessment. Where sites do not meet the threshold proposals, proposals would be required to be viability tested and supported with viability evidence.

- 10.82. The application originally came forward with no affordable housing on site. As such a financial viability assessment was required. BPS Chartered Surveyors (Viability Assessors) was instructed by the Council to review the FVA prepared by the Applicant's viability consultants (BNP Paribas Real Estate).
- 10.83. The FVA concluded that the proposed scheme generates a deficit of -£978,239 and therefore no affordable housing could be viably offered. By contrast, in April 2024 through the review of the FVA, BPS identified a surplus of £1,833,411 and thus identified that the scheme could viably contribute towards affordable housing. BPS considered that the Benchmark Land Value (BLV) within the FVA was not suitably comprehensive and fully evidenced and that Open Market Sales values were below current market expectations.
- 10.84. An addendum report was prepared and submitted by BNP Paribas Real Estate and this was further reviewed in June 2024. BNP Paribas Real Estate maintained their original position whilst BPS updated some conclusions in terms of costings. It was found by BPS that the scheme would still create a surplus of £1,250,610.
- 10.85. A further addendum was reviewed by BPS in December 2024. BPS updated some conclusions on the profit from affordable housing and the agreed s106 terms. It was concluded that the scheme would create a surplus of £20,000 however this surplus reflected only 0.1% on Gross Development Value and effectively represented a breakeven position.
- 10.86. In light of the above, through extensive discussions between the viability consultants, an affordable housing offer was made and agreed between parties. The applicant has made this offer on the understanding that the current day viability position may change as a result of growth and inflationary measures, which will be captured by a carefully worded early-stage and late-stage viability review mechanisms.
- 10.87. The affordable housing offer comprises 12.5% on-site affordable housing provision by unit. This provides 5 units for Shared Ownership. The remaining 35 units would be for market for sale.
- 10.88. As such, given the level of affordable housing being offered at 12.5% by unit, it is considered by BPS, a justifiable and acceptable offer in this instance. As advised by BPS, officers conclude that the scheme would not be able to provide additional affordable housing in viability terms over and above the existing offer.
- 10.89. As the offer falls below the threshold, an early and late-stage review mechanisms will be required to capture any future uplift in viability within the s106 agreement.
- 10.90. As such, following FVA scrutiny, officers consider that the affordable housing offer by the applicant is acceptable in this instance and accords with the Mayor's Affordable Housing and Viability SPG (2017), National Planning Practice Guidance (2021), the Waltham Forest Local Plan Affordable Housing and Viability SPD (2018), Policy 13 and 14 of the Waltham Forest Local Plan LP1 (2024) and Policies H4, H5 and H6 of the London Plan (2021).

## **G. STANDARD OF RESIDENTIAL ACCOMMODATION**

*(i) Internal Space Standards*

- 10.91. The 'Technical Housing Standards – nationally described space standard' (2015) stipulate the minimum gross internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected for the proposed units. The policy seeks for high quality internal and external design, which should consider the sense of 'arrival' at the building and the 'home as a place of retreat', with acceptable size of rooms and functional room layouts, that meet the minimum spatial requirements.
- 10.92. Policy D6 of the London Plan (2021) sets out the housing quality and standard design specifications for new developments. Including internal rooms sizes, dual aspect, built in storage.
- 10.93. Policy 56 of the Waltham Forest Local Plan LP1 (2024) requires all new residential development to meet minimum internal and external amenity spaces. Policy 56 also seeks for all housing designs to maximise the provision of dual aspect dwellings and avoid the provision of single aspect dwellings wherever possible.
- 10.94. (i) Proposed Standard of Accommodation:

<b>Dwelling Type</b>	<b>Minimum Policy Requirement (sqm)</b>	<b>Proposed Dwelling Size (sqm)</b>
1bed 2person (16 units)	50	Range between 50 – 64.3
2bed 3person (4 units)	61	Range between 64.3 – 64.8
2bed 4person (9 units)	70	Range between 70 - 76
3bed 4person (3 units)	74	Range between 78.9 – 97.1
3bed 5person (4 units)	86	Range between 89 – 92.6
4bed 6person (4 units)	106	Range between 109 - 109.8

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

*(ii) Internal Sunlight and Daylight for the occupiers:*

- 10.98. Policy D6 of the London Plan (2021) states that housing developments should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect units. A single aspect dwelling should only be provided when it can be demonstrated that all habitable rooms contain adequate passive ventilation, privacy, acceptable levels of daylight and appropriate orientation.

- 10.99. All units would be dual aspect and in compliance with Policy D6. The application was accompanied by a daylight/sunlight report that assessed the rooms within the development, where 87% meet the requirement for daylight. In terms of sunlight, BRE sets out that site layout should aim to maximise the number of dwellings with a main living room that faces within 90 degrees of due south, and can receive a total of at least 1.5hours of sunlight on 21st March. The proposed scheme, 30 units have a living room window which faces within 90 degrees of due south and 35 of the 40 units have a living room which receives a total of at least 1.5 hours of sunlight on 21st March. Generally, the layout is considered to represent a good layout design.
- 10.100. As such, it is considered that the quality of the environment of future homes is acceptable due to careful design consideration which would make efficient use of the layout thereby providing good standard of accommodation and living environment for future occupants.

*(iii) Outlook and Privacy*

- 10.101. The development is surrounded by landscaping, with the ground floor units sufficiently set back from the main pathways and planting buffers provided. The ground floor flats all open out on to a private, defensible garden area, thus providing living accommodation that has sufficient privacy.
- 10.102. Separation distances between Blocks A, B and C follows the established separation distances to buildings at Finch Gardens and Acorn Close creating appropriate levels of outlook and privacy for the upper floor flats. Angled windows or windows with obscured glazing are carefully positioned to areas where separating distances are below an appropriate threshold, as designed between Blocks C and D.

*(iv) Accessible Units*

- 10.103. Policy D5 of the London Plan (2021) state that 10% of new housing must meets Building Regulation requirement Part M4 (3) 'wheelchair user dwellings', i.e., is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. Policy D5 also requires an inclusive design statement to be submitted as part of the DAS.
- 10.104. Policy 16 of the Waltham Forest Local Plan (2024) sets out the expectation for high quality accessible homes requiring all new homes to be accessible and adaptable and a minimum of 10% to be wheelchair accessible, or easily adaptable meeting M4(3).
- 10.105. The proposed development would provide a total of 4 wheelchair accessible units equating to 10% meeting the policy requirement. Access to the wheelchair user dwellings would be provided directly from the ground floor, which would have level access into each unit. One unit (1b2p) located within Block B would be provided as a shared ownership unit.
- 10.106. A suitably worded condition would ensure that the proposed homes would be suitable for the benefit of the M4(3) users, including private/communal entrances and circulation areas per the proposed Building Regulation accessibility requirements. Planning obligations would ensure that the M4(3) homes have suitable sale marketing exercises.
- 10.107. In light of the above, and subject to the recommended planning obligations and conditions, the proposed development would be acceptable in terms of the accessibility of the residential accommodation. As such, the proposal would be in accordance with Policy 16 Waltham Forest Local Plan LP1 (2024) and London Plan (2021) Policies D5 and D7.

*(v) External Amenity and Children Play Space*

- 10.108. Standard C10 GLA's Housing Design standards LPG (2023) requires a minimum of 5sqm of private outdoor space for 1-2 person units and an extra 1sqm for each additional occupant. The minimum depth and width for all balconies and other private external spaces to be 1.5m.
- 10.109. Policy 56 of the Waltham Forest Local Plan Part 1 (2024) sets out that one and two bed flats and maisonettes should provide a minimum of 10sqm of external amenity space per dwelling. Flats and maisonettes containing three bedrooms or more should provide a minimum of 10sqm of external amenity space per dwelling plus an additional 1sqm for each additional occupant. These external amenity space requirements should include some private outdoor amenity space for each dwelling in the form of balconies, terraces and/or private gardens (including roof gardens). The remaining external amenity space requirements can include communal, landscaped amenity space in accordance with guidelines set out in the London Plan. Private external amenity spaces must be a minimum of 5sqm and achieve a minimum depth and width of 1.5m. Communal external amenity spaces must be a minimum of 50sqm and should be easily accessible to all residents of the development, regardless of tenure.
- 10.110. Based on the proposed housing mix, the proposed development is required to provide 534sqm of amenity space to accord with Policy 56 of the Waltham Forest Local Plan Part 1 (2024).
- 10.111. Proposed External Amenity Provision:

<b>Dwelling Type</b>	<b>Proposed Private Amenity (sqm)</b>
1bed 2person (16 units)	6.1 - 100
2bed 3person (4 units)	6.1
2bed 4person (9 units)	8.2 – 23.1
3bed 4person (3 units)	8.2-15.4
3bed 5person (4 units)	8.2
4bed 6person (4 units)	21.5 - 65
External Communal Area	650
<b>Total Amenity Provision</b>	<b>1,414</b>

- 10.112. In total, the proposed development would provide 1,414 square metres of external amenity space, of which 764.2 square metres would be provided by private gardens and balconies of varying sizes and 650 square metres by communal amenity space at ground floor level.
- 10.113. It should be noted the external communal area would also be accessible to all residents and also proposes a level access for residents with limited mobility and wheelchair users.
- 10.114. As such, all the proposed new units would have policy compliant sized private amenity spaces in the form of projecting balconies and private courtyard style garden to ground floor units as per the above minimum standards in accordance with the London Plan and Policy 56 of the Waltham Forest Local Plan Part 1 (2024). Planning condition would also be included to remove the Permitted Development Rights from the four new units that read as single family dwellings to ensure any forthcoming extensions and loss of external amenity space

which may lead to compromising the overall outdoor amenity provision to the detriment of site occupiers in terms of long term health and well-being.

