

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 4 th November 2025
Application reference:	240555
Applicant:	Sara Nasralla (KIT London)
Location:	Land at the rear of 2 Lyndhurst Drive, E10
Proposed development:	Construction of 2 x two-storey, 3-bedroom single-family dwelling houses with excavation to form lower ground level, air source heat pumps, soft and hard landscaping, and provision for refuse, recycling, and bicycle storage.
Wards affected:	Forest
Appendices:	None

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:

- A contribution of £650 x 2 units = £1,300 in total towards SAMMS
- An offset payment of £6,840 to achieve net-zero carbon.
- Car-free designation for new units.
- Condition survey of surrounding highway for carriageway and footway on James Lane and Leigh Road, covering all junctions used for vehicle routing.
- £2,000 S106 contribution for sustainable transport.
- £250 S106 contribution for CLP monitoring.
- S38 Works: The installation of a footway on the frontage of the site on James Lane connecting round to Leigh Road
- S278 Works: Renewal of footway on Leigh Road on the frontage of the site
- S278 Works: Renewal of carriageway on James Lane on the frontage of the site
- S278 Works: Potential relocation of illuminated 'No Entry' sign.

- S278 Works: Amendment to Traffic Management Order to extend
- Monitoring fee equal to 5% of total financial contributions
- Payment of Council's legal fees for preparation of the agreement.

2 REASONS REFERRED TO COMMITTEE

- 2.1 The application is referred to Planning Committee due to the levels of public interest received (7 objections).

3 SITE AND SURROUNDINGS



BLOCK PLAN – Plot Context
Scale 1:500 @ A3

Figure 1: The site is located on a plot facing Leigh Road and James Lane. Covering an area of 212 square metres, the plot is nestled within a densely populated residential zone.

- 3.1 The site is relatively square plot of land with an area of 212 m², located at the junction of Leigh Road and James Lane to rear of 2 Lyndhurst Drive, and it is overgrown with vegetation. The primary access is via James Lane, a narrow access road, without footways serving the rear gardens and garages to houses fronting Lyndhurst Drive and Forest Road West.
- 3.2 No. 2 Lyndhurst Drive comprises a two-storey end-of-terrace dwelling that was historically converted into three self-contained flats. The application relates to the rear portion of the original garden of No. 2, which had been physically and functionally separated from the main dwelling by a timber fence. This rear plot was historically used for vehicle storage and operated as a car scrapyards. It is now recognised as an independent planning unit with a lawful use as a vehicle storage/parking site.
- 3.3 The surrounding area comprises terraced houses of various sizes and styles. Many houses, including 2 Lyndhurst Drive, have been converted into flats, contributing to the relatively high housing density. However, this is balanced by the open space of Abbots Park to the east of Leigh Road.
- 3.4 The site is not located within a conservation area, contains no structures, and the surrounding buildings are not listed. It is approximately 0.3 miles from Leyton Midland Road railway station on the Gospel Oak to Barking line and has a PTAL rating of 3, indicating moderate accessibility to public transport.

4 APPLICATION PROPOSAL



Figure 2: Showing the proposed development including a 1.8m pedestrian walkway in front of the site.

- 4.1 The proposal comprises a pair of 3-bedroom semi-detached houses, each designed to accommodate up to five occupants. The dwellings are 1.5 storeys above ground level and include a sunken lower ground floor with an air source heat pump (ASHP) in each garden.

