

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 14 January 2025
Application reference:	241608
Applicant:	Mr Nigel Fletcher (Industrial Property Management Limited)
Location:	22 Sutherland Road, Walthamstow, London E17 6BH
Proposed development:	Demolition of the existing two storey building and construction of a four storey building comprising 14 self-contained flats (Use Class C3). Works include the provision of secure bin/bicycle storage and associated landscaping.
Wards affected:	Higham Hill

1. RECOMMENDATION

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

Affordable Housing Provision:

- Contribution of £500,000 towards off-site affordable housing provision;
- Viability Review Mechanism (both early and late-stage review) to capture any surplus in profit generated from the development.

Wheelchair Housing:

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

Highways and Transportation:

- Highway works under Section 278 will be required upon the completion of development, prior to occupation, The works will be funded by the Developer and carried out by the Council, which relate shall include but not limited to:
 - (i) Renewal of footway on the frontage of the site.
 - (ii) Renewal of road markings along the frontage of the site.
 - (iii) Provision of new dropped kerb to facilitate bin collection.
- S106 contribution of £2,000 towards CLP monitoring.
- S106 contribution of £10,000 to sustainable modes of transport.
- Pre and Post Construction Highway Condition survey of the adjoining carriageway and footway of Sutherland Road. This should cover the site frontage and 20m on both sides including any area on the public highway identified for loading/offloading.

Car Free Housing:

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

Employment and Training Strategy:

- Employment and Skills Plan to be sent over prior to 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 of Waltham Forest, Hackney and Newham.
- Local Labour – Apprenticeships – Provide a minimum of 1 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.
- Default Payments – as set out in LBWF's adopted Planning Obligations SPD if obligations are not met.

Energy Efficiency and Carbon Reductions:

- A financial contribution of £4,096 towards the Carbon Offset Fund to address the shortfall in carbon emissions reductions for the residential development. 100% upfront payment of the carbon offset payment to be made on implementation.
- Second Carbon Offset (SOC) to capture any additional shortfall.
- Final Carbon Emissions Report.
- Decentralised Energy Network (connection ready).
- Measures to secure post-construction monitoring ("Be Seen").
 - (i) A. Prior to the commencement of development, to submit to the GLA accurate and verified estimates of the 'Be Seen' energy performance indicators.
 - (ii) 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.
 - (iii) 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.
 - (iv) 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):

- Financial Contribution of £8,778.00 towards Strategic Access Management and Monitoring Strategy (SAMMs).

Biodiversity Net Gain (BNG):

- To register the site on the Biodiversity Gain Site Register.
- To complete the Habitat Creation and Enhancement Works at the application site in accordance with the Habitat Management and Monitoring Plan.
- To provide Management Plan Monitoring Reports to the Council.
- Financial contribution towards BNG monitoring, over periods including year 1, 2, 5, 10, 20 and 30.

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 Section 106 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 The application site relates to a triangular shaped plot, comprising 604sqm in site area, on the northern side of Sutherland Road. It comprises a two-storey detached building used as an adult day learning centre operated by Acorn Day Opportunities (ADO). The footprint of the existing building on-site is 444sqm.



- 3.2 Beyond the site to the immediate west is a single storey sub-station granted under application reference 131143.
- 3.3 To the east and south of the application site beyond Sutherland Road are low density two-storey terraced and semi-detached residential dwellings. Notable exceptions to this unifying character are the three and four storey residential buildings on Higham Street and Chamberlain Place as well as the Big Creative Academy which is three-storey. Residential dwellings are from various periods but are unified by their pitched and hipped roof styles with rendered or masonry finished external walls.
- 3.4 Immediately south of the site across Sutherland Road, west and north-west of the application site is a more mixed character given the industrial use of this area in the past. This area has been largely redeveloped with higher density residential developments interspersed with some retained industrial and commercial uses. This area has a very different urban form to that of the traditional residential buildings to the east and south of the application site with larger building footprints and plots. Building heights also increase with development progressively increasing west and north-west along Sutherland Road from the application site ranging from two-storey at the application site to four storeys immediately to the west of the site to 6-storeys further north-west. Roof forms within this area are predominantly flat or pitched with an industrial saw-tooth profile, pointing to the area's former predominance of industrial uses.

- 3.5 Balconies are commonplace within these new residential development blocks being both recessed and protruding. Material finishes in this area adopt similar materials to those to the south and east of the site with a mix of red and buff bricks and render but also metal cladding on new builds and older industrial buildings.
- 3.6 Overall, the local area is characterised by a mixed-use area including redeveloped residential flat and town house developments to the north and west of the application site. To the east there is lower density interwar housing whilst to the immediate south across Sutherland Road are commercial and residential buildings.
- 3.7 The application site is to the east of Blackhorse Lane and has a Public Transport Accessibility Rating (PTAL) of between 1b and 3. The application site is located within a Controlled Parking Zone (CPZ) as of 6 December 2024. The application site is also located within the Blackhorse Lane Strategic Location and Blackhorse Lane Creative Enterprise Zone. Works have recently been completed on Sutherland Road to provide sustainable urban drainage rain gardens and carriageway and junction improvements.
- 3.8 The application site is within the 6.2km Zone of Influence (ZOI) of the identified Epping Forest Special Area of Conservation (EFSAC), under EU Habitats Directive (92/43/EEC) and is also within the Borough-wide Air Quality Management Area.
- 3.9 The application site is not located in a conservation area, is not statutorily or locally listed, nor is it subject to any Article 4 direction other than the Borough-wide change of use from Class C3 to C4.

4. APPLICATION PROPOSAL

- 4.1 The application seeks full planning permission for the demolition of the existing two-storey building on site and the construction of a four-storey residential building comprising 14no. self-contained flats (Use Class C3). The building will include 6no. 1-bedroom units and 8no. 2-bedroom units.



- 4.2 The development also includes the provision of bin and cycle storage to the west of the proposed building and associated landscaping which will include communal

amenity space to the side (east) and rear (north) of the proposed building. The cycle store will have capacity for 28no. bicycles.

- 4.3 The main building entrance will be located on the southern elevation facing Sutherland Road with secondary rear and side accesses to segregated bin and cycle stores and the communal amenity space.
- 4.4 A side access gate on the east of the site will provide external access from Sutherland Road into the communal amenity space.
- 4.5 The building will have a pitched saw-tooth roof profile and will have protruding balconies at first, second and third floor levels along the front elevation of the building.

5. RELEVANT SITE HISTORY

A. Planning

- 5.1 Planning application, reference 220209 was submitted for the “Demolition of the existing two storey building and construction of a six storey building comprising 14 self-contained flats on the 2nd to 6th floors and commercial space (204.6 sqm.) at ground floor level. Works include the provision of 2 car parking spaces, electric car charging points, bin/bicycle storage.” This application was refused. Subsequently, following the refusal there has pre-application discussions, reference PRE_23_0156, leading to the submission of this current application proposal.
- 5.2 A planning application was received on 18 January 2006, reference 051423, relating to the change of use from warehouse (Use Class B8) to place of worship (Use Class D1), which was subsequently refused.
- 5.3 There have been previous historical pre-applications, 101780, PRE_21_0267 and PRE_21_0060, relating to proposal for residential use comprising of new build proposal with large number of residential units ranging from 20 to 45 flats.

B. Enforcement

- 5.4 There has been historical enforcement investigation, reference IN_38301, relating to the use of the building as a church. However, this use was ceased and the case closed on the 11 September 2006, prior to the redevelopment of the site.

6. PUBLIC CONSULTATION

- 6.1 The following neighbouring properties were notified about the application on 31 July 2024:
 - Unity Place, Walthamstow - No's 1-9;
 - Wigmore Place, Walthamstow – No's 41-98;
 - Blenheim Road, Walthamstow – No's 81-89 (odd), 93-107 (odd) and 111-115 (odd);
 - Higham Street, Walthamstow – No's 52 and 54;
 - Stirling Road, Walthamstow – No's 46-58 (even), 51-57 (Unity Works), 59, 59a, 60-65, 67-79 (odd), 81 (yard) and 109.

- Sutherland Road, Walthamstow – No's 12-22 (even), 22b (St Claude House No's 1-14), 23-31 (odd), 33 (Arley Works), 35 (Relcon Works), 37 (Cordage House No's 1-28), 37a, 39 (Sutherland House, Hutchison E0067 Rooftop, Vodafone Mast 36847 Rooftop, Unit's A1, A2, A3, A4, B1, B2, B3, B4, B5, B6, C, D, Da1, Da2, Da3, Da4, E, E1, F and G), 43 and Unity Works (No's 1-3, 5, 10, 11a and 11b).

6.2 A further public consultation was undertaken on 22 October 2024 following the submission of amended plans and supplementary documents.

6.3 Local ward councillors of the Higham Hill Ward were also consulted.

6.4 A total of 5 representations from the public were received which all objected to the proposed development. Issues raised by objectors are summarised and addressed in the table below.

Representation	Officer Response
Residential Amenity – overlooking, loss of privacy, loss of daylight/sunlight and noise	Officers comprehensively assess the impact of the development on residential amenity in Section 10D below. Officers requested and received an updated Daylight/Sunlight and Overshadowing report given the omission of the new development at 37 Sutherland Road.
Lack of housing need/demand on Sutherland Road	London and Local Plan Policies identify a need for housing within the Borough. Specifically, the application site's situation within a Strategic Location for growth mean there is an identified need for housing in the local area. Whilst the site is not a designated site for redevelopment, the lack of designation does not prevent or restrict development proposals being made and approved where appropriate.
Loss of social infrastructure use	This matter is comprehensively considered in Section 10A below.
Additional parking pressure	The development will be car-free with a Section 106 legal agreement preventing future occupiers from obtaining parking permits within the local Controlled Parking Zone (except for blue badge holders). The development is therefore not considered to result in undue additional parking stress and is considered further in Section 10H below.
Alternative proposals for the existing building	The development proposed by the applicant has been assessed against planning policies and material planning considerations. Any alternative development (e.g. use of building as a community hub) is not the subject of this application and so is not considered any further.
Loss of trees	This matter is comprehensively considered in Section 10K below.
Loss of historic building	The existing building is of limited architectural interest and so officers do not consider its demolition to be unacceptable.
Re-Consultation procedure – Lack of summary document of amendments	There is no statutory requirement to provide a summary of amendments, with updated plans being provided online to ensure that the proposal in its current form of assessment can be viewed and clearly compared with superseded plans.
Dispute over the benefit the building would deliver to the street environment	The proposed development would introduce a use akin to that of the prevailing local character and is considered to be of a high quality design that would not result in undue impact on the

	street scene. This matter is considered further in Section 10B below.
Lack of consultation for a neighbouring site	This is not a material planning consideration related to this application.