- 10.115. In terms of children's play space, London Plan (2021) Policy S4 and Policy 56 of the Waltham Forest Local Plan Part 1 (2024) which seeks to ensure that development proposals include suitable provision for play and recreation and incorporate good-quality accessible play provision for all ages, of at least 10sqm per child.
- 10.116. The GLA population yield calculator estimates a total of 12.4 children would be expected within the proposed development which require 124.5sqm.
- 10.117. The proposal would provide 350sqm of play space for 0-11 in the form of the shared communal courtyard within Block B and the publicly accessible central space Block B and C both would feature trails and play features with the central space also creating growing space alongside the play space. In addition to this, the scheme includes a habitat garden, which has 56 sqm of accessible space and includes features for children such as bug hotels.
- 10.118. The proposed play space would be well-designed and integrated with a level of surveillance from balconies and deck access. Whilst the site would not meet play space for 12-17year old, the site is in close proximity to Memorial Park which features provision for older age groups and has recently benefited from funding from the levelling up fund recently secured by the Council.
- 10.119. The quality of the external amenity/play space would also be secured by a landscaping condition requiring the final design for the play space meeting the requirements of Policy S4 of London Plan (2021), and Policy 56 of the Waltham Forest Local Plan Part 1 (2024), and the Waltham Forest Urban Design SPD (2010).

## **H. TRANSPORT AND HIGHWAYS**

- 10.120. The NPPF (2024) states that development should take opportunities to promote walking, cycling and public transport use.
- 10.121. Policy T1 of the London Plan (2021) states that proposals should support the delivery of the Mayor's strategic target of 80% of all trips in London to be made by foot, cycle or public transport by 2041 and requires developments to make the most effective use of land, reflecting its connectivity and accessibility by existing and future transport, walking and cycling routes and ensure that any impacts on London's transport networks and supporting infrastructure is mitigated.
- 10.122. Policy T5 of the London Plan (2021) seeks proposals to help remove barriers to cycling and create a healthy environment in which people choose to cycle by securing the provision of appropriate levels of cycle parking, which should be fit for purpose, secure and well located. Policy T6 of the London Plan (2021) states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity and requires appropriate disabled persons parking for Blue Badge holders to be provided as set out in Policy T6.1 of the London Plan (2021).
- 10.123. Policy 60 of the Waltham Forest Local Plan LP1 (2024) sets out that the Council will promote sustainable transport with new developments expected to contribute to more attractive, accessible, healthy and safe streets, places and neighbourhoods.
- 10.124. Waltham Forest Local Plan LP1 (2024) Policy 66 - Managing Vehicle Traffic sets out that proposals which (A) provide parking in less well-connected areas (for instance the application

site) must be accompanied by a robust Transport Assessment; and that (B) parking must not exceed maximum London Plan standards and those at Appendix 1 of the LP1 and finally (C) that all development should provide Blue Badge spaces in accordance with best practice set in the London Plan and LP1.

- 10.125. Policy T6.1 (criterion G) of the London Plan (2021) states 3% disabled parking should be provided from the outset, and provision for remaining 7% marked out on a plan. Paragraph 10.6.10 of the London Plan also states that these spaces should not at any point be used for general parking.
- 10.126. Waltham Forest Local Plan (2024) Appendix 1 Table 1.3 sets out the Council's preferred car parking standards. As a general principle, the Council will seek to encourage parking provision below the maximum figures stated. The local plan seeks for the minimum number of off-street disabled parking spaces to be provided at 5% of the total number of dwellings in the development with a 2% passive provision to be made.

*(i) Car Parking provision (within site)*

- 10.127. The site is not located within a Controlled Parking Zone (CPZ). Although the site is not positioned within a Town Centre, it is well served by local buses and amenities along Chingford Mount Road. The proposal includes 12 parking spaces in total including 2 disabled parking spaces.
- 10.128. The 2 disabled parking spaces proposed would meet the minimum number of off-street disabled parking spaces of 5% of the total number of dwellings in the development meeting the local plan parking standards. A 2% passive provision is also set out, the application includes this provision by amalgamating 2 standard parking spaces if required.
- 10.129. In regards to the level of general parking provided, the adopted local plan sets out that there should be no parking unless justified through a need established in a Transport Statement. The scheme is accompanied by a Transport Statement by Cole Easdon which analyses the provision of parking in the area.
- 10.130. Transport Policy reviewed the submitted Transport Statement and agreed that the proposed level of parking strike a balance between the Council's Local Plan and indeed the London Plan's aspirations to reduce car usage and encourage greater usage of sustainable modes of transport, whilst attempting to limit overspill parking from the development onto surrounding streets.
- 10.131. Whilst the site has a medium level of Public Transport Accessibility (PTAL level 3) due to its relative distance from overground and underground stations, it is nonetheless on a bus route with regular buses towards Chingford, Chingford Mount and Walthamstow. Services and facilities can be easily accessed within walking distance, including a Heath Centre, pub, church, Supermarket, convenience store, primary school, post office, pharmacy and gym, all within 750 metres of the site. The level of connectivity by foot is therefore reasonably good.
- 10.132. As such, it is considered that future occupants who are not able to have a parking space and are non-blue badge holders would be able to access employment and everyday services without driving or owning a car. This aligns with the objectives of local, regional and national planning policy, which seek to encourage a less car dependant approach where new development is proposed.

*(ii) Car Parking – impact on existing on-street parking*



- 10.133. In regards to potential pressures on the existing surrounding road network, along with the demand for parking generated by visitors to the development, the applicant has undertaken surveys of the local highway network which are to establish the existing baseline position in relation to on-street parking. The parking survey established that an average of 33 parking spaces were available, out of a total provision of 104, within the 200-metre beat extent per day during the two-day surveyed period. If the A112 Chingford Mount Road was excluded from the analysis, an average of 14 car parking spaces were available. Based on average levels of car ownership within the ward a total 25 cars might be expected of which 12 can be accommodated on site; the residual 13 can be accommodated within the existing provision. Albeit the existing average is a reflection of existing off-street and on-street provision and demand in new restricted provision schemes is likely to be less.
- 10.134. Using TfL's time mapping tool, it can be visually illustrated in the coloured image below the site is accessible by public transport in less than 15 minutes (red) to a number of district centres and stations. The scheme also provides London Plan levels of cycle storage, which is convenient, attractive and well designed on site. This demonstrates the scheme meeting Waltham Forest's 15 minute neighbourhoods which seeks to car use to affect travel patterns and habits and to improve health and the environment

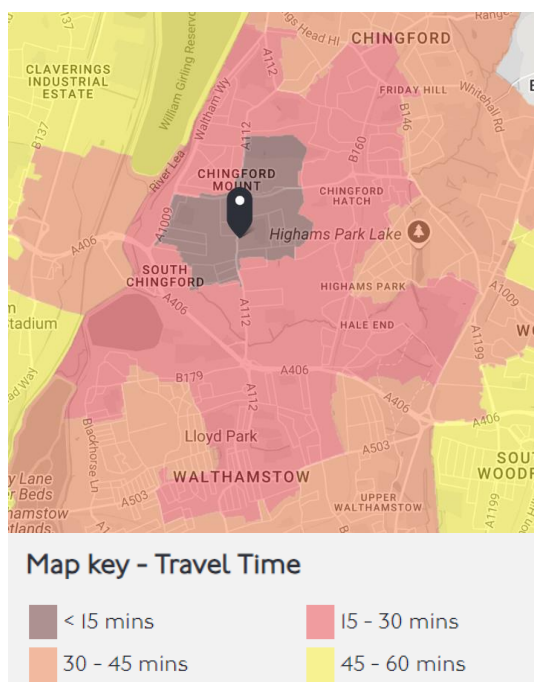


Figure 9: TfL's time mapping tool

- 10.135. As set out in Policy T6 criterion C of the London Plan (2021) it importantly states that:

*An absence of local on-street parking controls should not be a barrier to new development, and boroughs should look to implement these controls wherever necessary to allow existing residents to maintain safe and efficient use of their streets.*

- 10.136. This policy therefore expects Councils to positively consider car free developments even in the absence of a CPZ as it should not be a barrier to enable new development to come forward.