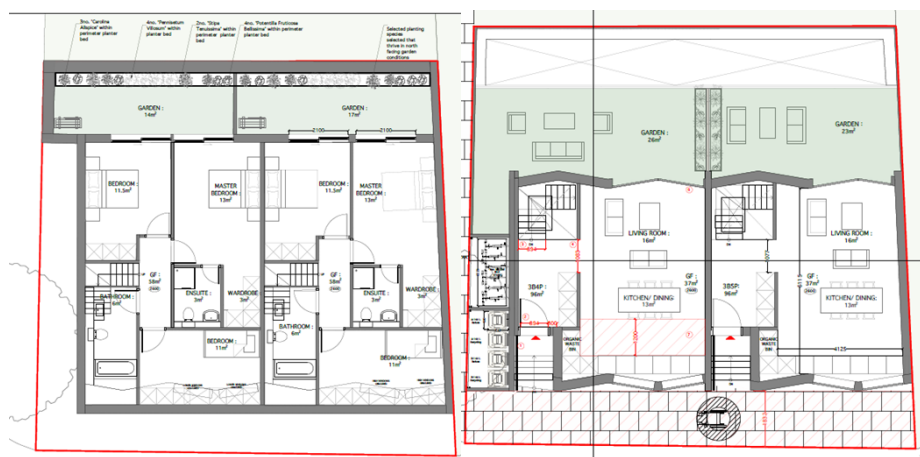


Figure 3 illustrates the proposed amenity areas associated with the new dwellings, including both the lower ground and ground level spaces and cycle parking refuse storage provision.

- 4.2 Amenity spaces would be provided as lower ground-level courtyards and terraces above. The houses would feature a double-pitched roof design, with construction materials consisting of red brick and black roof tiles.
- 4.3 Separate bin and cycle stores, shared between the occupiers, are proposed. The bin store will accommodate 2 x 1100-litre bulk bins, while the cycle store will house 5 bicycles. Both will be located within a brick enclosure along Leigh Road.

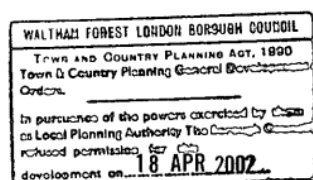
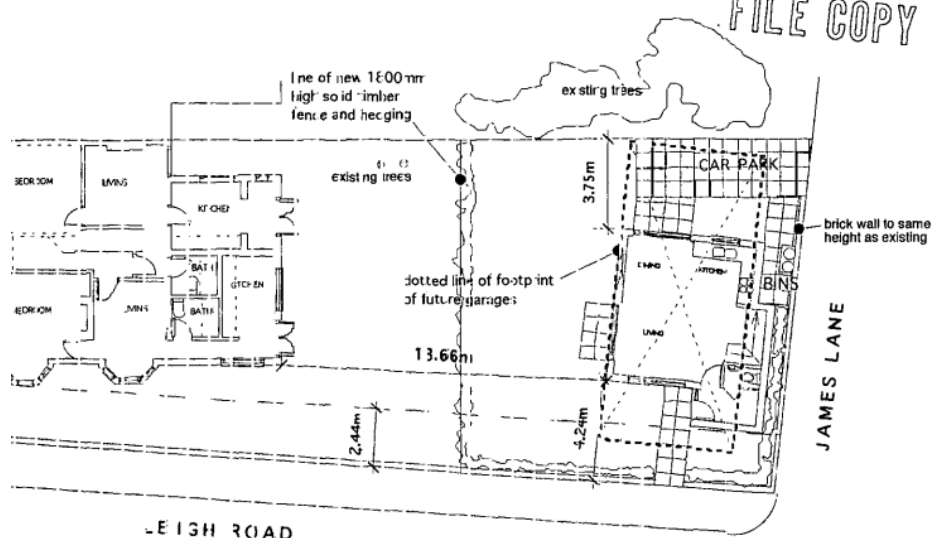
5 RELEVANT SITE HISTORY

(A) Planning

- 5.1 **Reference:** 1997/0991 (970007)
- 5.2 **Proposal:** Erection of 5 Garages in Rear Garden
- 5.3 **Decision:** The application was refused on 01/01/2001. However, records indicate that an appeal was allowed on 28/01/1999.