7. OTHER CONSULTATIONS

Consultee	Response
Metropolitan Police Service	Request for conditions to any forthcoming planning consent to address security issues to demonstrate how the development is designed to meet Secure by Design Principles
Highways	<p>Lack of disabled parking on-site was raised as a concern.</p> <p>However, for any forthcoming approval the following was requested:</p> <ul style="list-style-type: none"> • Detailed Construction Logistics Plan (CLP) • Drainage details • Pre and Post Construction Highway Condition Survey • Financial contribution of <ul style="list-style-type: none"> -£14,000 towards sustainable transport modes - £2,000 towards CLP monitoring • Requirement for S278 agreement for facilitating works relating to: <ul style="list-style-type: none"> - Renewal of footway on the frontage of the site. - Renewal of road markings along the frontage of the site. - Removal of redundant vehicle crossover on the east side of the site subject to the outcome of any provision of blue badge parking onsite. - Provision of rain gardens in place of the eastern crossover. - Removal of the vehicle crossover on the west side of the site. - Provision of new dropped kerb to facilitate bin collection and provision of rain gardens to fill in any remaining gaps created by the removal of the existing vehicle crossover.
Design Team	No concerns were raised.
Tree & Urban Greening Officer	<p><u>Biodiversity</u></p> <p>A Biodiversity Net Gain of 82.58% is achievable in delivering the proposed development.</p> <p>The integration of habitat boxes for birds and bats are welcome.</p> <p><u>Landscaping</u></p> <p>Sufficient details regarding the delivery of the biodiverse green roof has been submitted.</p> <p><u>Urban Greening</u></p> <p>The proposed species selected have been incorrectly classified in the Urban Greening Factor (UGF) assessment submitted. If the correct classifications for the species selected in the</p>

	planting beds are chosen, the assessment would see a 0.319 UGF score, falling short of the 0.4 UGF score required under the London Plan (2021). This can however be considered acceptable when applying a balanced view, given the size of scheme.
Sustainability & Energy	<p><u>Carbon Emissions</u></p> <p>The standard carbon condition must be included.</p> <p>An offset payment of £4,096 should be made to achieve net-zero carbon, along with provision for capturing any shortfalls after development is completed.</p> <p><u>Overheating</u></p> <p>Sufficiently detailed overheating report is not included.</p> <p><u>Decentralised Energy Network</u></p> <p>Possibility of future connection to decentralised heat network should be explored.</p> <p><u>Water</u></p> <p>The standard water use condition must be included.</p>
Thames Water	No objection subject to informatives
Public Health	No response received
Transport Policy	No response received
London Fire Brigade	No objection raised.
Natural England	No objection subject to securing appropriate mitigation to Epping Forest SAC.
Air Quality	No objection subject to conditions
Contaminated Land	No objection subject to conditions on contamination and asbestos prior to commencement of the development and appropriate remedial works if required.
Waste & Recycling	No objection

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:
- the provisions of the development plan, so far as material to the application;
 - any local finance considerations, so far as material to the application; and
 - 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 Waltham Forest Local Plan LP1 (2024), and the London Plan. Other planning policies are material considerations.

The London Plan (2021)

- 8.3 On Tuesday 2nd March 2021, The Mayor of London published the replacement London Plan. From this date, it forms part of the Development Plan for the purpose of determining planning applications.
- 8.4 The 2021 London Plan supersedes the 2016 London Plan, which no longer has any effect.
- 8.5 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.
- 8.6 The relevant policies within the London Plan 2021 are:
- 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
 - D3 Optimising site capacity through the design-led approach
 - D4 Delivering good design
 - D5 Inclusive Design
 - D6 Housing quality and standards
 - D7 Accessible Housing
 - D11 Safety, Security and Resilience to Emergency
 - D12 Fire Safety
 - D13 Agent of Change
 - D14 Noise
 - H1 Increasing housing supply
 - H4 Delivering Affordable Housing
 - H5 Threshold Approach to Applications
 - H10 Housing size mix
 - HC5 Supporting London's Culture and Creative Industries
 - G5 Urban Greening
 - G6 Biodiversity and Access to Nature
 - G7 Trees and Woodlands
 - T1 Strategic Approach to Transport
 - T2 Healthy Streets
 - T3 Transport Capacity, Connectivity and Safeguarding
 - T4 Assessing and Mitigating Transport Impacts
 - T5 Cycling
 - T6 Car Parking
 - T7 Deliveries, Servicing and Construction
 - SI1 Improving Air Quality
 - SI2 Minimising Greenhouse Gas Emissions
 - SI5 Water Infrastructure
 - SI12 Flood Risk Management
 - SI13 Sustainable Drainage

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

8.7 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 10: Central Waltham Forest
- Policy 12: Increasing Housing Supply
- Policy 15: Housing Size and Mix
- Policy 16: Accessible and Adaptable Housing
- Policy 19: Small Sites
- Policy 33: Local Jobs, Skills, Training and Procurement
- Policy 37: Blackhorse Lane Creative Enterprise Zone
- Policy 46: Social and Community Infrastructure
- Policy 47: Education and Childcare Facilities
- Policy 48: Promoting Healthy Communities
- Policy 50: Noise, Vibration and Light Pollution
- Policy 53: Delivering High Quality Design
- Policy 56: Residential Space Standards
- Policy 57: Amenity
- Policy 58: Making Places Safer and Designing Out Crime
- Policy 60: Promoting Sustainable Transport
- Policy 61: Active Travel
- Policy 62: Public Transport
- Policy 63: Development and Transport Impacts
- Policy 64: Deliveries, Freight and Servicing
- Policy 65: Construction Logistics Plans (CLPs)
- Policy 66: Managing Vehicle Traffic
- Policy 67: Electric Vehicles
- Policy 68: Utilities Infrastructure
- Policy 77: Green Infrastructure and the Natural Environment
- Policy 79: Biodiversity and Geodiversity
- Policy 80: Trees
- Policy 81: The 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 91: Managing Flood Risk

- Policy 92: Overheating
- 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 sets out the Government's planning policies for England and how these are expected to be applied. It is material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as at the heart of the framework.
- 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:
- Decision Making
 - 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 challenges 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 Guidance – Housing Design Standards (June 2023)

- 9.6 This document provides guidance on a range of strategic policies including housing supply, residential density, housing standards, build to rent developments, student accommodation and appraisals.

London Plan Guidance – The Control of Dust and Emissions During Construction and Demolition SPG (July 2014)

- 9.7 This document provides guidance on measures to reduce emissions of dust, PM10 and PM2.5 from construction and demolition activities. It also aims to manage emissions of nitrogen oxides (NOx) from construction and demolition machinery.

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

- 9.8 This sets out the ten characteristics of good design: context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan. The purpose of ensure all forthcoming future developments are of high quality design and standard in its entirety.

Waltham Forest – Waste & Recycling Guidance for Developers (2022)

- 9.9 The Waste & Recycling Guidance for Developers is to help those involved in designing new developments to ensure safe and secure refuse and recycling storage and collection.

Waltham Forest Supplementary Planning Document - Planning Obligations (2017)

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

Local Finance Considerations

- 9.11 Local Finance Considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL).
- i. There are no grants which have been or will or could be received from central government in relation to this development.
 - ii. The Council would expect to receive income from LBWF CIL in relation to this development.
 - iii. The Council would expect to receive income from Mayoral CIL in relation to this development.

10. ASSESSMENT

- 10.1 The main planning issues that will be addressed in this report are:

- A. Principle of Development
- B. Urban Design
- C. Safety & Security
- D. Impact on Neighbouring Amenity
- E. Housing – Tenure & Mix
- F. Market and Affordable Housing & 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

(i) Loss of Social Infrastructure

- 10.2 The application site is currently leased to Acorn Day Opportunities Ltd which provides day learning opportunities for individuals between 18-65 with learning disabilities, physical disabilities, challenging behaviours, mental health disorders and Autistic Spectrum Disorder. Officers note that this is not a charitable organisation and is a privately run business. Notwithstanding, it is considered to be a social infrastructure use under Policies 46 and 47 of the adopted Waltham Forest Local Plan LP1 (2024) which seek to resist the loss of social infrastructure.
- 10.3 As the development will result in the loss of social infrastructure, Parts D and E of Policy 46 (Social and Community Infrastructure) are invoked. Part D of Policy 46 sets out circumstances whereby the loss of social infrastructure uses can be supported. Such circumstances include where: (i) adequate alternative facilities which meet the needs currently being met by the facility should be available within walking distance of the site without leading to a shortfall in provision for that specific type of social infrastructure in the area; and/or (ii) it can be demonstrated that the facility is no longer required in its current use and cannot viably accommodate other forms of social infrastructure. Where circumstances (i) and/or (ii) exist, Part E requires evidence to be submitted demonstrating that the loss of the facility in question would not create, or add to, a shortfall in provision for this specific type of social or community infrastructure in the Borough, and demonstrate that there is no demand for any other suitable social infrastructure use on the site. The applicant must demonstrate that all reasonable efforts have been made to preserve the facility and site to meet identified local need. Evidence required includes, but is not limited to, 24 months marketing evidence. The length and scope of the marketing evidence required may vary according to specific circumstances and should be agreed with the Council.
- 10.4 Policy 47 (Education and Childcare Facilities) also seeks to resist the loss of educational facilities with this only being supported if it can be demonstrated that there is no ongoing or projected future demand.
- 10.5 Supporting evidence accompanied the application to support the loss of social infrastructure. ADOs rental rate for the 444sqm building at the application site has remained unchanged since 2018 which is now significantly reduced below market rate (£17,000 less per annum). The current lease is due to end on 31 January 2025. The lease was due for renewal with a rental review but the applicant continued to rent the building to ADO with no increase in rent under the understanding that the owner would give ADO at least 3-6 months' notice and also try to secure accommodation to facilitate the relocation of the business. It is noted that ADO already occupy approximately 500sqm of floorspace within Sutherland House, less than 50m from the application site.
- 10.6 From the evidence submitted, the applicant has been in prolonged discussions with ADO about their plans to redevelop the site. A summarised timeframe of this is provided below.

Date	Commentary
November 2021	ADO informed of intention to redevelop the site and intention to attempt to accommodate their operation within Sutherland House (No.43 Sutherland Road).
January 2022	Applicant offered ADO a unit within Sutherland House which connected to their ongoing operational space within Sutherland House. After several meetings with ADO, a commitment to take up this offer was not forthcoming.
September 2022	Applicant entered discussions with ADO about possibility of leasing 3no. ground floor units in Sutherland House providing 6,220sqft in accommodation (more than their current operational accommodation).
December 2022	ADO occupy a further 1,100 sqft within Sutherland House.
28 January 2023	Applicant received correspondence stating that ADO were interested in space within Sutherland House previously by the applicant.
March 2023	Builders met to discuss alterations to this space within Sutherland House to accommodate ADOs operational needs.
24 March 2023	Correspondence received informing the applicant that due to funding cuts, ADO would be scaling back their services and would not require replacement accommodation once the application site is vacated.

- 10.7 The applicant states that vacant space is currently available at Sutherland House, with 2no. further units becoming available in the next 4-5 months ranging from 1,700sqft to 5,176sqft again at a below market value rental cost which could be taken up by ADO should they require it following the loss of the floorspace at the application site.
- 10.8 On the basis of the above supporting information, it is clear that alternative facilities for day learning are offered within walking distance of the application site. It is noted that ADO would have a reduced floorspace capacity should the application be approved and implemented resulting in an operation from one site rather than the existing two sites. However, repeated attempts have been made by the applicant over a prolonged 3-year period to accommodate ADOs operational needs within Sutherland House with offers of suitable alternative floorspace of varying sizes, including floorspace in excess of the 444sqm floorspace of the application site that would be lost under the proposal. ADO have not taken advantage of these offers to date for various reasons. However, space will be made available within Sutherland House beside ADOs existing facility in the upcoming 4-5 months at a cheaper than market value rental rate in a range of sizes to accommodate ADOs operational needs if required.
- 10.9 Officers consider that should ADO require any of the floorspace to be lost under the proposed development, they have had the opportunity of previous offers of alternative suitable floorspace or they will still be able to take up existing/future offers from the applicant to accommodate their operational needs within Sutherland House. The withdrawal of ADO from taking up floorspace in Sutherland House previously in 2023 due to the scaling back of their operations is also an important point in this regard. On this basis, there would not be any shortfall in day learning provision within the immediate area as a result of the proposed development in accordance with Part D(i) of Policy 46.