- 10.137. The highways team did raise concerns of parking stress however also requested the car free S106 wording that excludes future residents from eligibility for permits in the event of a future CPZ and also a S106 contribution of £25,000 towards CPZ consultation prior to occupation.
- 10.138. The most appropriate approach to managing the issues surrounding the management of parking stress is through the introduction of a Controlled Parking Zone. This approach has been reinforced by the Planning Inspectorate when it considered the issue in relation to the development site at No. 480-510 Larkshall Road<sup>1</sup>. The option of introducing a CPZ is one that is open to the Council and where such a CPZ is agreed, future residents of the development would be excluded from applying for parking permits. The applicant has agreed to Section 106 clauses reinforcing this, and these are reflected in the heads of terms.
- 10.139. Overarching objectives as laid out in London Plan Policy T1, and Waltham Forest Plan Policy do not underplay the importance of meeting the Mayor's strategic target of 80% of all trips in London to be made by foot, cycle or public transport by 2041. The proposed scheme seeks to deliver on this firm objective and promote sustainable transport modes. The transport assessment predicts c75% of journeys by sustainable means, with c5% two-way vehicular movements in the AM and PM, which is not considered to impact the highway network. The Council is committed to achieving this ambition in promoting active travel initiatives across the borough. To this end, the Council will secure car free and £20,000 towards active travel infrastructure by s.106 legal agreement to further mitigate any potential parking.
- 10.140. On this basis, subject to the recommended planning obligations and conditions, officers are supportive of the car limited nature of the proposed development, and the proposed approach to providing disabled persons car parking, which would be in general accordance with Policy 66 of the Waltham Forest Local Plan LP1 (2024), Waltham Forest Local Plan (2024) Appendix 1 and London Plan Policies T6 and T6.1.

*(iii) Cycle Parking*

- 10.141. London Plan (2021) Policy T5 and Table 10.2 set out the minimum standards for new development cycle parking provision.
- 10.142. Appendix 1 of the Local Plan (2024) sets out the Council's cycle parking standards. The minimum cycle parking provision for the residential element would be 83 long stay spaces and 2 short stay with a ratio is 65% two-tier, and 30% Sheffield and 5% cargo.
- 10.143. The proposal provides 86 long stay spaces across the site in the form of dedicated cycle store to the ground floor and individual bike stores for the ground floor residential units. 2 short stay bays have been provided outside Block B, C and D across the site. 2 individual stores that provide 4 cargo bike spaces are located near Block A and D.
- 10.144. The overall level of provision is considered appropriate and as is standard practice, the proposed cycle parking provision and full details will be secured by way of condition subject to planning approval.
- 10.145. As such, the proposed cycle stores would be safe, accessible and secure. The level of cycle provision and stand type ratios are on balance acceptable subject to conditions requiring details to ensure the cycle parking is appropriately designed and is of an adequate specification.

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<sup>1</sup> APP/U5930/W/22/3304178

*(iv) Electric Vehicle Charging Points (EVCP)*

10.146. London Plan (2021) Policy T6.1 and Waltham Forest Local Plan LP1 (2024) Policy 67 set out the EVCP requirements and that 20% of spaces should have active charging facilities. Based on the proposed provision of 12 parking spaces for this development, the four parking bays on-site would have active charging facilities which would exceed the requirement and would be secured by condition. This exceeds the requirement and therefore accords with policy T6 London Plan (2021).

*(v) Servicing and Access*

10.147. The submitted Delivery and Servicing Management Plan shows that servicing would be undertaken from Genever Close. A detailed Delivery and Servicing Management Plan will be secured by condition subject to planning approval to include the detailed design and waste collection arrangements for waste collection.

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

*(vi) Highway Works*

10.149. As existing, it had been identified that Genever Close currently experiences narrow pinch points. Given this would be outside the boundaries of the application site it had been discussed and agreed between Council's Highway Team and the Applicant the following highway works for a significant enhancement in respect to both vehicular and pedestrian access would be provided within the s278 agreement:

Facilitating Works

- Road widening works to facilitate two-way traffic in the pinch points along Genever Close including any associated footway works to facilitate construction as set out within the provisional plan [8160-211 Rev A]. Detailed drawing to be drawn up during the s278 for agreement by the relevant parties.
- Review of the existing street lighting design and new lighting design for the new 2 metre footway.
- Review of all waiting and loading restrictions along Genever Close

Development Enabling (temporary) works

- Construction of two temporary construction crossovers on Genever Close.
- Temporary relocation of a lamp column outside of No. 4 Genever Close.
- Installation of temporary waiting and loading restrictions along Genever Close including a traffic management order.
- The works will be carried out by the Local Highway Authority, at the cost of the developer. After the development construction is completed, the relevant enabling works must be removed, at the cost of the developer.

10.150. These works would be secured as part of a s106 legal agreement.

- 10.151. The road widening works to resolve pinch points in Genever Close are considered to represent cost effective mitigation of the highways impacts of the development and lead to a significant enhancement for both vehicular and pedestrian access.
- 10.152. Section 59 of the Highways Act allows the recovery of expenses in the event of extraordinary traffic. A pre and post highways condition survey is therefore required within the s106, to assess whether there is any deterioration of the highway as a result of the construction works, so these are repaired as part of the construction works.
- 10.153. A S38 agreement has been requested and agreed with the Applicant to offer up an area of the application site fronting Genever Close for adoption as public highway to create a new footway to the southern side of Genever Close. This is considered necessary to create a well-connected public realm with proposed highway works for a better pedestrian and cycling environment for the local area. This would be included in the s106 agreement.

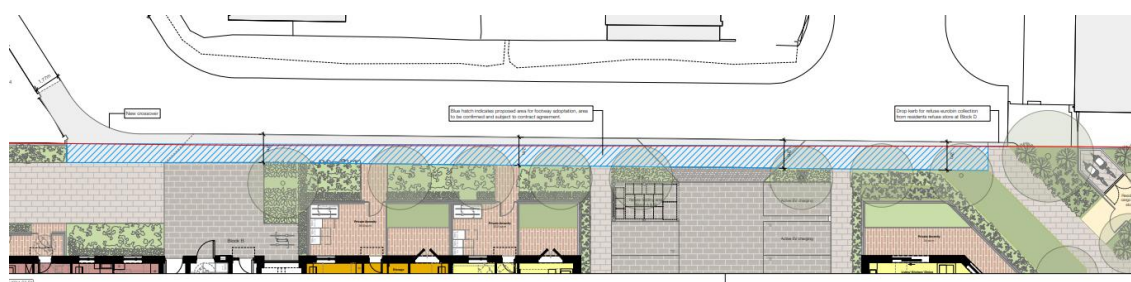


Figure 10: Extent of S38 works

*(viii) Construction Logistics Plan*

- 10.154. Policy T7 of the London Plan (2021) set out the policy for assessing the effects of development on transport capacity.
- 10.155. Policy 63 and 65 of Waltham Forest Local Plan LP1 (2024) sets out that a Construction Logistics Plan (CLP) setting out the potential impacts of construction traffic, and how this will be reduced. An Outline CLP should be submitted at application stage, followed by a Detailed CLP at the pre-construction phase.
- 10.156. An Outline Construction Logistics Plan (CLP) was submitted with the application to outline measures to mitigate construction impact. The highways team have requested additional work to accommodate full details of s278 with the CLP. A Full Detailed Construction Logistics Plan (CLP) will be secured by condition and will cover the s278 works in line with Policy T7 of the London Plan (2021) and Policy 63 and 65 Waltham Forest Local Plan LP1 (2024).
- 10.157. To ensure compliance with the CLP, a S106 contribution of £2,000 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.