020337

FILE COPY



PAUL SHEARSMITH DESIGN STUDIO
54 Falkland Road, London NW5 2XA
PROJECT NEW HOUSE AT THE REAR OF NO. 2 LYNCHURST DRIVE E1
DRWG SITE PLAN
SCALE 1:200
DATE 11.10.01
DWG No 144/01

Figure 4: The application site under reference (1997/0991 (970007))

- 5.4 **Reference:** 2002/0337 (020844)
- 5.5 **Proposal:** Erection of 1 x 2 bed 2 storey dwellinghouse with dormers following the demolition of existing structures.
- 5.6 **Decision:** The application was refused on 23-04-2002 for the following reasons:
- Out of character
 - Bad neighbour, loss of aspect and oppressive
 - Building distances and garden depths are below standards
 - The proposed development would prevent the implementation of the approved development for 5 garages

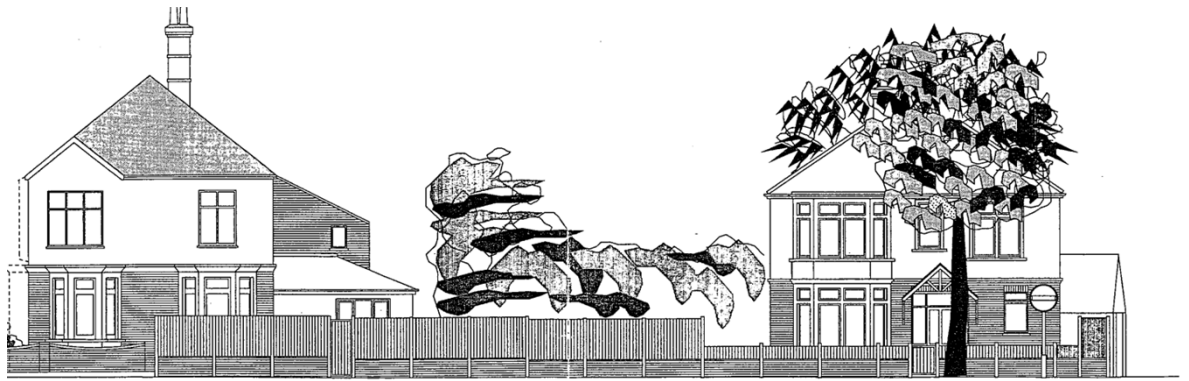


Figure 5: Proposal for a two storey house refused and dismissed on appeal under application ref: 2002/0337 (020844)

5.7 Reference: 2003/1406 (030798)

5.8 Proposal: Erection of a three-bedroom dwellinghouse as shown on drawing numbers 144/01B, 144/02B, 144/03, and 144/05A received on 15 October 2003.

5.9 Decision: The application was refused on 16-01-2004 for the following reasons:

- Character
- Loss of aspect
- Parking

5.10 Appeal was lodged APP/U5930/A/D4/1146779 and dismissed

5.11 Reference: 2003/0062 (020321)

5.12 Proposal: Erection of a three-bedroom dwellinghouse

5.13 Decision: The application was refused on 04-07-2003 for the following reasons:

- Character
- Loss of aspect
- Parking

5.14 Reference: 2012/1458 (120838)

5.15 Proposal: Erection of five garages in rear garden

5.16 Decision: The application was refused on 05-12-2012 for the following reason:

1. The proposed garage block, due to its size and location, constitutes an excessive and inappropriate form of development that would have a significantly negative impact upon the visual appearance of the street

scene in the location and would also be out of scale and character with its surroundings; the proposal is therefore contrary to Policy.