10.10 Whilst 24-month marketing evidence has not been conducted nor submitted as evidence, the applicant has made reasonable efforts over a prolonged period of nearly 3 years to accommodate the social infrastructure use at the application site elsewhere without any uptake of these offers. It is also noted that the applicant has assisted the delivery of the social infrastructure use on site with below market rental rates for ADO despite it not being a charitable organisation. As such, officers consider that the applicant has provided significant and satisfactory evidence to justify the lack of marketing evidence. As such, the requirement for 24-month marketing evidence of Part E of Policy 46 is set aside in this instance.

10.11 The loss of the day learning facility on site is therefore fully justified by the above supporting evidence in line with the aims of Policies 46 and 47 of the adopted Waltham Forest Local Plan LP1 (2024).

(ii) Blackhorse Lane Creative Enterprise Zone

10.12 The application site is also located within the Blackhorse Lane Creative Enterprise Zone (CEZ). This designation aligns with the aims of Policy HC5 of the London Plan (2021) and the newly adopted Waltham Forest's Local Plan LP1 (2024) which seek to place an increased emphasis on the provision of suitable spaces to enable local entrepreneurs and creative organisations to remain and grow their businesses in the Borough.

10.13 Policy 10 of the adopted Waltham Forest Local Plan LP1 (2024) seeks to support this area in line with Policy 37 which provides operational policies for development proposals within the area. It is noted however that this policy does not identify specific sites and there are no policy constraints within Policy 37 restricting residential development within the CEZ. As such, these policies would not restrict residential development within the CEZ.

(iii) Residential Development

10.14 National, London and Local plan policies all seek to encourage sustainable housing development on appropriate sites in urban areas. In particular, Policies 12 and 19 of the Waltham Forest Local Plan identifies the need to prioritise development on previously developed or underused land and optimise housing densities.

10.15 The London Plan (2021) identifies the urgent need to increase housing supply in London to address the substantial population increase in the capital. The London Plan identifies an annual housing target of at least 66,000 new homes per annum. There is a pressing need for Waltham Forest to deliver additional new homes. The current London Plan requires Waltham Forest to deliver 1,794 new homes per year (this figure has increased from 862 homes per year under the previous plan). This is reflected in the aims of the newly adopted Waltham Forest Local Plan LP1 (2024) whereby Policy 2 requires 27,000 new homes should be provided over the plan period (2023-2035) within Waltham Forest.

10.16 The application site is also located within the Blackhorse Lane Strategic Location. Policies 4 and 10 of the Waltham Forest Local Plan LP1 (2024) seeks to direct growth within Central Waltham Forest to its four strategic locations, including Blackhorse Lane. Accordingly, the Blackhorse Lane Strategic Location should provide a minimum of 3,090 new homes across the Plan period.

10.17 The application site is situated within an established residential area in Waltham Forest in line with the overarching priority of sustainable use of land and providing housing where appropriate. The proposed development would contribute towards the provision of new housing in a location identified for strategic growth over the Plan period. As such, the proposed uplift of 14no. new homes on the site is acceptable as it would contribute towards achieving the aims of the London Plan (2021) and Policies 2, 4 and 10 of the adopted Waltham Forest Local Plan LP1 (2024), subject to all other relevant planning policies being met.

10.18 In summary, the proposed development would deliver new homes in a sustainable location and would not result in a shortfall of day learning facilities within the locality whilst not eroding the purpose of the Blackhorse Lane CEZ designation. As such, the principle of development is acceptable.

B. Urban Design

10.19 Policy 53 of the adopted Waltham Forest Local Plan (2024) seeks to ensure developments enhance local character and distinctiveness in relation to the architectural integrity of the existing building and the surrounding area.

10.20 To the east and south of the application site beyond Sutherland Road is predominantly defined by low density two-storey terraced and semi-detached residential dwellings. Notable exceptions to this unifying scale are the three and four storey residential buildings on Higham Street and Chamberlain Place as well as the Big Creative Academy which is three-storey. Residential dwellings are from various periods but are unified by their dual-pitched and hipped roof styles with rendered or masonry finished external walls.

10.21 Immediately south of the site across Sutherland Road, west and north-west of the application site is a more mixed character given the dominant industrial use of this area in the past. This area has been largely redeveloped with higher density residential developments but still retains some of its industrial and commercial land uses. This area has a very different urban form to that of the traditional residential buildings to the east and south of the application site with larger building footprints and plots. Building heights also increase with development progressively increasing as one travels west and north-west along Sutherland Road from the application site ranging from two-storey at the application site to four storeys immediately to the west of the site to 6-storeys further north-west.

10.22 Roof forms within this area are predominantly flat or pitched with an industrial saw-tooth profile, pointing to the areas industrial past and present mix of uses. Balconies that are both recessed and protruding are commonplace within these new residential development blocks. Material finishes in this area adopt similar materials to those to the south and east of the site comprising a mix of red and buff bricks and render but also metal cladding on new builds and older industrial buildings.

10.23 The application site sits within the edge of the formerly industrial area with the existing building on site having a larger plot, flat roof and non-residential use more akin to the character and local distinctiveness of development to the west and north-west of the site. Nonetheless, the application site sits in a transitional location between these contrasting contexts and should be sensitively designed accordingly in accordance with Policy 53 of the adopted Waltham Forest Local Plan LP1 (2024).

10.24 The proposed development includes the demolition of the existing two-storey building which is defined by two interconnecting blocks with red brick and rendered external wall finishes and the erection of a four-storey residential building. The building will have

a pitched roof style with an industrial saw-tooth form reflecting the local area. The positioning of the building largely mimics the position of the existing building thus maintaining the existing urban form. The peak ridge height of approximately 15.37m will be where the lift core is located internally. This will align with the scale evident immediately to the west of the site at St Claude House.

- 10.25 Mixed buff facing brickwork will be used along the external walls of the front (south), rear (north), flank (east) and flank (west) elevations walls with grey aluminium standing seam cladding used to part of the third floor external walls along the front (south) and flank (east) elevation as well as the central entrance core across all storeys. These materials align and reflect buildings within the immediate and surrounding context.
- 10.26 The roof pitches will be finished in a grey aluminium standing seam cladding with a light grey trim parapet. The roof deck will include a biodiverse roof and black photovoltaic solar panels. Windows and doors will have an aluminium powder coat finish in an anthracite colour. Windows along the ground floor front (south) elevation will comprise some dark grey opaque glazed panels in an anthracite colour also. Set within the external walls will be aluminium powder coated grilles to serve the internal heat pumps. These will be a mixture of mid grey and a colour to match the proposed brickwork.
- 10.27 Balconies, which are common within the local context, will protrude at first, second and third floor levels along the front elevation of the building. Balconies will be finished with a light grey aluminium powder coat. They will be accompanied by steel railings similar to those at St Claude House immediately to the west of the application site. A glazed balustrade will enclose the terrace serving Unit 13 along its front elevation.
- 10.28 The proposed material finishes are considered to complement each other and take visual cues from local character. The material finishes proposed are considered to be attractive, sustainable and durable in accordance with Policy 53.
- 10.29 Along the frontage of the site on Sutherland Road, a 1.2m high, black steel railed fence will enclose planting beds acting as a buffer between the building and the street frontage. A 2.2m high, black steel railed fence will enclose the communal amenity space along the Sutherland Road frontage with a 2.4m high close boarded timber fence proposed along the east of the application site along the rear boundaries of properties along Stirling Road. Along the north-western boundary the existing boundary wall with the Unity Place development will be retained. These boundary treatments are considered to be appropriate, reflect the existing boundary treatment at the application site and also that of the wider local area.
- 10.30 Plans demonstrate that the photovoltaic solar panels will not protrude beyond the roof plane meaning they would not be viewed as an obtrusive feature on the proposed building nor the wider street scene.
- 10.31 Policy 53 of the Waltham Forest Local Plan LP1 (2024) also requires a high quality level of landscaping to be proposed that takes account of existing trees and landscaping. This is considered further in Section 10K of the report.
- 10.32 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 in accordance with Part T of Policy 53 of the adopted Waltham Forest Local Plan LP1 (2024).

10.33 Overall, the proposed development represents a modest intensification of the site that will integrate well in terms of its scale, design and material finishes with the character of the local area creating a cohesive built environment given the utilisation of unifying architectural elements described above that reinforces and enhances local character and distinctiveness, and responds well to existing patterns of development, skylines, urban form, building typologies, architecture and material finishes, scale, height and massing.

C. Safety & Security

(i) Fire Safety

10.34 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.

10.35 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

10.36 Policy 58 of the adopted Waltham Forest Local Plan LP1 (2024) states that the Council will work with partners to: A. Minimise opportunities for criminal behaviour by requiring all forms of new development to incorporate Designing out Crime and Secured by Design principles and requiring all major development to seek to achieve for Secured by Design accreditation.

10.37 The Metropolitan Police Service have made observations on matters that need to be addressed to ensure that the development adheres with Secure by Design Principles. Further consideration is required in relation to:

- Internal security: Scope for upgrades;
- Bin and bike stores: Should have CCTV coverage, SBD approved doorsets, and appropriate access control. Bike stands should allow for 3 points of locking.
- Communal amenity space: Should have CCTV coverage, SBD approved doorsets and appropriate access control.
- Lighting: Should comply with BS 5489 and ensuring uniform lighting with no dark spots.
- CCTV: Must cover all communal spaces, the envelope of the building, bin and bike stores, entrances to amenity spaces, and all entrance/exit points.
- Door/window specifications: These should be SBD approved and secured for the lifetime of the development.
- Postal system: Internal postal boxes shall be to TS009 standard, should have an airlock and should be covered by CCTV.
- Boundary treatments: Fencing and gating should be secure and robust to a minimum LPS 1175 SR1/A1 standard and appropriate access control systems. Consideration should be given to the meeting point of boundary treatments with different heights along the front boundary to avoid climbing aids.

- 10.38 Any forthcoming permission will require a condition relating to the submission of safety and security specification statement and plan, which demonstrates how site safety and security would be ensured. Further detailed submissions can be provided once the design of the development is progressed with a pre-occupation condition attached to ensure compliance with Policy 58.

D. Impact on Neighbouring Amenity

- 10.39 Policy D6 of the London Plan (2021) requires the design of developments to provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context.

- 10.40 Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024) requires new developments to 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

- 10.41 The proposal has been carefully designed to protect privacy and overlooking to future and existing residents. Most of the habitable room windows and all balconies would be placed to the southern elevation, which would face Sutherland Road, with the nearest residential block (Cordage House, 37 Sutherland Road) setting approximately 12m away from this elevation across a public highway. Whilst there are some side and rear facing windows proposed, given the separation distance detailed below, the impact is not considered unreasonable nor overbearing:

1 Unity Place

- 10.42 No.1 Unity Place is an end-of-terrace, 3-storey dwellinghouse located to the north of the application site. It has no flank elevation windows facing the application site. Windows serving the bathrooms of Flats 4, 8 and 12 provide outlook towards the private garden of No.1 Unity Place at the nearest point of the proposed building to the common boundary with the common boundary. As such, a condition will be attached to ensure these windows are obscure glazed. As such, the impact of the proposal on No.1 Unity Place in terms of outlook and privacy is considered relatively limited subject to a condition securing the obscuring of bathroom windows.

73 – 81 (odd) Stirling Road

- 10.43 Nos.73 to 81 (odds) Stirling Road are 2-storey terraced properties located to the east of the application site. Whilst their rear windows would face the subject site, the proposed development would set away 5m to 10m from these windows. The separation distance is considered sufficient and effective to mitigate impact of outlook and privacy. Moreover, there will be no direct views from the proposed flats towards the nearest residential receptors on Stirling Road with the building being positioned so that proposed windows splay away from these properties - No's 77-79 (odd) Stirling Road. Windows serving Flats 2, 5 and 9 will have kitchen windows providing views towards No.81, but a separation distance of approximately 15m is observed between the rear of No.81 and the proposed windows meaning no undue loss of privacy or outlook would occur to the occupiers of No.81.