**I. WASTE MANAGEMENT**

- 10.158. Policy SI7 of the London Plan (2021) seeks to reduce waste and support the circular economy.
- 10.159. Policy 57 of the Local Plan LP1 (2024) states that new developments should ensure that the provision of adequate facilities for the storage, collection and disposal of refuse is well secured.
- 10.160. The applicant has adhered to the Council's 'Waste and Recycling Guidance for Developers' (2022).
- 10.161. The proposed development would have refuse and recycling stores and these would be provided internally within Blocks B, C and D at ground floor level serving all units across the upper floor levels. All ground floor units and Block A, these would be provided with individual refuse, recycling and food bins presented within the front courtyard area.
- 10.162. A holding area is proposed in the central parking area where the bins serving Block A and B would be held and collected by Council's waste collection crew on collection days. The proposed holding area would be an enclosure with a height of 2.26m, a depth of a parking space (4.8m) and width of 2.7m. The structure would be clad in green perforated metal similar to that used on the balconies and window detailing of the wider development and include a green roof. A management company will be required to be commissioned to ensure this arrangement is maintained, this would be included by an appropriately worded condition.
- 10.163. This central parking area would also feature an opportunity for a turning area for refuse vehicles. Currently refuse vehicles reverse out unsafely from Genever Close onto Chingford Mount Road. With a proposed turning area on site, refuse vehicles would be able to exit out safely from Genever Close in forward gear onto the main road thus creating a much safer traffic flow and reducing risk to pedestrians or other road users. Officer note, a dropped kerb is also situated near Block D to allow waste to be collected for this block directly.
- 10.164. Although the proposed refuse and recycling provision is sufficient for the development and supported by the Council's Waste team, a condition is recommended in order to review a detailed refuse strategy for the physical operation of the site including the management of the holding area and ensure its compliance with the requirements of Policy 57 of Waltham Forest Local Plan (2024). These details should include specifications of ventilation, security, accessibility and should also include arrangements of collection in compliance with the Council's 'Waste and Recycling Guidance for Developers' (2022).
- 10.165. As such, it is considered that any waste management/servicing and detailed design of the collection store could be secured by condition in accordance with Policy 57 of Waltham Forest Local Plan (2024).

## **J. SUSTAINABLE DESIGN AND ENERGY EFFICIENCY**

- 10.166. The NPPF (2024) establishes a presumption in favour of sustainable development. It encourages proposals, which support renewable and low carbon energy and associated infrastructure. It further states that, in determining planning applications, LPAs should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated that it is not feasible or viable; and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. The NPPF (2024) also encourages LPAs to adopt proactive strategies to mitigate and adapt to climate change.

10.167. London Plan Policy SI2 (2021) states that major forms of development should be net zero carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:

- Be lean: use less energy and manage demand during operation.
- Be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly.
- Be green: maximise opportunities for renewable energy by producing, storing, and using renewable energy on-site.
- Be seen: monitor, verify and report on energy performance.

10.168. At a local level, Policy 85 of Waltham Forest Local Plan LP1 (2024) requires all development of more than one home or greater than 100sqm to be supported by an Energy Assessment (for major development schemes this must be undertaken in accordance with GLA's latest Energy Assessment Guidance, with major development meeting or exceeding the net zero-carbon emissions target in line with the London Plan energy hierarchy and in line with best practice guidance including the GLA's latest energy planning guidance and all new build development of more than one home or greater than 100sqm must achieve a minimum of 35% reduction below Part L of the Building Regulations on-site, targeting net zero carbon where possible.

10.169. Development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target would be met within the framework of the energy hierarchy.

10.170. The submitted Energy Statement was revised and updated, the development predicts to achieve a reduction of 81% in regulated emissions, site wide. This exceeds the London Plan target of 35%.

10.171. To meet the requirements of the Local Plan, the Energy and Sustainability Statement indicates a total carbon offset contribution to achieve 100% reduction for the proposed development to be secured by s.106 legal agreement. The Council's Energy and Sustainability Consultant confirmed an offset carbon contribution of £19,611 would be required.

(i) *Energy Reduction (Be Lean) and Overheating:*

10.172. Policy SI4 of the London Plan (2021) states that development proposals should minimise adverse impacts on the urban heat island through design, layout, orientation, materials, and the introduction of green infrastructure. Development should demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems.

10.173. The submitted Energy Statement confirms that the demand reduction measures would deliver a 10% saving against the baseline for the entire development, as indicated by the submitted SAP10 figures. As such, the residential elements exceed the 10% target.

10.174. With regards to air permeability, the development proposes 3.0m<sup>3</sup>/m<sup>2</sup>/hr. As advised by the Council's Energy and Sustainability officer, the air permeability values are acceptable. In addition, the proposed U-values are considered of a good standard.

10.175. The applicant has sought to address the cooling hierarchy.

10.176. As such, the proposed development is consistent with Policy SI4 of the London Plan (2021) and Policy 85 of the Waltham Forest Local Plan LP1 (2024).

*(ii) Low Carbon Energy Supply (Be Clean)*

10.177. London Plan Policy SI3 (2021) states that development proposals within a Heat Network Priority Area should have a communal low-temperature heating system and that the heat source for the communal heating system should be selected in accordance with the following heating hierarchy:

- Connect to local existing or planned heat networks.
- use zero-emission or local secondary heat sources.
- use low-emission combined heat and power (CHP) and,
- use ultra-low NOx gas boilers.

10.178. Policy 86 of the Waltham Forest Local Plan LP1 (2024) requires all major development to install a communal heating system and either connect to an existing district heating network (where one exists) or 'future-proof' the system by ensuring the development is able to connect to a district heating network in the future.

10.179. A communal system was not provided at submission however was requested and later amended within the scheme to provide it on the roof top. The Energy report confirms that the communal heating system proposed is appropriate and would be connection ready in line with Policy 86.

*(iii) Renewable Energy (Be Green)*

10.180. Policy S12 of the London Plan (2021) and Policy 85 of the Waltham Forest Local Plan LP1 (2024) sets out that developments should maximise renewable energy.

10.181. The proposal includes Air Source Heat Pump (ASHP) and solar panels. The solar PV installation on the roof of the proposal is also included with outputs of 30.62kWp which has shown to be maximised on the proposed roof plan.

**K. TREES, LANDSCAPING AND ECOLOGY**

10.182. The NPPF (2024) highlights the important contribution that trees make to the character and quality of urban environments as well as mitigating and adapting to climate change. The Framework seeks to ensure that new streets are treelined and opportunities are taken to incorporate trees elsewhere in developments and that existing trees are retained.

10.183. Policy D8 of the London Plan (2021) requires development proposals to encourage and explore opportunities to create new public realm where appropriate. Proposals should ensure the public realm is well-designed, safe, accessible, inclusive, attractive, well-connected, related to the local and historic context, and easy to understand, service and maintain. Landscape treatment, planting, street furniture and surface materials should be of good quality, fit-for-purpose, durable and sustainable. Lighting, including for advertisements, should be carefully considered and well-designed in order to minimise intrusive lighting infrastructure and reduce light pollution.

10.184. Policy 79 of the Waltham Forest Local Plan LP1 (2024) states that proposal should seek to protect and enhance biodiversity. Development proposals will not normally be granted

planning permission where they pose adverse direct or indirect effects on any land or area within the identified Sites of Importance to Nature Conservation (SINC).

*(i) Trees and Landscaping*

- 10.185. There are no protected trees located within the red line boundary or adjacent to the site however there are a number of trees are located close to the eastern boundary including those within Memorial Park.
- 10.186. The application is supported by a Tree Survey, Arboricultural Impact Assessment and a comprehensive landscaping strategy.
- 10.187. The Council's Nature and Tree Preservation Officer and Street Tree Officers has reviewed the proposal and the submitted Tree Survey and Arboricultural Impact Assessment and raised no major concerns to the proposed scheme.
- 10.188. The landscape strategy for the proposed development has been guided across the site to create high quality landscape and a visually attractive environment with planting, functional amenity space, facilitate free and easy movement between buildings and to encourage social interaction. In regards to the frontages of the residential blocks, a mix of hard and soft landscaping is used to create defensible space for ground floor units. This is considered acceptable in the street scene to create front gardens which are prevalent in this urban location.
- 10.189. As such, it is considered that the proposed landscaping would be of a high-quality, with suitable levels of greening, subject to the recommended conditions, in accordance with Policy 79 of the Waltham Forest Local Plan LP1 (2024) and London Plan Policies D8, G1, and G5.

*(ii) Urban Greening Factor*

- 10.190. London Plan Policy G5 requires major development to contribute to the greening of London, whereby the Mayor's recommended target Urban Greening Factor (UGF) score is 0.4 for developments that are predominately residential. Policy 79 of the Local Plan also seeks developments to achieve a UGF score of 0.4.
- 10.191. The Urban Greening Factor is a tool to evaluate the quality and quantity of urban greening. It enables major developments to demonstrate how they have included urban greening as a fundamental element of site and building design. In this case the proposals achieve an Urban Greening Factor of 0.4 which is a positive, policy compliant element of the development.