5.17 Appeal was lodged APP/U5930/A/13/2198945 and dismissed.

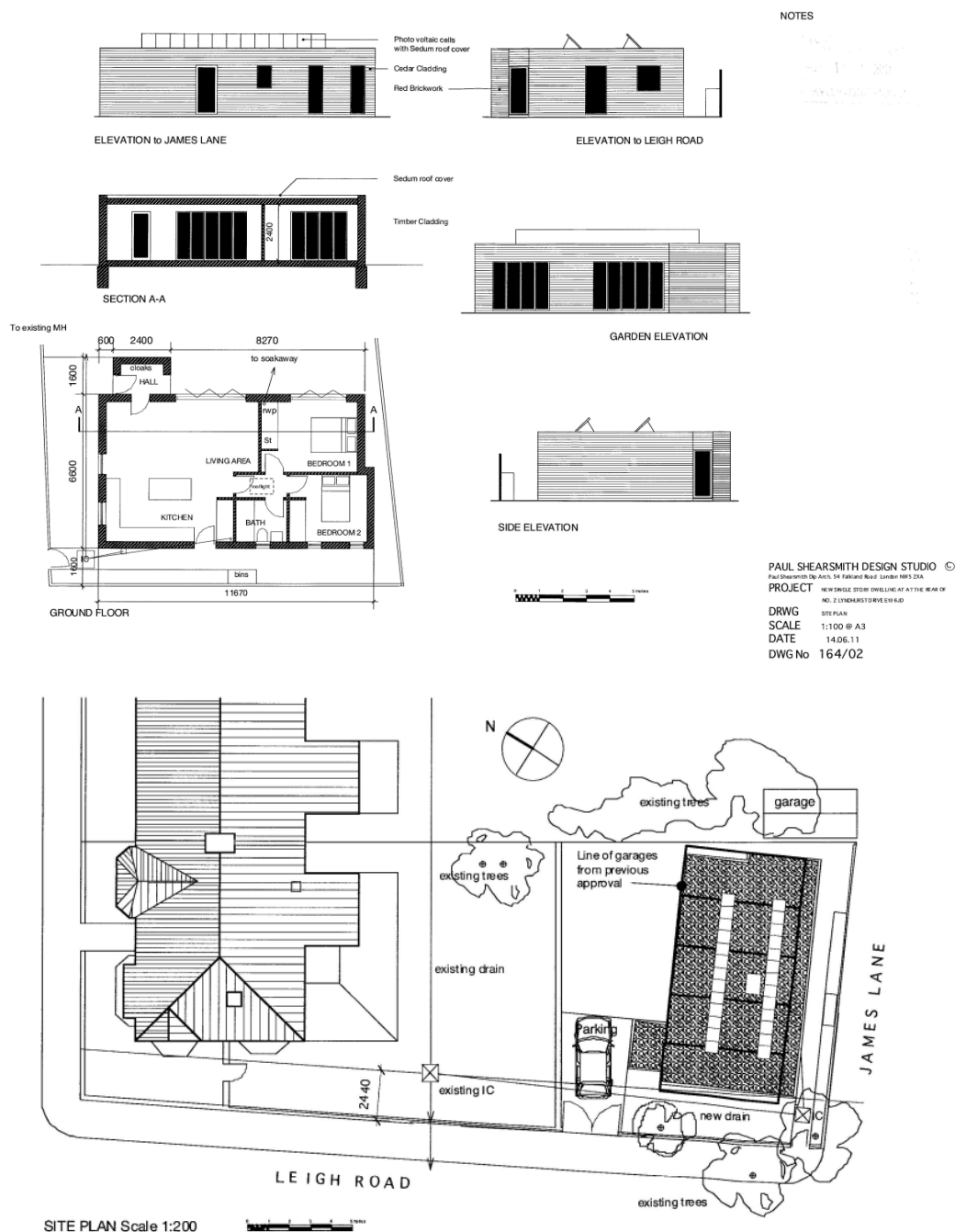


Figure 6: Proposal for a garages refused and dismissed on appeal under application ref: 2012/1458 (120838)

5.18 **Reference:** 2011/1117 (111430)

5.19 **Proposal:** Erection of a single storey detached, 2-bedroom dwellinghouse

5.20 **Decision:** The application was refused on 12-10-2011 for the following reasons:

1. Out of character with the established pattern of housing development in the area and would provide an isolated and incongruous feature in the street scene.
2. Cramped living accommodation for the future occupiers by reason of its failure to comply with the minimum internal gross unit and room size standards.
3. The proposal fails to provide a satisfactory level of useable amenity open space to meet the needs of the future occupiers
4. The proposal fails to comply with the adopted standards for Lifetime Homes to ensure an inclusive form of development.