St Claude House

- 10.44 St Claude House is a 4-storey residential block located to the west of the application site. Whilst 2no. balconies and 10no. side windows at St Claude House would face directly towards the subject site, the proposed development would set away

approximately 13.1 metres from these windows/balconies. The separation distance is considered sufficient and effective to mitigate impact of outlook and privacy.

Cordage House, 37 Sutherland Road

10.45 Cordage House is a 5-storey residential block located to the south of the subject site. Whilst there are front windows facing the subject site, the proposed development would set away approximately 12m from these windows with Sutherland Road also intervening between the two buildings. The separation distance is considered sufficient and effective to mitigate impact of outlook and privacy.

(ii) Daylight, sunlight, and overshadowing

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

10.47 A 'Daylight, Sunlight & Overshadowing Assessment, Rev II (August 2024)' was submitted and provides a detailed daylight and sunlight technical study of the development and its impact on neighbouring residential receptors.

10.48 Assessments were carried out using the Vertical Sky Component (VSC), Annual Probability of Sunlight Hours (APSH) and an overshadowing assessment of sunlight to amenity spaces using the following standards:

(a) Daylight and sunlight

- Vertical Sky Component (VSC): at least 27% or less than 0.8 times of the pre-development value;
- Annual Probability of Sunlight Hours (APSH) annual and winter calculations: at least 25% of APSH and 5% for winter.

(b) Overshadowing

- Sunlight hours to amenity space (on the 21st of March – Equinox): at least 2 hours

1 Unity Place

10.49 Apart from three windows on the top floor, all windows benefit from a pre-development VSC of less than the recommended BRE Guideline value of 27%. These neighbouring windows therefore already receive reduced daylight and sunlight levels. Furthermore, the proposal would only incur a minimal reduction in VSC. The difference incurred would be less than 0.8 times of the pre-development values. Thus, the overall impact resulting from the proposal is not considered significant.

10.50 All the assessed windows would receive at least 25% sunlight hours (>371.5hrs) annually and 5% (>74.3hrs) during winter and so would have adequate sunlight penetration to habitable rooms.

- 10.51 The rear garden would receive the minimum of 2hours of sunlight on the 21st of March and so the impacts of overshadowing on the amenity space is not considered to be significant.

73– 81 odds) Stirling Road

- 10.52 Apart from two windows at No.81 and one window at No.79, all windows benefit from a pre-development VSC of less than 27%. These neighbouring windows already receive reduced daylight and sunlight levels. Furthermore, the post-development VSC does not reduce significantly, i.e. more than 0.8 times of the pre-development values. Thus, the overall impact resulting from the proposal is not considered significant.

- 10.53 All the assessed windows would receive at least 25% sunlight hours (>371.5hrs) annually and 5% (>74.3hrs) during winter and so would have adequate sunlight penetration to habitable rooms.

- 10.54 Gardens to the rear of these properties would receive the minimum of 2hours of sunlight on the 21st of March and so any overshadowing impact on the amenity spaces of these properties are not considered to be significant.

St Claude House

- 10.55 Apart from two windows on the top floor, all windows benefit from a pre-development VSC of less than 27%. These neighbouring windows already receive reduced daylight and sunlight levels. Furthermore, the post-development VSC does not reduce significantly, i.e. more than 0.8 times of the pre-development values. Thus, the overall impact resulting from the proposal is not considered significant.

- 10.56 All the assessed windows would receive at least 25% sunlight hours (>371.5hrs) annually and 5% (>74.3hrs) during winter and so would have adequate sunlight penetration to habitable rooms.

- 10.57 The rear garden of No.1 St Claude House nearest the development site would receive the minimum of 2hours of sunlight on the 21st of March and so any overshadowing impact on the amenity spaces of these properties are not considered to be significant.

Cordage House, 37 Sutherland Road

- 10.58 Apart from windows on 3rd floor to 4th floor, other windows have a pre-development VSC of less than 27%. Furthermore, the post-development VSC would have none or minimal reduction, i.e. more than 0.8 times of the pre-development values. Thus, the overall impact resulting from the proposal is not considered significant.

- 10.59 All the assessed windows would receive at least 25% sunlight hours (>371.5hrs) annually and 5% (>74.3hrs) during winter and so would have adequate sunlight penetration to habitable rooms.

- 10.60 The Cordage House development is located to the south of the proposed scheme across Sutherland Road. Thus, it is anticipated that any amenity impact would be from overshadowing from Cordage House to future occupiers of the scheme. However, as assessed above, adequate natural daylight and sunlight is achieved for the flats proposed.

- 10.61 Amenity spaces for the occupiers of Cordage House is located to the rear of this block meaning the development would not have any impact with regards overshadowing of these spaces. As such, there is no anticipated impact of the development on these amenity spaces with regards overshadowing.

10.62 Overall, the proposal would accord with BRE guidance and would not result in significant harm on daylight and sunlight of neighbouring residents. It is also considered that the development would be acceptable in amenity terms concerning privacy, overlooking and outlook. The proposed development complies with the requirements of Policy D6 of the London Plan (2021) and Policy 57 of the adopted Waltham Forest Local Plan LP1 (2021).

(iii) Noise

10.63 Policies D13 and D14 of the London Plan (2021) and Policies 50 and 57 of the adopted Waltham Forest Local Plan LP1 (2024) seek to protect future occupiers of residential development from unacceptable levels of noise in accordance with the “Agent of Change” principle.

10.64 The proposed development will be located in an immediate local context defined by a predominantly residential character. As such, the proposed residential use of the site is considered to be complimentary and akin to the noise generated by neighbouring occupiers.

10.65 A specification document for the Air Source Heat Pumps (ASHPs) proposed has been provided including details of its sound levels. The Council’s Environmental Health Team were consulted with these details but no comments were provided. Nonetheless, officers consider that an appropriately worded condition should be attached to any forthcoming planning consent to mitigate and manage noise levels so that the ASHPs do not present a noise nuisance to sensitive neighbouring occupiers.

10.66 Subject to this condition, it is not considered that the proposed development would result in any undue noise impacts that would detrimentally impact the residential amenity of neighbouring occupiers in accordance with Policies D13 and D14 of the London Plan (2021) and Policies 50 and 57 of the adopted Waltham Forest Local Plan LP1 (2024).

E. Housing – Tenure & Mix

10.67 The NPPF (2024) seeks to achieve sustainable development, including supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. The NPPF (2024) recognises that in order to create sustainable, inclusive and diverse communities, a mix of housing types, which is based on demographic and market trends, and the needs of different groups, should be provided.

10.68 It should be noted that the Secretary of State in his letter to the Mayor (dated 13th March 2020) directed an amendment to the wording of the London Plan (2021) Policy H10 (A9) to state: “*The need for additional family housing and the role of one and two bed units in freeing up existing family housing.*” With this in mind, Policy H10 of the London Plan (2021) 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.

10.69 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. The table below illustrates the preferred dwelling mix for new residential development in the Borough which is supported by evidence background papers to the Local Plan.

	1 bed	2 bed	3 bed
Preferred Dwelling Mix - Market	20%	50%	30%

10.70 The proposal for 14 residential units would provide the following combined housing mix:

	1 bed	2 bed	3 bed
Proposed Dwelling Mix - Market	6no. units (42.9%)	8no. units (57.1%)	0 units (0%)

10.71 Although the percentage of units is not consistent with the requirements set out by Policy 15 of the Waltham Forest Local Plan LP1 (2024), by reason of an uplift of one-bed units, Policy H10 of the London Plan (2021) accepts 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 bedroom units which are close to a town centre or public transport. Policy 15 also allows for a variation in mix if justified by location, area characteristics, design constraints and viability of schemes.

10.72 The provision of an increased number of smaller units is acceptable in this instance and is consistent with the requirements of Policy H10, by virtue of the site's position in the Blackhorse Road Strategic Location and within a local context of higher density development and a satisfactory level of access to public transport links, notably Blackhorse Road Underground and Overground Station being located 0.6 miles from the application site.

10.73 It is noted that the application site sits both within 1a and 3 PTAL rating area which suggests both a low and medium level of public transport accessibility level. However, given that the site is only 0.6 miles from the Blackhorse Road Underground and Overground station providing access to central, east and west London, Walthamstow Central, as well as local bus services within 0.3 miles of the site, the application site is considered to be within an accessible location to justify the departure from the preferred dwelling mix set out in Policy 15. Moreover, the site is constrained by the plots size with smaller units being acceptable in this context in accordance with Local Policy 15.

10.74 Overall, the proposed dwelling mix would help create a mixed and balanced community and contribute to identified local housing needs in accordance with the objectives of Policy H10 of the London Plan (2021) and Policy 15 of the Waltham Forest Local Plan LP1 (2024).

F. Market and Affordable Housing & Viability

10.75 Policy H4 of the London Plan (2021) states that the strategic target is for 50% of all new homes delivered across London to be genuinely affordable. In line with Policy H5 of the London Plan (2021), the development is a major application and as such triggers affordable housing requirement. Part B of Policy H4 states that affordable housing should be provided on-site. Affordable housing must only be provided off-site or as a cash in lieu contribution in exceptional circumstances. Any cash in lieu or off-site contribution should deliver units in addition to the threshold level.

- 10.76 Policies H4 and H5 of the London Plan (2021) and Policy 12 of the Waltham Forest Local Plan LP1 (2024) seek to maximise the delivery of affordable housing provision on development proposal. The target is 50% affordable housing per site, and if this is not achieved then a viability assessment is required unless the proposal is able to demonstrate 35% provision.
- 10.77 The application proposes no affordable on-site housing provision. An off-site financial contribution towards affordable housing was agreed at an early stage as it was recognised that there would be considerable difficulty in getting an affordable housing provider on-board given the small scale of the development.
- 10.78 A Financial Viability Assessment (FVA) has been submitted in support of the planning application. The assessment tests the scheme on an all-private basis and an off-site financial contribution in-lieu attributable to the value of 35% affordable housing provision. BPS Chartered Surveyors (Viability Assessors) were instructed by the Council to review the FVA submitted.
- 10.79 The Council's affordable housing policies are not intended to be a barrier to development but to ensure that development makes the maximum contribution in line with the viability of the scheme. Sufficient information has been provided at this stage to demonstrate that it is not viable to provide affordable housing on-site given its constrained nature thus representing a reasonable exceptional circumstance to providing on-site affordable housing.
- 10.80 The FVA finds that there is a residual value of £387,634 which is above their Benchmark Land Value (BLV) of £387,200 resulting in a nominal surplus of £434. On this basis, the scheme effectively breaks even when the payment in lieu is included.
- 10.81 BPS reviewed the FVA and disagreed with some of the expenditure costs and therefore the viability of the scheme. BPS concluded that the site would have a BLV of £350,000 and resulting in a surplus of £481,000. Officers note that FVAs are forecasts and differences in assessment/expenditures forecasted are to be expected.
- 10.82 This was put to the applicant who as a matter of negotiation would be willing to provide an increased payment in lieu of £500,000. This represents an uplift from £480,848 payment in lieu (+£19,152) which represented the value of 35% affordable off-site provision.
- 10.83 Officers are satisfied that the above contribution represents the best value in the interest of delivering the development. The viability of the scheme would be subject to pre-implementation and late stage viability reviews as secured through a Section 106 agreement should planning permission be forthcoming to capture any surplus profit accrued by the developer and ensures that the real sales value can be assessed over the lifetime of the development. These review mechanisms would ensure that the maximum level of affordable housing can be achieved via Section 106 legal agreement.