*(iii) Biodiversity Net Gain*

- 10.192. Policy 79 (Part D) requires developments to demonstrate a minimum 10% biodiversity net gain (BNG) using the Defra Biodiversity Metric 2.0 (or subsequent version). The BNG legislation became mandatory for major applications on 12th February 2024.
- 10.193. Whilst the application was submitted prior to the introduction of statutory Biodiversity Net Gain (BNG), the urban greening officer advises that the scheme would comply with the 10% requirement which is standard now across application types.

*(iv) Ecology*



- 10.194. London Plan Policy G6 requires that development proposals manage impacts on biodiversity. Local Plan LP1 Policy 81 states that proposals should seek to protect and enhance biodiversity and geodiversity resources in the borough and will ensure that all development should maximise opportunities to create new or make improvements to existing natural environments, nature conservation areas, habitats or biodiversity features and link into the wider green infrastructure network.
- 10.195. A Preliminary Ecological Appraisal (PEA) was submitted in support of the planning application. This assessed the habitat potential of the site. It was found that there is low-moderate habitat value for roosting bats, and further emergence surveys were recommended to establish the exact extent of bat presence on the site prior to demolition. In the event that bats are found on the site, a license will be required from Natural England for their removal prior to the commencement of any works.
- 10.196. The PEA also established high potential for hosting nesting birds and some potential for reptiles, toads and hedgehogs. The PEA sets out a series of recommendations to ensure that the appropriate level of protection and precautionary working practices are in place. This includes the submission of Ecological Management Plan (EMP) and Construction Environmental Management Plan (CEMP).
- 10.197. It is recommended that further detail of the exact location and number of habitat enhancement measures are agreed in response to a planning condition, but subject to these being installed and retained, the biodiversity and ecological value of the site should increase significantly as a consequence of this development.

*(v) Epping Forest SAC*

- 10.198. Waltham Forest shares a boundary with the Epping Forest Special Area of Conservation and following research in the form of a visitor survey by Footprint Ecology, has been found to fall within a wider ZOI based on the distance most visitors will travel to visit Epping Forest SAC. This report identified that 75% of visitors travelled up to 6.2Km to the SAC and as result of the whole of the London Borough of Waltham Forest falls within this ZOI for recreational pressure. It is anticipated that new residential development within this ZOI constitutes an LSE (Likely Significant Effect) on the sensitive interest features of the SAC through increased recreational pressure, either when considered 'alone' or 'in combination'. The Council as Local Planning Authority is obliged to ensure that any grant of planning permission would have sufficient mitigation measures in place to ensure that there would be no harmful impact on the Epping Forest SAC arising from LSE. The Local Planning Authority is a "competent authority" under the Habitat Regulations and is legally obliged to take Natural England's advice into account in decision making and attach great weight to it.
- 10.199. The Council and Natural England have agreed an approach to address the impact of residential development on the SAC, including seeking contributions towards the Strategic Access Management Measures (SAMMS) and a Suitable Alternative Natural Greenspace (SANGS) strategy, which has been published as part of the Local Plan process. A Habitat Regulations Assessment Screening and Appropriate Assessment has been prepared by Simple Planning which confirms that SAMMS contributions are appropriate for the impact of the development on the integrity of any European designated sites, such as the Epping Forest SAC and SSSI either considered alone or in combination with other plans or projects. A contribution of £627/unit £23,199 in total towards SAMMS is sought and secured through the Section 106 agreement. Financial contributions towards the SANGS would be secured via the Community Infrastructure Levy (CIL) and would be allocated to projects within the relevant catchment area as identified in the strategy.

Summary

10.200. In light of the above, the proposed development is considered to be acceptable in terms of its impact on trees, landscaping and ecology. It complies with relevant planning policies that support ecological and biodiversity enhancements including London Plan policies D8 and G1, together with policy 80 of the adopted local plan (2024).

**L. ENVIRONMENTAL IMPACT**

10.201. Policy 50 of the Waltham Forest Local Plan LP1 seeks to control and mitigate pollution in all its forms, including noise, vibration and light. The Council's Environmental Health Team reviewed the proposed development and considered that the development would be acceptable subject to mitigation measures to reduce any detrimental impact on amenity and to deliver an acceptable living environment for future residents. These issues are reviewed as follows:

*(i) Noise*

10.202. Policy D14 of the London Plan (2021) requires mitigation measures on existing and potential adverse impacts in terms of noise as a result of new development to enhance the acoustic environment of a site and its surroundings.

10.203. Policy 50 of the Waltham Forest Local Plan LP1 (2024) states that all major forms of development should aim to minimise the adverse impacts of noise through sensitive design, management, and operation.

10.204. The Council's Environmental Health Team raises no objections against the development, subject to conditions requiring the submission of a Construction Environmental Management Plan (CEMP) and Noise levels to be controlled from onsite plants and machinery.

10.205. The noise report describes the existing ambient noise climate in the area based on measurements undertaken at the site and evaluates potential impacts upon the proposed residential development, and specifies design measures, including building envelope performance, required to achieve suitable noise levels within habitable rooms and external amenity areas. An initial site risk assessment was undertaken in accordance with ProPG, which demonstrated that the site would be of low risk. Mitigation measures proposed to minimise the potential negative impacts to ensure that the internal noise limits are achieved measures include non-Glazed and glazed elements and a ventilation Strategy.

10.206. It is noted that there is an air source heat pump array on the roof but this is set away from any neighbouring residential property. The noise impacts of this plant would be concentrated within the development itself and would be suitably conditioned to ensure there would be no adverse impact to future occupiers of the development.

10.207. The submitted noise assessment does not deal with the impact of the proposal on surrounding residential properties but given the characteristics of the development there is no reasonable need to undertake such an assessment. Noise arising during the construction process can be mitigated through a construction logistics plan and construction environment management plan, both required by way of planning condition.

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

*(ii) Air Quality*

10.209. 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. All major applications should demonstrate appropriate mitigation measures through an Air Quality Assessment.

10.210. The site is located within an air quality management area (AQMA) to reduce the level of nitrogen dioxide and other particulate matter emissions. A Construction and Dust Control Statement has been submitted with the application. It considered that, subject to a financial contribution of £11,500 towards the implementation of the Air Quality Action Plan, which shall ensure maintenance of the Air Quality monitoring network and Air Quality modelling.

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

10.212. Due to the above considerations, the development would be consistent with Policy SI1 of the London Plan (2021) and Policy 88 of the Waltham Forest Local Plan LP1 (2024), subject to conditions and a financial contribution that would ensure that the development protects the amenity and health of neighbouring properties in terms of air quality and pollution.

*(iii) Contaminated Land*

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

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

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

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

*(iv) Flood Risk and drainage*

10.217. London Plan (2021) Policies SI 12 and SI 13 outlines that development proposals should minimise and mitigate flood risk and incorporate appropriate provisions for drainage, following the London Plan drainage hierarchy and other priorities. Policy 91 of the Waltham

Forest Local Plan LP1 (2024) sets out various requirements for developments to manage flood risk, including aiming to achieve greenfield run-off rates via the maximisation of Sustainable Urban Drainage Systems (SuDS).

- 10.218. The applicant has submitted a Flood Risk Assessment that explains that the site is in Flood Zone 1, so has a low general risk of flooding. Consequently, no further flood risk mitigations are needed to make the development acceptable in planning terms.
- 10.219. Considering Drainage, the FRA sets out an intention to construct a SuDS scheme at the site including Rainwater Harvesting, Green Roofs, and pervious pavements. The detail provided on the SuDS scheme at this stage is limited and this is reflected in the comments from the Leal Local Flood Authority however the information submitted is sufficient to demonstrate the principle of the arrangements proposed is acceptable. Further detail on surface water drainage can be provided in response to appropriate planning conditions.
- 10.220. Overall the impact on Flood Risk and Drainage is considered to be acceptable, subject to conditions. The proposal complies with policies SI12 and SI13 of the London Plan and Policy 91 of the Adopted Local Plan, in this respect.

*(v) Water Efficiency*

- 10.221. Policy SI5 of the London Plan (2021) states that development should minimise the use of mains water in line with the Operational Requirements of the Building Regulations to achieve mains water consumption of 105 litres or less per head per day. In addition, Policy 89 of the Waltham Forest Local Plan (2024) states that every form of development should implement water efficiency measures to achieve usage of less than or equal to 105 litres per person per day for residential use and to incorporate measures for saving water for any new development involving more than 100 square metres, as required by the London Plan.
- 10.222. The sustainability statement confirms the domestic water use of 105 l/p/d will be targeted and includes an example specification that complies with this. As such, a condition requiring details of measures to reduce water use within the development is recommended, to meet the requirements of Policy 89 of the Waltham Forest Local Plan LP1 (2024) and Policy SI5 of the London Plan (2021).