5.21 Appeal was lodged APP/U5930/A12/2171479 and dismissed.

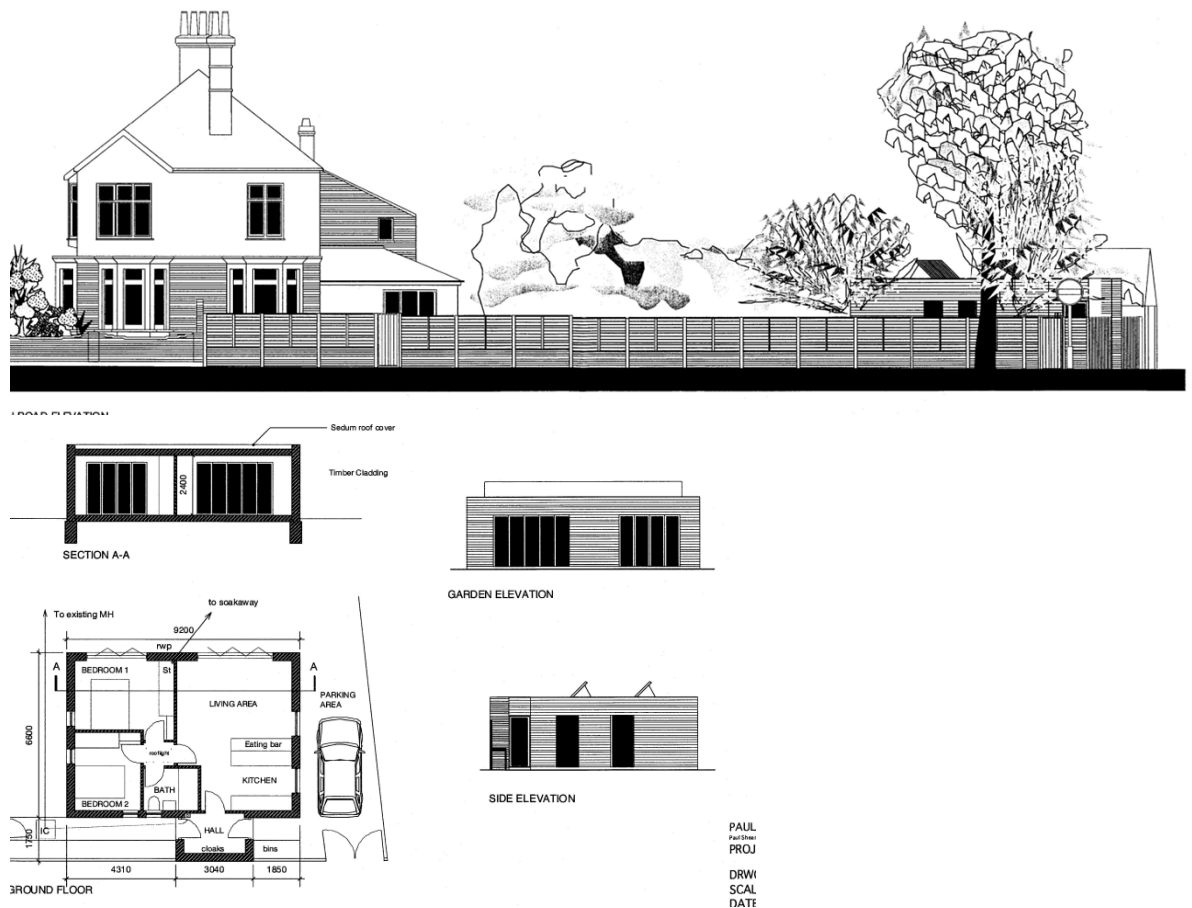


Figure 7: Proposal for a single storey house refused and dismissed on appeal under application ref: 2011/1117 (111430)

5.22 **Reference:** 2010/1164 (101137)

5.23 **Proposal:** Erection of single detached, two-bedroom dwelling

5.24 **Decision:** The application was refused on 29-11-2010 for the following reasons:

1. Out of character with the established pattern of housing development in the area and would provide an isolated and incongruous feature in the street scene.
2. The proposed development would provide cramped living accommodation for the future occupiers by reason of its failure to comply with the minimum internal gross unit and room size standards
3. The proposal fails to comply with the adopted standards for Lifetime Homes to ensure an inclusive form of development

(B) Pre-Application

5.25 **Reference:** 183600

5.26 **Proposal:** Construction of two semi-detached dwellinghouses with two car parking spaces to the front (accessed via Leigh Road); cycle and refuse/recycle storages and associated boundary works dated, 22/11/2018

5.27 **Advice given:** Pre-App summary: Although it is appreciated the site forms a separate parcel of land, you are advised in the event of a future application to consider a scheme at single storey level, one that would reflect the established character of James Lane and appear as an “ancillary” structure. This is to ensure the proposal respects and maintains the local character and protects the neighbouring amenity of the surrounding and adjacent occupiers. The use of materials would need to be similar to the local area which comprises brickwork. Fenestration detailing must be similar to that used in the locality in particular from James Lane.