G. Standard of Residential Accommodation

(i) Internal Space Standards

- 10.84 The London Plan Policies D4 'Delivering Good Design' and D6 'Housing Quality and Standards' (2021) seek to scrutinise the qualitative aspects of a development in terms of spatial quality and standards. Local Plan Policy 56 requires a high quality design for new housing development that have the ability to adapt to changing needs of residents

to ensure that the development delivers a healthy and good quality of life with appropriate spatial standards and adequate levels of residential amenity.

- 10.85 There are Local, London and National Policies that set out minimum internal and external space standards for new residential developments which are set out in the table below. The Department for Communities and Local Government Technical Housing Standard – Nationally Described Space Standard sets the requirements for internal space within new dwellings and is suitable for application across all tenures. Policy 16 of the adopted Waltham Forest Local Plan LP1 (2024) requires the Technical Housing Standards to be complied with to ensure developments are accessible. Policy 56 of the adopted Local Plan mirrors the Technical Housing Standards. Policy D6 of the London Plan (2021) also sets minimum requirements for internal floorspaces in proposed residential units. The policy seeks high quality and functional layouts that are fit for purpose. Reviewing the internal and external spaces with regards their usability, circulation, and the quality of outlook, privacy and natural light for the future occupiers of the site is a central matter when assessing the overall quality of accommodation.
- 10.86 Plans demonstrate that all proposed flats would provide an adequate gross internal area, built-in storage, floor-to-ceiling height and bedroom sizes to ensure a satisfactory internal living environment for future occupiers in accordance with the Technical Housing Standards - Nationally Described Space Standards, as shown in Appendix 1. The internal layout would also achieve adequate usability and circulation in accordance with Policy D6 of the London Plan (2021).

(ii) Outlook

- 10.87 Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024) requires new residential dwellings to achieve adequate outlook for future occupiers.
- 10.88 All habitable rooms within the proposed flats are served by adequately sized windows thus allowing a satisfactory level of outlook and therefore visual connection with the outdoors. The separation distances to neighbouring developments also mean outlook would not be obstructed in any unacceptable way.
- 10.89 Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024) is therefore complied with regarding outlook for future occupiers.

(iii) Daylight/Sunlight

- 10.90 Policy 56 of the adopted Waltham Forest Local Plan LP1 (2024) states that all housing design should maximise the provision of dual aspect dwellings and avoid the provision of single aspect dwellings where possible. Where single aspect dwellings are proposed, consideration should be given to the daylight/sunlight achieved within these dwellings. However, this applies to all proposed flats irrespective of aspect under Policy D6 of the London Plan (2021) and Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).
- 10.91 The table below demonstrates the number of flats which are triple/dual aspect and single aspect.

Aspect	Number of Flats
Triple/Dual Aspect	7
Single Aspect	7

- 10.92 The proposed development proposes 7no. single aspect flats with the remaining 7no. flats being either dual or triple aspect. Whilst single aspect flats should be avoided where possible, the proposed development has sought to maximise the number of units that are triple/dual aspect and those flats that are single aspect are south facing thus seeking to achieve adequate natural daylight/sunlight to ensure an adequate internal living environment for future occupiers. The GLA has also indicated that a degree of flexibility should be applied to this matter.
- 10.93 The application is supported by a 'Daylight, Sunlight & Overshadowing Assessment, Rev II (August 2024)'. This demonstrates that all proposed habitable rooms will achieve the minimum target for daylight levels with living/kitchen/dining rooms all achieving adequate sunlight both in the winter and annually. Officers have comprehensively analysed and scrutinised this report and accept its findings.
- 10.94 All flats are therefore considered to achieve a satisfactory level of daylight/sunlight with all habitable rooms served by adequately sized windows in accordance with Policies 56 and 57 of the adopted Waltham Forest Local Plan LP1 (2024).
- 10.95 Policy 56 also requires an assessment of single aspect dwellings with respect to whether there is adequate passive ventilation and overheating is avoided. This is considered in section 10L below.
- (iv) Privacy
- 10.96 Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024) requires new residential developments to achieve adequate privacy for future occupiers.
- 10.97 Flats 1-3 will have windows facing onto Sutherland Road and its associated public streetscape. However, the use of opaque glazing, 2m wide buffer planting beds and 1.2m tall boundary railed fencing will adequately mitigate any unacceptable levels of overlooking and loss of privacy from the public streetscape.
- 10.98 It is noted that the rear elevation will face towards the dwellinghouses at Unity Place. However, No.1 Unity Place which has a flank elevation wall facing the proposed building has no windows along its flank elevation meaning there is no risk of overlooking or loss of privacy to future occupiers from this property.
- 10.99 It is noted that No.1 St Claude House is approximately 13.1m from the flank (west) elevation of the proposed building. Along the flank (east) elevation of this property are a number of windows and 2no. balconies serving the residential property at St Claude House thus representing opportunities for overlooking and loss of privacy to the proposed development given that along the flank (west) elevation of the proposed building are windows serving flats 4, 8 and 12. However, given the ample separation distance of 13.1m observed between the 2no. buildings, any overlooking and loss of privacy is not considered to be significant.
- 10.100 Given the orientation and positioning of the building as well as ample separation distances observed between the rear elevation of properties along Stirling Road, it is not considered that these properties pose an overlooking or loss of privacy risk to future occupiers of the residential development.
- 10.101 Overall, the proposed development has been positioned and orientated away from neighbouring development and observes adequate separation distances between neighbouring development to avoid any unacceptable levels of overlooking or loss of privacy to future occupiers of the proposed development. The development therefore

complies with Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024) in this regard.

(v) Accessible Units

- 10.102 Policy D5 of the London Plan (2021) and Policy 53 of the adopted Waltham Forest Local Plan LP1 (2024) require developments to achieve the highest standards of accessible and inclusive design taking into account London's diverse population, avoiding disabling barriers, providing spaces that can be entered, used and exited safely, easily and with dignity for all, and be designed to incorporate safe and dignified emergency evacuation for all building users.
- 10.103 Policy 16 of the adopted Waltham Forest Local Plan LP1 (2024) seeks to provide high quality, accessible homes by encouraging functional, adaptable and accessible spaces design in all housing developments, requiring new build self-contained homes to be accessible and adaptable in line with Building Regulation M4(2) and requiring a minimum of 10% of new-build self-contained homes to be suitable for occupation by a wheelchair user or easily adapted for occupation by a wheelchair user in accordance with Building Regulation M4(3). This requirement is also set out in Policy D7 of the London Plan (2021).
- 10.104 The proposed development provides 14no. flats of which 1no. will be wheelchair, M4(3) compliant and the remaining units being M4(2) compliant. The proposed development therefore complies with the requirements of Policy D7 of the London Plan (2021) and Policy 16 of the adopted Waltham Forest Local Plan LP1 (2024) by ensuring provision is made for wheelchair users. M4(2) and M4(3) dwellings will be secured via planning condition to allow the Building Control body to check the compliance of a development against the optional Building Regulations standards.
- 10.105 Externally, a level access will be possible in and out of the proposed building. All external spaces will be designed with accessibility and inclusivity in mind with adequate footpath widths, surfacing and circulation spaces.

(vi) External Amenity Space

- 10.106 A total of 10sqm of external amenity space should be provided for each of the proposed flats in accordance with Policy 56 of the adopted Waltham Forest Local Plan LP1 (2024). If communal external amenity spaces are provided, these should be a minimum of 50sqm and should be easily accessible to all residents of the development, regardless of tenure. Communal amenity spaces should be well-designed, usable, accessible and appropriately located.
- 10.107 A total of 140sqm of external amenity space should be provided for the scheme comprising 10sqm for each flat in accordance with Policy 56. A total of 174.48sqm of communal amenity space is provided alongside private balconies for Flats 4-14. Flats 1-3 will have no private balconies but will have access to the communal amenity space. A total of 242.39sqm of external amenity space is therefore provided (private and communal amenity spaces). Appendix 2 summarises this assessment.
- 10.108 The communal amenity space is well-designed, appropriately located to the rear and side of the proposed building and usable for all future occupiers.
- 10.109 Under Policy 56 of the adopted Waltham Forest Local Plan LP1 (2024), balconies should be a minimum of 5sqm in size and be at least 1.5m in width and depth. Whilst the balconies proposed fall marginally short of the 5sqm minimum standard for Units 4-12 & 14 (proposing 4.75sqm balconies), their adequate width and depth, as well as

provision of ample communal amenity space over and above the minimum requirement, the provision of external amenity space is considered to be acceptable on balance ensuring satisfactory living conditions for future occupiers, with no reasonable grounds to justify not supporting the proposal due to the marginal shortage on balcony sizes.

H. Transport and Highways

10.110 Policy 60 of the adopted Local Plan (2024) sets out that the Council will facilitate growth and regeneration in a sustainable manner and promote sustainable travel. Policies 60, 61 and 62 seek to promote and support active and sustainable travel modes and so developments should not have a harmful impact on the walking and cycling environment.

(i) Cycle Parking

10.111 Local Plan Policy 61 sets the minimum requirements for cycle parking for new residential developments comprising. It requires 1.5no. cycle parking spaces to be provided for 1-bedroom units and 2no. cycle parking spaces to be provided for 2-bedroom units. Moreover, Policy T5 of the London Plan (2021) requires cycle parking to be fit for purpose, secure and well-located.

10.112 The proposed development provides cycle parking for 28no. bicycles. This is compliant with the minimum quantity required under Policy 61. Cycle parking will be located on the eastern side of the application site adjacent the developments entrance onto Sutherland Road meaning the cycle storage area will be conveniently located for future occupiers thus promoting active and sustainable transport modes via the facilities provided for cyclists. This will be behind a doorway from Sutherland Road and will be entirely contained within the development. As such, the cycle parking provided is considered to be secure and fit for purpose.

(ii) Car Parking

10.113 In terms of residential car parking, Policy T6.1 (Residential Parking) of the London Plan (2021) and Policies 60 and 66 (Managing Vehicle Traffic) of the Local Plan (2024) aim to ensure that development proposals are car-free except for accessible car parking facilities for residential developments of 10 units or more. Both policies require that blue badge parking meet the same design standards, with Policy T6.1 of the London Plan allowing for blue badge parking to be located on-street if funded by the applicant, including the provision of electric vehicle charging infrastructure. However, the standards for provision differ, with the Local Plan taking precedence as it was adopted more recently.

- **The Local Plan:** This requires 5% of dwellings to have accessible parking spaces from the outset (rounded up to 1 space for 14 flats) with an additional 2% futureproofed (rounded up to 1 space).
- **The London Plan:** This requires 3% of dwellings to have accessible parking spaces from the outset (rounded up to 1 space for 14 flats) with an additional provision for up to 7% future-proofed (rounded up to 1 space). This results in a maximum of 1 accessible parking spaces (both under initial and future-proofed scenarios).

10.114 Policy T6 of the London Plan (2021) requires car parking to be restricted in line with levels of public transport accessibility and connectivity for new developments. The application site has poor accessibility to public transport (PTAL Rating 1b) and a

Controlled Parking Zone (CPZ) was introduced on Sutherland Road, including the application site, on 6 December 2024. Policy 60 and 66 of the adopted Local Plan endorses the London Plan (2021) requiring all new residential developments to be car-free unless fully justified through a robust Transport Assessment in order to reduce car dominance in terms of congestion and excessive parking on the street, to encourage and promote active and sustainable transport as the main means of travel in Waltham Forest, to improve air quality, improve personal health and well-being and respond to the Climate Emergency.

10.115 The proposed development will be car-free in accordance with Policies 60 and 66 of the adopted Waltham Forest Local Plan LP1 (2024). A Section 106 obligation will be included within the legal agreement to ensure that the development remains car-free, and future occupiers would not be permitted to park on the street within the CPZ hours.