*(vi) Archaeology*

- 10.223. Policy HC1 of the London Plan (2021) states that development proposals affecting heritage assets and their setting should be sympathetic to the assets' significance and appreciation within their surroundings. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations in the design process. In addition, Policy DM22 of the WFLP Development Management Policies (2013) states that the Council will ensure the preservation, protection and where possible, the enhancement of the archaeological heritage of the Borough.
- 10.224. The site does not fall within an Archaeological Priority Zone (APZ) and given the size of the site, an Archaeological Desk Based Assessment was not considered as part of the application. In the absence of archaeological interest and considering that any impact on archaeological remains below ground level would be negligible, the development would not be contrary to Policy HC1 of the London Plan (2021) and Policy 73 of the Waltham Forest Local Plan LP1 (2024) in terms of any impact on significant archaeological remains on site.

## 11. PLANNING OBLIGATION

- 11.1. Section 106 Legal Agreements are a material consideration in the determination of a planning application. The purpose of such an agreement is to make otherwise unacceptable development acceptable and they should only be sought where they meet all the following tests:
- i. Necessary to make the development acceptable in planning terms,
  - ii. Directly related to the development; and
  - iii. Fairly and reasonably related in scale and kind to the development.
- 11.2. In terms of the S106 Agreement, the required Heads of Terms, having regard to planning policy, the Waltham Forest Local Plan Revised Planning Obligations SPD (2017) and the Waltham Forest Local Plan Affordable Housing and Viability SPD (2018), for this development relate to the following Heads of Terms which are also outlined in Section 1 of this report.
- Affordable Housing Provision
  - Wheelchair Housing
  - Highways and Transportation
  - Future occupiers Car Free Housing
  - Travel Plan Monitoring
  - Employment and Training Strategy
  - Air Quality
  - Energy/Carbon Offset Fund
  - Epping Forest Special Area of Conservation
  - Retention of Architect
  - Legal Fees
  - Monitoring and Implementation

## 12. ADDITIONAL CONSIDERATIONS

### Public Sector Equality Duty

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

- The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered and may be balance against other relevant factors.
- It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

### Human Rights

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

## **13. CONCLUSION**

- 13.1. The principle of development is considered acceptable and consistent with local and regional policies. The proposed development for residential use would result in making better use of land and achieve optimisation of an underused brownfield site for existing and future generations in an urban location.
- 13.2. The height, scale, massing and design of the development would be acceptable and result in high quality architecture which is considered appropriate for the location within this urban location.
- 13.3. The report provides officer's comprehensive consideration of the planning application and its supporting documentation, including the additional information submitted and any representations received.
- 13.4. The application, if approved, would deliver significant urban regeneration and public benefits, not least including:
- 40 new residential units (5 Shared Ownership units) which contribute towards local housing targets;
  - Promoting sustainable modes of transport with less reliance on the private car;
  - Enhanced cycle facilities;
  - Urban Greening Factor of 0.4 and Biodiversity Net gain over 10%
  - Incorporate the highest environmental standards and would be sustainable;
  - Deliver acceptable energy reduction measures and meet the required carbon dioxide; and reduction targets through air quality, noise and renewable energy considerations
- 13.5. The scheme would directly deliver important walking and cycling improvements and would enhance public space, walking and cycling improvements outside of the site through S106 contributions.

- 13.6. The proposal would make significant CIL contributions, as well as significant social infrastructure. Identified concerns would be appropriately mitigated through the inclusion of conditions and obligations within the legal agreement.
- 13.7. The report has considered the proposals in light of the development plan policies and other material considerations or representations relevant to the environment effects of the proposals.
- 13.8. The conditions set out in the agreed s.106 Heads of Terms (set out in paragraph 1.1 of this committee report) would ensure that any adverse impact of the scheme is mitigated against and the positive aspects of the proposal advanced by the applicant are carried out through the implementation.

#### **14. RECOMMENDATION**

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

## PLANNING CONDITIONS

### Time Limit

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

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

### Approved Plans and Documents

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

#### Drawings References:

- *Site Location Plan / Block Plan*

2117 - P001 - S2 - P3 dated 10<sup>th</sup> December 2024

2117 - P005 - S2 - P3 dated 10<sup>th</sup> December 2024

- *Existing Plans*

2117 - P006 - S2 - P3 dated 10<sup>th</sup> December 2024

2117 - P007 - S2 - P3 dated 10<sup>th</sup> December 2024

2117 - P210 - S2 - P0 dated 19<sup>th</sup> December 2023

- *Proposed Elevations*

2117 - P211 - S2 - P4 dated 7<sup>th</sup> October 2024

2117 - P212 - S2 - P0 dated 19<sup>th</sup> January 2024

2117 - P213 - S2 - P1 dated 26<sup>th</sup> September 2024

2117 - P214 - S2 - P2 dated 26<sup>th</sup> September 2024

2117 - P215 - S2 - P1 dated 26<sup>th</sup> September 2024

2117 - P510 - S2 - P1 dated 26<sup>th</sup> September 2024

2117 - P511 - S2 - P1 dated 26<sup>th</sup> September 2024

2117 - P512 - S2 - P0 dated 19<sup>th</sup> January 2024

2117 - P513 - S2 - P1 dated 26<sup>th</sup> September 2024

- *Proposed Floor Plans*

2117 - P110 - S2 - P10 dated 10<sup>th</sup> December 2024

2117 - P111 - S2 - P4 dated 10<sup>th</sup> December 2024

2117 - P112 - S2 - P4 dated 10<sup>th</sup> December 2024

2117 - P113 - S2 - P4 dated 10<sup>th</sup> December 2024

2117 - P114 - S2 - P6 dated 10<sup>th</sup> December 2024

- *Proposed Site Sections*

2117 - P310 - S2 - P1 dated 26<sup>th</sup> September 2024

2117 - P311 - S2 - P1 dated 23<sup>rd</sup> April 2024

2117 - P312 - S2 - P0 dated 6<sup>th</sup> February 2024



- *Other Plans:*

- 2117 - P400 - S2 - P0 dated 19<sup>th</sup> January 2024
- 2117 - P401 - S2 - P0 dated 19<sup>th</sup> January 2024
- 2117 - P403 - S2 - P0 dated 19<sup>th</sup> January 2024
- 2117 - P514 - S2 - P0 dated 29<sup>th</sup> May 2024
- 2117 - K011 - S2 - P4 dated 13<sup>th</sup> December 2024
- MTC018P01 Revision 04 dated 20<sup>th</sup> December 2024

Supporting Documents:

- Landscape Sketchbook (MTC018R01) Revision 10 dated 20<sup>th</sup> December 2024
- Transport Assessment Issue 7 dated December 2024
- Residential travel plan Issue 6 dated December 2024
- Design and Access Statement - Addendum (2117-P621-S2-P0) dated December 2024
- Flood Risk Assessment & Drainage Strategy Revision 06 dated 28<sup>th</sup> November 2024
- Energy and Overheating Statement Rev P09 dated August 2024
- Site Waste Management Plan dated February 2024
- Planning Statement dated January 2024
- Noise Assessment dated January 2024
- Arboricultural Impact Assessment dated January 2024
- Design and Access Statement (2117-P620-S2-P0) dated January 2024
- Preliminary Ecological Appraisal – Update dated December 2023
- Daylight and Sunlight Report (Neighbouring Properties) dated 6<sup>th</sup> December 2023
- Outline Fire Safety Strategy dated 7<sup>th</sup> December 2023
- Fire Statement Form dated 7<sup>th</sup> December 2023
- Daylight and Sunlight Report (Within Development) dated 19<sup>th</sup> December 2023
- Circular Economy Statement dated December 2023
- Construction Environment Management Plan dated December 2023
- Biodiversity Impact Assessment dated December 2023
- Noise Technical Note dated 21<sup>st</sup> November 2023
- Statement of Community Involvement dated November 2023
- Air quality assessment dated October 2023
- Preliminary land quality risk assessment dated May 2022
- Bat Survey Report dated June 2022
- Preliminary Utilities Appraisal Report dated 10<sup>th</sup> August 2022

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

**Contamination**

3. Prior to the commencement of development, notwithstanding site clearance and investigation works, the developer must carry out a pre-demolition and refurbishment asbestos survey and submit to the Local Planning Authority to be approved in writing. This shall be carried out in accordance with HSG264. The submitted details shall include a mitigation scheme to eliminate risks to future occupiers and the surrounding local environment from asbestos contamination. The details shall be prepared by a suitable

qualified person and the development shall be carried out in accordance with the details approved under the terms of this condition. In the event that Asbestos is found in the surveys carried out as part of this condition, no part of the development hereby approved shall be occupied until a verification report has been submitted to and approved in writing by the local planning authority demonstrating that sources of asbestos contamination have been eliminated.