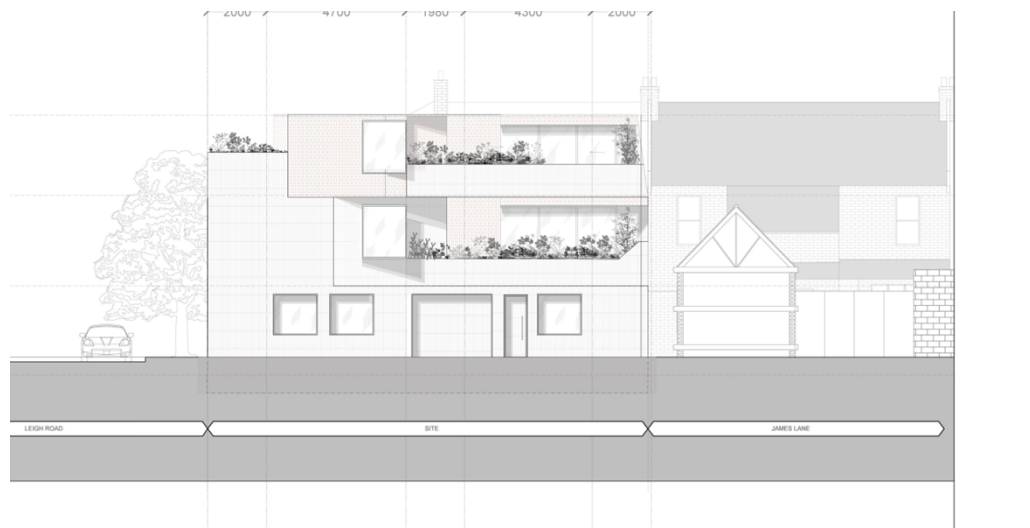


Figure 8: Flatted development under pre-application reference: 183600 which was considered unacceptable.

5.28 **Reference:** 200112

5.29 **Proposal:** Erection of a 3 storey building with lower ground level to provide 6 apartments.- Pre-app dated: 12th May 2020

- 5.30 **Advice given:** The pre- application proposal cannot be supported for the following reasons: ➤ Overall, pre app ref: 183600 established that a building higher than a single storey is unlikely to be supported at this location. ➤ The pre- application proposal is for a three-storey building which would not appear as subordinate form of development to nearby buildings. ➤ The proposed building due to its scale is likely to have negative impact on the existing occupiers at no.2 & 4 Lyndhurst Drive in terms of increased sense of enclosure and outlook. ➤ The proposal is likely to have a negative impact on the living conditions of future occupiers in terms of outlook and access to daylight/sunlight.



Figure 9: Flatted development under pre-application reference: 200112 which was considered unacceptable.

- 5.31 **PRE_21_0253**
- 5.32 **Proposal:** Pre-app. follow up to 200112 - Pre-App - Erection of a 3 storey building with lower ground level to provide 6 apartments.
Proposal - 5 mixed apartment types: 1 x 3-bed 4-person, 2 x 2-bed 3-person, 2 x 1-bed 2-person.
- 5.33 **Advice given:**