10.116 The development will not include on-site blue badge parking however 1 no. blue badge parking space has recently been installed outside the application site on Sutherland Road following regeneration works to the public realm which had been provided being mindful of this forthcoming proposal and engagement with the applicant. In considering public realm improvements, there is a priority to ensure that disabled parking provision take priority over general parking.

10.117 The blue badge space secured on the road cannot be reserved exclusively for the occupiers of the development. However, the existing site did not benefit from any parking and there is no space on site where car parking could reasonably be provided. Therefore, this shortfall is not considered to outweigh the regeneration benefits that the development would bring to the area and although the minimum blue badge requirements are not met, the proposal is considered acceptable on balance given the presence of a blue-badge space immediately outside the application site.

10.118 As no on-site car parking is provided, no EV charging facility is required in accordance with Policy 67 of the adopted Waltham Forest Local Plan LP1 (2024).

(iii) Servicing and Delivery

10.119 Servicing of the site will take place from Sutherland Road with the site plan indicating where refuse collection vehicles will park to collect waste from the kerbside of Sutherland Road.

10.120 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.

10.121 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).

(iv) Highway Infrastructure – Sustainable Travel

10.122 Policies 1 and 60 of the Waltham Forest Local Plan, growth within the Borough should be facilitated in a sustainable manner through the promotion of sustainable travel. Policies T1, T2, T3 and T4 of the London Plan require existing and new public transport network including walking and cycling to be incorporated into the design of the development to mitigate the impact on the highway network including road safety. Policy T4 specifically states where mitigation is appropriate a financial contribution will

be required to reduce the cumulative impacts of development on public transport infrastructure including walking and cycling.

10.123 As such, a financial contribution of £10,000 is requested towards improving sustainable modes of transport including walking and cycling in the sites vicinity which will directly benefit new residents in this development. This safeguards new measures to improve and provide connectivity to help the modal shift to active travel or sustainable public transport options, as well as to allow for sustainable deliveries and servicing. This is supported under Policies 3, 62, 63, 64, 65 and 94 of the Waltham Forest Local Plan LP1 (2024).

10.124 A £10,000 financial contribution is considered to be appropriate for the scale of the development and the satisfactory level of access to public transport links, notably Blackhorse Road Underground and Overground Station being located 0.6 miles from the application site, and given that some works adjacent to the application site have already been implemented to improve sustainable travel.

(v) Construction Logistic Plan

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

10.126 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.

10.127 An Outline Construction Logistics Plan (CLP) was submitted with the application as required under Policies 63 and 65 of the adopted Local Plan, and the general principles of managing highway works is supported.

10.128 A detailed CLP will be conditioned as part of any forthcoming planning consent to be submitted to the local planning authority for approval prior to the commencement of development in the interests of minimising amenity impacts and disruption to highway traffic flows.

10.129 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 Authority's role and monitoring is directly related to the facilitating the development during the construction phase and protecting the public realm.

(vi) Highway Works

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

- Renewal of footway on the frontage of the site.
- Renewal of road markings along the frontage of the site.

- Possible provision of new dropped kerb to facilitate bin collection.

10.131 These works would need to be secured via a s106 legal agreement, requiring the developer to enter s278 highways agreement, and ensure that they are in place prior to the first occupation of the development.

10.132 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.

I. Waste Management

10.133 Policy 93 D (Waste Management) of the Local Plan (2024) emphasises sustainable waste management by ensuring new developments provide accessible, adequate, well-designed, and safe internal and external storage facilities for residual waste and recycling. These facilities must adhere to the specifications outlined in the Borough's Waste and Recycling Guidance for Developers or any strategy that replaces it. The policy must be read with other relevant Plan policies, including Policy 53 'Delivering High-Quality Design' and Policy 57 'Amenity.' According to the Waste and Recycling Guidance for Developers (2022):

- Residential Waste: High Rise Apartment Developments (5 or more domestic units) require 3 x 660 litre bins for weekly waste and an additional 1 x 240 litre bins for food waste.

10.134 Policies 53, 57 and 93 of the Local Plan state the requirement that new development should ensure that waste is managed in the most environmentally friendly way in order to protect human health and the environment from pests and other environmentally damaging effects.

10.135 The proposed development includes 4no. bulk waste bins and a 240-litre food waste bin in a waste store at ground floor level to the west of the proposed building. The site plan submitted demonstrates the location of where refuse collection vehicles will park to collect waste on the kerbside of Sutherland Road on a weekly basis. The waste store is within 15m of the collection point in accordance with the Waste and Recycling Guidance for Developers (2022) and the Waste & Recycling Team have confirmed they are content with this arrangement.

10.136 The proposed waste management arrangement therefore complies with Policies 53, 57 and 93 of the adopted Waltham Forest Local Plan LP1 (2024) and the Waste and Recycling Guidance for Developers (2022) and is therefore considered to be acceptable.

J. Sustainable Design and Energy Efficiency

10.137 Policy SI2 of the London Plan (2021) and Policy 85 of the Waltham Forest Local Plan LP1 (2024) require that major developments achieve net-zero carbon emissions. This is achieved by following a four-stage energy hierarchy:

- **be lean (Energy Demand reduction):** use less energy and manage demand during operation through fabric and servicing improvements and the incorporation of flexibility measures.

- **be clean (Heat network connection):** exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly by connecting to district heating networks.
- **be green (renewable energy):** maximise opportunities for renewable energy by producing, storing and using renewable energy on-site.
- **be seen (monitor):** verify and report on energy performance through the Mayor's post construction monitoring platform.

10.138 Policy SI2 Part B of the London Plan (2021) requires all major development proposals to include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy.

10.139 Policy SI2 Part C of the London Plan (2021) requires an on-site carbon reduction of at least 35 per cent beyond Part L 2021 of building regulations should be achieved with residential developments required to achieve 10% through energy efficiency measures. Part C of the London Plan (2021) further requires that once it has been demonstrated that carbon reductions have been maximised, any remaining emissions must be offset to achieve zero carbon by 1) a contribution to the relevant borough's carbon offset fund; or 2) off-site provided that an alternative proposal is identified, and delivery is certain.

10.140 The Energy & Sustainability Assessment submitted with the application demonstrates compliance with the energy hierarchy concluding that the development would achieve an overall carbon emission reduction of 80%.

10.141 To ensure full compliance with Policy 85 of the adopted Waltham Forest Local Plan LP1 (2024), an offset payment of £4,096.00 shall be secured by Section 106 legal agreement to achieve net-zero carbon.

K. Trees, Landscaping and Ecology

(i) Trees

10.142 Trees make an important contribution to the character and quality of urban environments, and can help mitigate and adapt to climate change. Trees also play an important role within the urban environment by helping to trap pollutants, adding amenity value, providing shade, absorbing rainwater, filtering noise and providing areas of habitat for wildlife.

10.143 Paragraphs 136 and 193 of the NPPF (2024), Policy G7 of the London Plan (2021) and Policies 53, 79 and 80 require developments to contribute to and enhance the natural environment by recognising the abovementioned value of trees. Existing trees of value should therefore be retained where possible.

10.144 An Arboricultural Impact Assessment (AIA) has been submitted with the application. This demonstrates that a pair of semi-mature sycamore trees are present on site and will be removed to facilitate the development. These are 8m semi-mature sycamores growing immediately adjacent to Sutherland Road and only 1m from the corner of the existing building. They are categorised as Category B-C2 trees. Their location against the existing building and immediately adjacent to the street where they are beginning to cause an obstruction makes them unsustainable in this location long term. Removal and replacement with 3no. new trees in the rear external amenity space is proposed where they will have more space to develop and mature is proposed.

10.145 To secure the planting of replacement trees proposed and ensure the development complies with the NPPF (2024), Policy G7 of the London Plan (2021) and Policies 53, 79 and 80 of the Waltham Forest Local Plan LP1 (2024), an appropriately worded condition will be attached to any forthcoming planning consent requiring the planting of these 2no. replacement trees in the first available planting season.

10.146 A Thicket (G3) within the boundary of 81 Stirling Road and Maple (T4) within the boundary of 79 Stirling Road were also assessed under the AIA. These will be retained and not impacted by the development provided recommended mitigation measures within the AIA are adhered to. These mitigation measures from construction and site works will be secured via condition under any forthcoming planning consent to ensure compliance with Policy 80 of the adopted Waltham Forest Local Plan LP1 (2024).

10.147 The Council's Tree & Urban Greening Officer engaged at an early stage during pre-application discussions and was consulted on the submitted application documents in accordance with Paragraph 136 of the NPPF (2023). The Council's Tree & Urban Greening Officer is content with the AIA submitted, the mitigation measures proposed therein and proposed compensatory tree planting.

(ii) Landscaping

10.148 Policy 53 of the adopted Waltham Forest Local Plan LP1 (2024) requires developments to provide a high-quality level of landscaping. The proposed landscaping would establish a clear differentiation between public and private spaces.

10.149 Officers note that within the 'Landscape Specification (28/02/2022)' submitted the planting methodology of planting beds, trees, and lawn areas are included. Details contained therein also include some initial maintenance and management measures to help the landscaping to grow and establish itself including grass cutting, monthly weeding, mulch re-application within 12 month, and inspection of planted areas. Irrigation pipes will also be installed for all trees planted.

10.150 Details included within the specification sheet of the biodiverse green roof atop the proposed building specify that an irrigation system will be integrated into the green roof given its particular risk of surviving during times of drought due to its pitched nature.

10.151 The submitted documentation fails to demonstrate the material finish to all hard landscaped areas, including whether or not these are permeable.

10.152 The above measures ensure that species planted can establish and contribute towards a high quality landscaping scheme. However, the submitted information fails to include details of long term maintenance and management of landscaping beyond the initial establishment of landscaping nor who will be responsible for this. As such, to ensure a high-quality landscaping scheme is achieved and maintained long-term for the longevity of the development, conditions will be attached to secure a detailed landscaping plan (including all hard and soft landscaping) and a landscaping maintenance and management regime.

10.153 Subject to conditions, the application proposal is considered to comply with Policies 53, 77 and 79 of the adopted Waltham Forest Local Plan LP1 (2024) in delivering a high quality landscaping scheme.

(iii) Urban Greening

- 10.154 Policy G5 of the London Plan (2021) together Policies 77 and 79 of the Waltham Forest Local Plan LP1 (2024) requires major development to contribute to the greening of London. Accordingly, all major development must submit Ecology Report and demonstrate that they would meet and exceed the Mayor of London's minimum UGF score of 0.4 for residential development.
- 10.155 The application is supported by an Urban Greening Factor (UGF) Plan, Energy & Sustainability Assessment and landscaping plan. Whilst the UGF Plan and associated table within the Energy & Sustainability Assessment indicate that the planting beds proposed would be a mixture of flower rich perennial planting and semi-natural vegetation, the species proposed within the landscaping plan would not fall under the criteria for both these classifications for UGF being more appropriately classified as hedge planting. The Council's Tree and Urban Greening Officer has confirmed that if the correct classifications are used to assess UGF, the development would achieve a UGF score of 0.319. The development therefore fails to achieve the 0.4 UGF score under Policy G5 of the London Plan (2021).
- 10.156 Whilst officers note the failure to achieve a 0.4 UGF score, given that the existing site is largely hard landscaped and that the proposed development would deliver 14no. much needed residential units, a high quality landscaping scheme, 82.58% biodiversity net gain (as discussed below) above the existing baseline biodiversity level on site and a reasonable level of urban greening with 0.319 UGF score, officers consider that these factors justify some flexibility in the application on urban greening. On planning balance, a UGF score of 0.319 is considered to be acceptable in this case.