REASON: To ensure the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies 48, 89 and 90 adopted Waltham Forest Local Plan LP1 (2024).

4. Prior to commencement of construction works, a scheme including the following components (where applicable) to address the risk associated with site contamination shall be submitted to and approved in writing by the Local Planning Authority (LPA).
  - A) A ground investigation based on the findings of the Preliminary Land Quality Risk Assessment dated 2022 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - B) The results of the investigation and revised risk assessment and based on these, in the event that remediation measures are identified necessary a remediation strategy shall be submitted giving full details of the remediation measures required and how they will be undertaken.

Any investigation and risk assessment must be undertaken in accordance with the Environment Agency's Model Procedures for the Management of Contaminated Land (CLR11). In the event that additional significant contamination is found at any time when carryout the approved development it must be reported immediately to the LPA.

*(For the avoidance of doubt, this condition can be discharged on a section by section basis.)*

REASON: To ensure the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies 48, 89 and 90 adopted Waltham Forest Local Plan LP1 (2024).

5. Prior to Occupation, a verification report relating to contamination, if remedial works are required in relation to condition 3, shall be provided setting out the details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies 48, 89 and 90 adopted Waltham Forest Local Plan LP1 (2024).

## Construction

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

In particular the applicant shall:

- Submit for approval an Air Quality (dust) risk assessment
- Submit for approval an Air Quality & Dust management Plan (AQDMP)
- Equipment and plant used on site shall comply with the requirements for 'Non-Road Mobile Machinery' (NRMM)
- Submit a for approval Dust monitoring programme
- All the above submissions shall have regard to the Mayor's SPG

Reference shall be made to:

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

REASON: To ensure considerate construction and to protect the amenities of the nearby residents from excessive noise and dust and to comply with Policies 57, 63, 64, 87 and 88 of the adopted Waltham Forest Local Plan LP1 (2024).

7. No NRMM (Non-Road Mobile Machinery) 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).

8. Prior to the commencement of the development, a detailed Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the local planning authority. The Construction Logistics Plan must be submitted using the template and guidance found here: [Construction logistics plans | London Borough of Waltham Forest](#). The logistics plan shall include details of site access, journey planning, access routes, hours of deliveries, temporary traffic arrangements or restrictions, site operation times, loading and unloading locations and material storage. All works shall be carried out in accordance with the approved details and the Construction and Logistics Plan should be implemented throughout all demolition and construction works.

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

### Architecture and Design

9. Prior to the commencement of development, notwithstanding site clearance and investigation works, demolition and construction to slab level, a full schedule of materials (including manufacturer and RAL colour where relevant) and a sample board to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the development.

REASON: To safeguard and enhance the visual amenities of the locality, in accordance with Policy 53 and Policy 57 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 and notwithstanding any indication on the submitted drawing, details relating to the siting, design finish of all balconies including a structural drawing showing they are cantilevered and soffit detail shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out solely in accordance with the approved details, and thereafter shall be fully retained and maintained accordingly for the lifetime of the development.

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

11. Prior to the commencement of development on site, notwithstanding site investigation and clearance works, demolition and constructions to slab level, details relating to the siting, design and height and finish of all new walls, gates, fencing, railings, and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. In line with the LBWF Biodiversity Action Plan, new boundary fences should be permeable at

multiple points for ground-based wildlife where appropriate. The development shall be carried out solely in accordance with the approved details, prior to the first occupation of the use hereby approved and thereafter shall be fully retained and maintained accordingly for the lifetime of the development.

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

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

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

13. No vents (excluding air bricks), extracts, or plumbing or pipes, other than rainwater pipes, shall be fixed on the external face of the building, unless shown on the approved drawings.

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

14. Prior to the commencement of development on site, notwithstanding site investigation and clearance works, demolition and constructions to slab level, until a detailed drawing of the windows marked on the approved plans as obscure glazed have been submitted to and approved in writing by the Local Planning Authority. This shall specify that the glazing within the windows in question is made of obscure glass and is non-openable to a height of 1.7 metres above the finished floor level. The development shall be carried out in accordance with the approved details prior to occupation and once installed, the obscure glazing shall be retained for the lifetime of the development.

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and/or re-enacting that Order with or without modification, no development under Schedule 2, Part 1, Classes A, B, C, D, E, F, G, H shall be carried out on units noted as A-00-01, B-00-01, B-00-07 and C-00-01 unless approved by way of a planning permission granted.

REASON: In the interest of ensuring the high quality and integrity of original architecture is maintained, general visual amenity and external amenity of future occupiers, in accordance with Policies D3 and D4 of the London Plan (2021), Policies 53 and 57 of the adopted Waltham Forest Local Plan LP1 (2024).

## **Safety and Security**

16. Prior to the commencement of development on site, notwithstanding site investigation work, clearance and demolition and construction to slab level, full details of measures to be incorporated into the development, demonstrating how site security would be achieved and

include details of CCTV, lighting and entry control systems on site, along with how the development can achieve the principles of Secure by Design accreditation and this shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to the first occupation of the development and shall thereafter be retained 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 of the adopted Waltham Forest Local Plan LP1 (2024).

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

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

## Highways

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

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

19. The development hereby approved shall be implemented in accordance with the approved "Residential travel plan Issue 6" dated December 2024, for the lifetime of the development unless otherwise agreement in writing by the Local Planning Authority.

REASON: In the interest of promoting sustainable method of transport to comply with Policies 60, 61, 62 and 63 of the adopted Waltham Forest Local Plan LP1 (2024).

## Sustainable Design and Energy Efficiency

20. Prior to the first occupation of any part of the development hereby permitted, a report demonstrating how the scheme reduces the carbon dioxide emissions of the development by at least 50% compared to the 2021 Building Regulations shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall reference the measures set out in the Energy Statement accompanying the planning application, but shall explain what measures have been implemented in the construction of the development. The development and energy efficiency measures shall thereafter be retained. Any shortfall shall be compensated for in line with the Section 106 legal agreement associated with this site.

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

21. 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).

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

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

23. Prior to the commencement of development on site, notwithstanding site investigation and demolition and site clearance works in relation to the drainage works, a final drainage strategy to include gravity discharge shall be submitted to and approved by the Local Planning Authority. The approved drainage works shall be undertaken and completed prior to the commencement of construction of the development hereby approved and thereafter retained as such for the lifetime of the development.

REASON: To prevent water pollution to the watercourse and improve water quality, in accordance with Policy 89 and 91 of the adopted Waltham Forest Local Plan LP1 (2024).

### **Landscape and Biodiversity**

24. Prior to the commencement of development, notwithstanding site investigation and clearance work, 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 proposed planting around the site, along with the requirement to demonstrate any permeable areas. The development shall be carried out solely in accordance with the approved details and all approved planting shall be carried out in the first planting season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedges, shrubs, and greenspaces forming part of the approved scheme which within a period of five years, dies, is removed, or becomes seriously damaged or diseased shall be replaced with others of similar size and species.

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

25. Prior to the commencement of the development on site, notwithstanding site investigation and clearance works, demolition and construction to slab level, a Landscape Management Plan, which includes long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The approved Landscape Management Plan shall be implemented prior to the first occupation of the development hereby approved and thereafter maintained for the lifetime of the development.

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

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

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

27. The development shall fully conform with the recommendations of the Arboricultural Impact Assessment, submitted with this application dated January 2024. The development shall be carried out solely in accordance with the approved details, and all works shall comply with BS 3998:2010(Tree Work - Recommendations) and shall be supervised by a suitably qualified Arboriculturalist and any post-construction mitigation measures shall thereafter be maintained for the lifetime of the development.

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

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

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

29. The development hereby approved shall be carried out in strict accordance with the recommendations of the Preliminary Ecological Assessment – Update (dated December 2023) and Biodiversity Impact Assessment (dated December 2023).

REASON: In the interest of biodiversity and local amenity, in accordance with Policy 81 of the adopted Waltham Forest Local Plan (2024).



30. No development shall take place until a pre demolition dusk emergence surveys for bats has been submitted to and approved in writing by the local planning authority.

REASON: In the interest of biodiversity and local amenity, in accordance with Policy 81 of the adopted Waltham Forest Local Plan (2024).

31. Prior to the commencement of development on site, notwithstanding site investigation and clearance works, demolition and constructions to slab level, details of the bat/bird/ habitat boxes shall be submitted to and approved in writing by the local planning authority. The bat/bird/ habitat boxes shall be installed prior to first occupation of the development hereby approved and shall thereafter be maintained in accordance with the approved details in perpetuity.

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

32. Prior to the commencement of development on site, notwithstanding site investigation and clearance works, demolition and constructions to slab level, an Ecological Management Plan shall be submitted to and approved in writing by the local planning authority. The management plan will include how habitats will be created, managed and maintained for at least 30 years.

REASON: In the interest of biodiversity and local amenity, in accordance with Policy 81 of the adopted Waltham Forest Local Plan (2024).

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

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

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

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

### **Waste Management**

35. Prior to first occupation of any part of the development hereby permitted, a Waste Management Strategy, which sets out a scheme for the storage and disposal of waste and recycling, including details of methods for collection and enclosures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and the refuse stores brought into use prior to first occupation of any of the dwellings hereby permitted and shall be retained

as such together with the approved Waste Management Strategy being operated for the lifetime of the development.

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

### **Parking Management**

36. Prior to first occupation of the residential development hereby approved a Car Parking Management Plan for that component shall be submitted to and approved in writing by the Local Planning Authority. The Car Parking Management Plan for each component shall include but not be limited to the following:
- Outline the process for allocating bays to blue badge holders (including passive bays should they be required);
  - Details on how enforcement will manage the authorised bays;
  - Details on how enforcement will manage unauthorised parking and loading;

The blue badge car parking spaces shall be laid out and allocated in accordance with the approved Management Plan(s) and shall be made available for the purposes of parking vehicles in association with the development and for no other purpose. The development shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.

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

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

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

38. Prior to the commencement of the development on site, notwithstanding site investigation works, clearance and demolition, detailed drawings of the cycle storage facilities, including enclosures, access and security, must be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the areas identified cycle storage shall be retained as such for the lifetime of the development.

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

### **Noise**

39. Noise from all new building services plant for the lifetime of the development shall be controlled to a level not exceeding 10dB(A) below the typical underlying background noise

level (LA90) during the time of plant operation at a position one metre external to the nearest noise sensitive premises. The underlying background LA90 shall be determined in the absence of the new plant noise. This assessment shall be completed in accordance with BS4142:2014+A1:2019 'Method for Rating and Assessing Industrial and Commercial Sound'.

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

### **Residential Standards**

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

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

41. Four of the private units (units B-00-02, B-00-04, D-00-01 and D-00-02 as shown on 2117 - P110 - S2 - P10) hereby permitted shall be built to The Building Regulations (2010) Access to and use of Buildings, Approved Document M (2015 as amended), Volume 1: Dwellings, M4(3): Wheelchair user adaptable dwellings. Circulation areas in blocks with M4(3) dwellings will be built in full accordance with Part M4(3), as referred to in London Plan para 3.7.2. This includes the entrance and circulation area doors which will have to be fully compliant with the relevant sections of Approved Document M.

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

42. Notwithstanding approved drawings, the development hereby permitted shall have the following mix of accommodation:
- 16 x one-bedroom units
  - 13 x two-bedroom units
  - 7 x three-bedroom units
  - 4 x four-bedroom units

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

### **Informatives**

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

- Affordable Housing Provision
  - Wheelchair Housing
  - Highways and Transportation
  - Future occupiers Car Free Housing
  - Travel Plan Monitoring
  - Employment and Training Strategy
  - Air Quality
  - Energy/Carbon Offset Fund
  - Epping Forest Special Area of Conservation
  - Retention of Architect
  - Legal Fees
  - Monitoring and Implementation
3. "Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development may be liable to pay the London Borough of Waltham Forest Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Waltham Forest CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties may now need to assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at [CIL@walthamforest.gov.uk](mailto: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](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) and the Waltham Forest Council website at <https://walthamforest.gov.uk/content/community-infrastructure-levy>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>.

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

4. **IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences**
- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
  - Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.

- Beginning development in breach of a planning condition will invalidate your planning permission.
  - If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a Certificate of Lawfulness.
5. Construction and demolition works audible beyond the boundary of the site should only be carried out between the hours of 0800 and 1800 hours Mondays to Fridays and 0800 and 1300 hours on Saturdays, and not at all on Sundays or Public/Bank Holidays.
  6. The submitted Construction Environmental Management Plan shall include details of: Site hoarding Wheel washing Dust suppression methods and kit to be used Bonfire policy Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999 Confirmation if a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors Copy of an asbestos survey. Unexploded Ordnance Survey
  7. It is the developer's responsibility to ensure all signage associated with the proposed development i.e. street nameplates, building names and door numbers are erected prior to occupation, as agreed with the Councils Street Naming/Numbering Officer.
  8. The verification plan should include proposals for a groundwater-monitoring programme to encompass regular monitoring for a period before, during and after ground works. E.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9month period. The verification report should be undertaken in accordance with guidance Verification of Remediation of Land Contamination: <http://publications.environment-agency.gov.uk/pdf/SCHO0210BRXF-e-e.pdf>
  9. Piling works: With respect to any proposals for piling through made ground, the EA refer the applicant to the EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. Approval of piling methodology should be further discussed with the EA when the guidance has been utilised to design appropriate piling regimes at the site. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters. Considering the site sensitivity, a groundwater monitoring/sampling program should be implemented prior/ during and after piling works.
  10. For information on the NRMM Low Emission Zone requirements and to register NRMM, please visit "<http://nrmm.london/>".
  11. The AQDMP can form part of the Construction Environmental Management Plan (CEMP). The AQDMP shall include the following for each relevant phase of work (demolition, earthworks, construction and trackout):
    - i. A summary of work to be carried out;
    - ii. Proposed haul routes, location of site equipment including supply of water for damping down, source of water, drainage and enclosed areas to prevent contaminated water leaving the site;
    - iii. Inventory and timetable of all dust and 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 precommencement measures described in the AQDMP have been put in place and set out on site. The demolition and development shall thereafter be carried out and monitored in accordance with the details and measures approved in the AQDMP. The IAQM "Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites" details appropriate monitoring for the scale of the site or project.
12. Air Quality ADMS-Roads input data and output files must be provided to LB of Waltham Forest on validation of the planning application. AQ modelling must be based on transport related inputs which have been approved by LB of Waltham Forest Transport Assessment team. It is essential that junctions and heavily congested roads are modelled accurately, and this is reflected in the choice of relevant node spacing and vehicle speed inputs – clearly showing the node distance with speed reduction as the vehicle approaches the area of congestion/junction. This also applies to pedestrian crossings, roundabouts and any street layout which causes congestion such as single lanes with a bus stop. Where under predictions occur nodes must be scrutinised and where necessary vehicle speeds adjusted to reflect queuing. It is the responsibility of the applicant to ensure that their appointed consultants' modelling verification is robust and adjustment factors clearly explained and justified, calculations and graphs must be provided at validation. Margin of error must not exceed 4 (refer to LAQM guidance as best practice). Contrary to the values given in the EPUK guidance a magnitude of change greater than 0.5 µg/m<sup>3</sup> is considered significant in areas where present concentrations are approaching / breaching limit values and shall be assessed as such. Any other scenarios should be considered which are relevant to this site.
13. 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](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via <https://protect-eu.mimecast.com/s/-ITnCnR19lg4y5RtJYS6D>. Please refer to the Wholesale; Business customers; Groundwater discharges section.
14. 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.

15. The applicant must seek the advice of the Metropolitan Police Service Designing Out Crime Officers (DOCOs). The services of MPS DOCOs are available free of charge and can be contacted via [docomailbox.ne@met.police.uk](mailto:docomailbox.ne@met.police.uk) or 0208 217 3813.
16. The Highways Team offers developers a formal Highways Advice Service to review any highway matters to be addressed regarding relevant planning conditions attached to approved planning applications. This service is offered to assist in ensuring that highway technical matters are resolved and agreed with the Local Highway Authority prior to the submission of a formal discharge of condition applications and to facilitate the swift discharge of relevant conditions by the LPA.  
  
If you would like to use this service, please contact [highways.admin@walthamforest.gov.uk](mailto:highways.admin@walthamforest.gov.uk). Please include a copy of your decision notice, the condition number that the request relates to, and whether a meeting or a written review is requested. A quotation will then be provided.
17. 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.
18. This notice is without prejudice to your responsibilities under any other legislation.