(iv) Biodiversity

- 10.157 Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) specifies that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:
- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.
- 10.158 All planning permissions granted in England have to deliver at least 10% biodiversity net gain, effective from 12 February 2024.
- 10.159 There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 10.160 Based on the submissions provided with this application it is considered the proposal under consideration requires the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed are considered to apply.
- 10.161 The existing biodiversity value on site is limited to the presence of 2no. sycamore trees along the site frontage on Sutherland Road contributing towards 0.13 habitat units. The development would deliver a BNG uplift of 82.58% through landscaping, replacement tree planting and biodiverse green roof, comfortably in accordance with the minimum statutory requirement for BNG.

- 10.162 As the development demonstrates that it can achieve 10% biodiversity gain, a planning condition will be attached to forthcoming consent requiring the submission of Biodiversity Gain Plan and Habitat Monitoring and Management Plan (HMMP), to demonstrate how the net gain would be achieved and managed over required 30 year period. The management and monitoring of the proposed BNG plans would be secured via S106 agreement.
- 10.163 The responsibility to ensure compliance with the approved BNG plan lies with the Local Planning Authority, with requirement to incrementally monitor this over total 30 years period (end year 1, 2, 5,10, 20 and 30). To facilitate the monitoring role, a financial contribution would be secured via Section 106 legal agreement.
- 10.164 It is noted that several bat and bird boxes will be installed within the rear (north) and side facing facades. Whilst not contributing towards the statutory metric for Biodiversity Net Gain, this is a welcome addition in the interests of promoting biodiversity within the site and wider area in accordance with Policy G6 of the London Plan (2021) and Policy 79 of the adopted Waltham Forest Local Plan LP1 (2024).

(v) Epping Forest SAC

- 10.165 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 Zone of Influence (ZOI) based on the distance the majority of 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. All new residential development within this ZOI constitutes a LSE (Likely Significant Effect) on the sensitive interest features of the SAC through increased recreational pressure, either when considered 'alone' or 'in combination'. According an 'Appropriate Assessment' has been carried out on this application. 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.
- 10.166 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.
- 10.167 For schemes comprising one or more units of residential accommodation a new package of costed Strategic Access Management Measures (SAMM) has been prepared by the City of London Conservators of Epping Forest. This Mitigation Strategy has been agreed by all of the partners in the agreement and is in the process of adoption. A new SAMM levy is now in operation which requires a contribution of £627 per unit from all new residential schemes. Natural England is supportive of this approach, provided the total expected contribution is delivered to the City of London Conservators to support the delivery of SAMM in Epping Forest SAC.
- 10.168 Should there be a forthcoming approval for this application the development, based on current circumstances and regulations, the development would be liable for £8,778 payment towards the Epping Forest SAMM levy (14 units x £627) as it does would add one additional residential unit to the site.

L. Environmental Impact

- (i) Air Quality

- 10.169 Policy SI1 of the London Plan (2021) together with Policy 88 of the Waltham Forest Local Plan LP1 (2024) aims to tackle poor air quality and protect public health. To meet these requirements, development proposals must be at least air quality neutral, and all major applications should submit an Air Quality Assessment to demonstrate that the development would not lead to the deterioration of existing poor air quality.
- 10.170 Waltham Forest designated the whole Borough as an Air Quality Management Area (AQMA) in 2001 due to exceedances of the Particulate Matter (PM10) and Nitrogen Dioxide (NO2) objectives. The local authority has developed an Air Quality Action Plan (AQAP) outlining measures to improve air quality.
- 10.171 The application was accompanied by an 'Air Quality Assessment (February 2024)'. This sets out that the proposed development will be 'car-free' and energy will be provided by an all-electric system resulting in an air quality neutral development in accordance with Policy SI1 of the London Plan (2021) and Policy 88 of the adopted Waltham Forest Local Plan LP1 (2024). The proposed development will not, therefore, have a significant impact on local air quality or the health of future and neighbouring residents of the development once built.
- 10.172 The 'Air Quality Assessment (February 2024)' identifies that there is however the potential for dust emissions and associated impacts during earth works, demolition and construction. It is noted that the method of demolition is not known at this stage. A package of mitigation measures to minimise dust emissions is therefore required to minimise impacts on sensitive receptors near the application site, specifically residential occupiers.
- 10.173 As recommended by the 'Air Quality Assessment (February 2024)', an Air Quality and Dust Management Plan setting out mitigation measures as prescribed under Part A5 of the 'Air Quality Assessment (February 2024)' is required. This will be conditioned as part of any forthcoming planning consent as recommended by the Council's Environmental Health Team.
- 10.174 The 'Air Quality Assessment (February 2024)' states that the number of Non-Road Mobile Machinery (NRMM) to be used on site is expected to be low and any NRMM used will be required to meet the Stage IV emission standards and be turned off when not in use to minimise air quality deterioration. The Council's Environmental Health Team have been consulted and recommend the attachment of a condition to this effect should planning permission be forthcoming. Officers agree with this recommendation.

(ii) Contaminated Land

- 10.175 Policy 90 of the adopted Local Plan requires the Council to be satisfied that where sites are potentially contaminated, the proposal can be safely constructed and used in the future without hazardous substances posing a significant risk to human health.
- 10.176 The Preliminary Risk Assessment (PRA) provided as part of the application identifies that potential contamination sources affecting the site include heavy metals, PAHs, sulphate, asbestos, unexploded ordnance and hydrocarbons. Carbon dioxide and methane may also be present, depending on ground conditions.
- 10.177 These contaminants may pose a risk to sensitive receptors. As such, the Council's Contaminated Land Team and the PRA submitted conclude that conditions should be attached to ensure contamination is appropriately dealt with. Officers agree with these recommendations and as such appropriately worded conditions will be attached to any

forthcoming planning consent to ensure compliance with Policy 90 of the adopted Waltham Forest Local Plan LP1 (2024).

(iii) Flood Risk and Drainage

10.178 Policy SI12 of the London Plan (2021) requires development proposals to ensure that appropriate measures are incorporated to minimise and mitigate any flood risk. Policy SI13 of the London Plan (2021) also requires new forms of development to utilise sustainable urban drainage systems (SuDS) to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible in line with the drainage hierarchy.

10.179 Policy 91 of the adopted Waltham Forest Local Plan LP1 (2024) reflect the London Plan (2021) by seeking to ensure that flood risk is effectively managed, including beyond an application site. It sets out a number of measures that should be taken, and clearly indicates that the main issue with residential and other built form is the rate of water run-off.

10.180 The site is located within flood zone 1 indicating that it has a low probability of surface water flooding.

10.181 Submitted documents confirm that an attenuation tank will be provided below the communal garden to the east of the proposed building with a capacity of 16.7 cubic metres with associated drainage into the public surface water sewer located below Sutherland Road. An associated hydrobreak and silt trap will be provided also.

10.182 To ensure that surface water run off is appropriately managed, any forthcoming planning consent would be conditioned in case of approval detailing SuDS features for the site, which should include permeable paving, raingardens, soakaways, and specifications of infiltration test results together with recommended soakage rates where soil conditions are suitable for infiltration, to ensure compliance with Policies SI12 and SI13 of the London Plan (2021), and Local Plan Policy 91. This should also include the submission of details of the proposed hydrobreak flow control device, including discharge hydrographs, and supporting calculations for the attenuation measures proposed.

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

(iv) Water Efficiency

10.184 Local Plan Policy 89 requires new developments to implement water efficiency measures to achieve usage of less than or equal to 105 litres per person per day for residential use. This is supported by Policy SI5 of the London Plan (2021).

10.185 A suite of mitigation measures to improve water efficiency within the development have been proposed including: dual flush WC 4/2.6 litre WCs, 1.7 litre/min basins, 8 litre/min flow showers, 160 litre baths, and 4 litre/min sinks. The Energy & Sustainability Assessment provided demonstrates that with these measures a total water usage of 104.99 litres per person per day can be achieved in accordance with Policy SI5 of the London Plan (2021) and Policy 89 of the adopted Waltham Forest Local Plan LP1 (2024).

10.186 A condition will be attached to any forthcoming planning consent to ensure these water reduction measures are secured prior to occupation.

(v) Decentralised Energy

10.187 Policy 68 of the adopted Waltham Forest Local Plan requires all major development to ensure utilities infrastructure and connections are designed into the development from outset where possible but as a minimum, developers should identify and plan for heating and cooling demand and the viability of its provision via decentralised energy (DE) networks. Policy 86 of the adopted Waltham Forest Local Plan LP1 (2024) requires all new developments for new homes located within 200m of an existing, proposed or committed future district heating network 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.

10.188 The proposed development is in close proximity to both an existing decentralised heat network (within 300m) and a proposed decentralised heat network (within 100m).

10.189 In accordance with Policies 68 and 86, the development is required to install a communal heating system and future-proof the system to allow the development to connect to a district heating network in the future. The plans submitted demonstrate incoming district heating services within manhole with isolation valves running from Sutherland Road adjacent the bin store to the maintenance/cleaner space of the proposed building via the incoming services area of the building.

10.190 On the basis of the above, officers consider that the application adequately demonstrates that the residential development complies with Policies 68 and 86 of the adopted Waltham Forest Local Plan LP1 (2024).

(vi) Overheating

10.191 Policy 56 requires an assessment of single aspect dwellings with respect to whether there is adequate passive ventilation and overheating is avoided.

10.192 The 'Energy and Sustainability Assessment' submitted details measures to minimise the risk of overheating and provision of passive ventilation. These include:

- Optimised insulation;
- Cross ventilation;
- Improved window u-values;
- A g-value of 0.63;
- High air tightness; and
- Reduced cold bridging.

10.193 Moreover, the 'Ventilation and Extraction Statement (14/02/2024)' confirms that all windows serving habitable rooms will have opening casements to provide ventilation.

10.194 Officers consider that through the above mitigation measures, the risk of overheating will be satisfactorily minimised and passive ventilation will be achieved especially considering most of the single aspect dwellings will have windows at varied protrusions along the elevation due to the articulation of the building. As such, the development accords with Policies 56 and 92 of the Waltham Forest Local Plan LP1 (2024).

11. PLANNING OBLIGATIONS

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

- 12.2 The provision of the social infrastructure service can still be assured on an alternative site within close proximity of the application site at Sutherland House. As such, there is no compromise or disadvantage to the equality of people that ADO serve.

Human Rights

- 12.3 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.
- 12.4 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

13. CONCLUSION

- 13.1 The principle of development is considered acceptable and consistent with local and regional policies. The proposed development would result in making better use of land and achieve optimisation of an existing brownfield site.
- 13.2 The report provides officer's comprehensive consideration of the planning application and its supporting documentation, including the additional information submitted and any representations received.
- 13.3 The conditions and heads of terms set out in the agreed s.106 Heads of Terms (set out in paragraph 11.2 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.
- 13.4 The report has considered the proposals in light of the Local Plan LP1 (2024) policies and other material considerations or representations relevant to the environment effects of the proposals.

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

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:

- Location Plan (undated)
- 3447:14 Rev F – ‘Block Plan’ (July 2021)
- 3447:18 Rev N – ‘Rear and Side Elevations’ (undated)
- 3447:20 Rev A – ‘Existing Site Layout’ (February 2022)
- 3447:21 Rev B – ‘Existing Offices Elevations’ (undated)
- 3447:23 Rev F – ‘Proposed Section’ (February 2022)
- 3447:25 Rev A – ‘Floor Plans – Existing Building’ (undated)
- 3447:26 Rev T – ‘Floor Plans’ (undated)
- 3447:27 Rev T – ‘Elevation to Sutherland Road’ (undated)
- 3447:28 Rev J – ‘Streetscene’ (undated)
- 3447:29 Rev T – ‘Site Plan’ (undated)
- 3447:30 Rev G – ‘Materials Palette’ (September 2023)
- 3447:31 Rev H – ‘Landscape Proposals’ (undated)
- 3447:32 Rev D – ‘Drainage Layout Surface Water’ (November 2023)
- 3447:33 Rev C – ‘Roof Plan’ (February 2024)
- 3447:35 – ‘Urban Greening Plan’ (undated)
- 3447:34 – ‘Window Reveal and Balcony Details’ (September 2023)

Supporting Documents:

- Design & Access Statement incorporating Contextual Analysis and Visual Assessment (June 2024)
- Planning Support Statement (June 2024)
- Urban Greening Form (undated)
- Energy & Sustainability Assessment (September 2024)
- Recreational Pressure Habitat Regulation Assessment (HRA) Screening and Appropriate Assessment Template (21/08/2024)
- Transport Statement (February 2024)
- Proposed Surface Water Drainage Strategy (9 February 2024)
- Daylight, Sunlight & Overshadowing Assessment, Rev III (November 2024)
- The Statutory Biodiversity Metric (15 November 2024)
- System Summary: BauderBIODIVERSE Pitched Wildflower Blanket, Version V4 (19 August 2024)

- Response regarding Social Infrastructure (undated)
- Inspection & Assessment in Relation to Bats & Breeding Birds, Issue 1.0 (30 November 2023)
- Viability Appraisal (20 June 2024)
- Affordable Housing Appraisal (undated)
- Air Quality Assessment (9 February 2024)
- Construction Environment Management Plan (13 February 2024)
- Cover Letter from Plan:8 Town Planning Ltd (24 June 2024)
- Fire Statement Form (16 February 2024)
- Fire Strategy (12 February 2024)
- Foul Drainage & Utilities Statement (14 February 2024)
- Health Impact Assessment (undated)
- Landscape Specification (28 February 2024)
- Phase 1: Preliminary Risk Assessment, R0 (15 February 2024)
- Biodiversity Net Gain Assessment (17 October 2024)
- Arboricultural Impact Assessment (1 October 2024)
- Installer Manual – Exhaust Air Heat Pump NIBE F470 1x230V (undated)
- User Manual - Exhaust Air Heat Pump NIBE F470 1x230V (undated)
- Untitled – NIBE Specification Sheet for Exhaust Air Heat Pump (undated)
- Ventilation & Extraction Statement (14 February 2024)
- Statement to reduce the risk of crime and measures to improve security (undated)

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 an intrusive 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 Policy 90 of the adopted Waltham Forest Local Plan LP1 (2024).

4. Prior to commencement of construction works, a scheme including the following components (where applicable) to address the risk associated with site contamination shall be submitted to and approved in writing by the Local Planning Authority (LPA):

A) A Desk Study report including a preliminary risk assessment and conceptual site model.

B) A ground investigation based on the findings of the Desk Study Report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

C) The results of the investigation and revised risk assessment and based on these, in the event that remediation measures are identified necessary a remediation strategy shall be submitted giving full details of the remediation measures required and how they will be undertaken.

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 carrying out 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 Policy 90 of the 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).

6. Prior to the commencement of development, except for any site clearance and ground investigation work, a proprietary gas membrane shall be installed.

REASON: The development is within 250 metres of a historical landfill or area of infilling. To ensure the risks from land contamination to future users of the land and neighbouring land are minimised from ingress of ground gases and volatile organic compounds, 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 Policy 90 of the adopted Waltham Forest Local Plan LP1 (2024)

7. Should any contamination be found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within 15 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the health of future occupiers of the development and to protect pollution of groundwater in accordance with Policy 90 of the adopted Waltham Forest Local Plan LP1 (2024)

Construction

8. 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-londonplan/supplementary-planning-guidance/control-dust-and-emissions-from-construction-and-demolition>

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).

9. 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).

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

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

Architecture and Design

11. Notwithstanding the submitted plans, prior to the commencement of development, notwithstanding site clearance and investigation works, demolition and construction to slab level, samples and a schedule of materials to be used in the construction of the external surfaces (including balcony railing details) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the development.

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

12. Prior to the commencement of development, notwithstanding site clearance and investigation works, demolition and construction to slab level, full details window and balconies, including panel coverings, in accordance with "3447:34 – 'Window Reveal and Balcony Details' (September 2023)" shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the development.

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

13. 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).

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

REASON: In the interest of security and to protect the living conditions of existing and future residents in the locality in accordance with Policy D11 of the London Plan (2021) and Policies 53 and 58 of the adopted Waltham Forest Local Plan (2024).

15. Prior to the occupation of the development hereby permitted, the windows serving the bathrooms of Flats 4, 8 and 12 shall be fitted with obscured glass and shall be permanently retained as such for the lifetime of the development.

REASON: In the interests of mitigating overlooking and loss of privacy to the occupiers of No.1 Unity Place in accordance with Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

16. No vents (excluding air bricks), extracts, or plumbing or pipes, other than rainwater pipes, shall be fixed on the external street facing 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).

Security & Safety

17. 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).

18. Prior to the commencement of the development, notwithstanding site investigation and clearance works, demolition and groundworks to slab level, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. All luminaries shall be oriented and designed in such a way to minimise light spillage beyond the site boundary and prevent glare to the windows of residential or light sensitive properties identified and of local ecology. 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 Policy G6 of the London Plan (2021) and Policies 50, 57, 77 and 79 of the adopted Waltham Forest Local Plan LP1 (2024).

Sustainable Design and Construction

19. Prior to the first occupation of any part of the development hereby permitted, a report demonstrating how the scheme reduces the carbon dioxide emissions of the development by at least 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).

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

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

21. Prior to the commencement of development on site, notwithstanding site investigation, clearance works and demolition, specifications of a surface water drainage system based on sustainable drainage principles to include details of design, implementation including construction detail 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).

Landscape and Biodiversity

22. Prior to the commencement of development on site excluding ground works, details of the hard and soft landscaping to be provided on site, including replacement tree planting, 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 G5, G6 and G7 of the London Plan (2021) and Policies 53, 77, 79 and 80 of the adopted Waltham Forest Local Plan LP1 (2024).

23. Prior to the commencement of the development on site, notwithstanding site investigation and clearance works, demolition and construction to slab level, a detailed 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 trees and other landscaped elements in the interest of biodiversity, in accordance with Policies 53, 77 and 79 of the adopted Waltham Forest Local Plan LP 1 (2024).

24. 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 G5 and G6 of the London Plan (2021) and Policies 53, 79 and 80 of the adopted Waltham Forest Local Plan LP1 (2024).

25. The development shall fully conform with the recommendations of the "Arboricultural Impact Assessment (1 October 2024)" submitted with this application. The development shall be carried out 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 Arboriculturist 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 Policy G7 of the London Plan (2021) and Policies 77 and 80 of the Waltham Forest Local Plan LP1 (2024).

26. Prior to the commencement of the development on site, notwithstanding site investigation work, no other work including any site clearance or demolition shall take place until a Biodiversity Net Gain Plan has been prepared in accordance with "Biodiversity Net Gain Assessment (17 October 2024)", and submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full and retained thereafter in accordance with approved Biodiversity Gain Plan, failure to achieve 10% Biodiversity Net Gain or any shortfall, will require for the developer to either enter "A Biodiversity Offsetting Scheme" or "Statutory Biodiversity Credits" as set out in the s106 legal agreement.

REASON: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990, Policies G6 of the London Plan (2021) and Policy 79 of the Waltham Forest Local Plan LP1 (2024).

27. Prior to the commencement of development on site, notwithstanding site investigation and clearance works, demolition and constructions to slab level, a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration of 30 years, in accordance with terms set out within the s106 agreement.

REASON: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990, Policies G6 of the London Plan (2021) and Policy 79 of the Waltham Forest Local Plan LP1 (2024).

28. 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).

Waste Management

29. The hereby approved development shall be implemented in accordance with the approved details on “3447:26 Rev T – ‘Floor Plans’ (undated)” and the refuse and recycle store shall be brought into use prior to first occupation of any of the dwellings hereby permitted and shall be retained as such for the lifetime of the development.

REASON: To ensure that adequate arrangements are made for the storage and collection of refuse and recycling and to comply with Policies 53, 57 and 93 of the adopted Waltham Forest Local Plan LP1 (2024) and the Waste and Recycling Guidance for Developers (2023).

Sustainable Travel

30. The cycle arrangements shall be constructed in accordance with “3447:26 Rev T – ‘Floor Plans’ (undated)” unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be retained as such for the lifetime of the development.

REASON: In the interest of security and sustainable development, in compliance with Policy T5 of the London Plan (2021) and Policies 60 and 61 of the adopted Waltham Forest Local Plan LP1 (2024).

Noise

31. All residential premises in the development shall be designed and constructed to attain the following internal noise levels: 35dB(A) Leq 16 hours 07:00hrs – 23:00hrs in living rooms, while 30dB(A) Leq 8 hours in bedrooms and no individual noise event to exceed 45dB(A) max (measured with F time weighting) 23:00hrs – 07:00hrs. External noise affecting gardens, balconies or amenity spaces shall not exceed 55dB(A)eq.

A test shall be carried out after completion but prior to occupation to show that the criteria above have been met and the results must be submitted to and approved in writing by the Local Planning Authority prior to occupation of any part of the building.

REASON: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources and in accordance with the adopted Waltham Forest Local Plan LP1 (2024).

32. Noise from all new building services plant, including the hereby approved air source heat pumps, 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 neighbouring residential/commercial properties and users of the proposed development from undue noise and vibration disturbance in accordance with Policies D13 and D14 of the London Plan (2021) and Policies 50 and 57 of the adopted Waltham Forest Local Plan LP1 (2024).

Residential Standards

33. All residential units (except Unit 2 as shown on "3447:26 Rev T (undated)") 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 Policies D5 and D7 of London Plan (2021) and Policy 16 of the adopted Waltham Forest Local Plan LP1 (2024).

34. One of the units (Unit 2 as shown on drawing number "3447:26 Rev T (undated)") 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 paragraph 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 Policies D5 and D7 of the London Plan (2021) and Policy 16 of the adopted Waltham Forest Local Plan LP1 (2024).

35. The development hereby approved shall have dwelling mix comprising of 6 x 1-bed and 8 x 2-bed shall be retained as such for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

REASON: 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).

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.

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

- Affordable Housing Provision
- Wheelchair Housing
- Highways and Transportation
- Car Free Housing
- Employment and Training Strategy
- Energy Efficiency and Carbon Reductions
- Epping Forest Special Area of Conservation (SAC)
- Biodiversity Net Gain (BNG)
- 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. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.

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

Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Waltham Forest Council website at <https://walthamforest.gov.uk/content/communityinfrastructure-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-infrastructurelevy/>.

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

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.
- 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. 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.

8. For information on the NRMM Low Emission Zone requirements and to register NRMM, please visit <http://nrmm.london/>.

9. 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.

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

11. The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Water guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://url.uk.mimecastprotect.com/s/doWfCvQ1ploMqvWsQf9uQMP-8> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to

5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

12. There are public sewers crossing or close to the development. If significant work is planned near Thames Water sewers, it's important that risk of damage is minimised. Thames Water will need to check that the development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read Thames Water guide working near or diverting our pipes.
<https://url.uk.m.mimecastprotect.com/s/doWfCvQ1ploMgvWsQf9uQMP-8>

13. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.
<https://url.uk.m.mimecastprotect.com/s/doWfCvQ1ploMgvWsQf9uQMP-8>

14. 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.

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 or 0208 217 3813.

16. 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.

17. This notice is without prejudice to your responsibilities under any other legislation.