1. **Principle of Development:** Previous applications and appeals have deemed further residential development on this site unacceptable.
 - Two pre-application previously concluded that a development not following the scale and pattern of surrounding structures would not be supported.
 - A key reason for refusal was that a two-storey (or more) residential building would disrupt the existing pattern of development a view upheld on appeal.
2. **Scale and Character:** Although the current proposal reduces the height to just 1m above a nearby garage, the established pattern in the area is single-storey garages at the rear of properties. The proposed structure would be out of character with this pattern, even at a reduced scale.
3. **Impact on Character:** The proposed development would contrast sharply with the surrounding area, especially since the majority of properties front Lyndhurst Road and include garages in the rear gardens.
4. **Living Conditions - Existing Occupiers:**
 - The height and proximity of the proposal would negatively impact the outlook and daylight/sunlight access of nearby properties, particularly Nos. 2 and 4.
 - The upper floors would be visible from nearby windows, increasing the sense of enclosure and harming the views of current residents.
5. **Living Conditions - Future Occupiers:**

The proposal includes entirely below-ground accommodation, which would result in poor access to daylight and a lack of outlook for future residents. This basement arrangement does not overcome previous concerns about the quality of living conditions.

(C) Enforcement

- 5.34 **Reference:** IN_478805
- 5.35 **Description:** Change of Use to Car Scrapyard/Mechanics (Rear of Property)
- 5.36 **Decision:** Open since 2017 with no resolution.
- 5.37 **Details:**
- 31/01/2018: Owner stated the site is used for storing racing cars and plans to apply for a change of use.
 - 11/12/2017: Tenant confirmed the complaint involves land at the rear being used to dump cars.
- 5.38 **Breach:** Unauthorised change of use from domestic garden (split from the main dwelling) to vehicle storage, including cars used for banger racing.

(D) Adjacent Site**5.39 2 Lyndhurst Drive E10**

5.40 2009/1518/CLE (091365) Use of property as a three self-contained flats, as shown on O/S Map 1:1250 and related documents received on 2nd December 2009 – Approved with Conditions & Informatives

5.41 2001/0433 (010050) Erection of single storey flank extension to flats on ground floor – Approved with Conditions & Informatives

5.42 1988/1121 (880636) - Conversion to 4 s/c flats. erection of 2 storey rear extension provision for parking.- Refused on 7th November 2088.

5.43 1991/0606 (911033) - Retention of three self contained flats- Refused on 01-01-2001

6 PUBLIC CONSULTATIONS**6.1 Public Consultation**

6.2 The Council circulated 34 consultation letters to residents on the 29-04-2024 and 02-07-2024, as follows:

- Nos.89-101 Forest Drive West, Leytonstone, London, E11 1JZ
- Nos 35- 64 Fletcher Lane, Leyton, London, E10 6JE
- Nos. 2-12 Lyndhurst Drive, Leyton, London, E10 6JD
- No. 59 Wesley Road, Leyton, London, E10 6JF

6.3 The Council received 7 responses as a result of neighbouring consultation.

6.4 Table 1: summary of objection during public consultation

Representation	Officer Response
Overdevelopment - the area already has high housing density, with much of the older housing stock converted into flats or HMOs and the provision of 3 additional comes on a small plot would set a precedent for further overdevelopment.	The application has been revised prior to submission, reducing the number of homes from 3 to 2. As the site is in an accessible location with a PTAL rating of 3 and is currently underutilised, the provision of 2 dwellings is in line with local and national policies which promote the efficient use of land. Furthermore, the proposal is for 2 x 3-bedroom houses for 5 occupiers each, which would diversify the housing options in an area where the housing stock has a large amount of properties that have been converted into flats. It is also noteworthy that planning applications are assessed on its individual merits. Approval of this

	development does not create an automatic precedent for other sites, as all future applications will need to demonstrate compliance with relevant policies and site constraints.
Impact on Local Character - the proposal contradicts the predominantly two-storey Edwardian/Victorian character of the area and the development would encourage further inappropriate conversions.	Officers are satisfied that the development has been designed with careful consideration of the local character. Most of the bulk of the development is at lower ground level, and the 1.5-metre portion visible from the street is subordinate to the surrounding buildings. It is important to note that the design draws inspiration from the local character without directly mimicking it, maintaining a modern yet respectful approach. The development would not set a precedent for future inappropriate development, as all future proposals must comply with relevant policies and site constraints. Design officers have also reviewed the proposal and expressed their support for the development.
Parking and Traffic Issues - there is pressure on parking in the area, and the proposed development would exacerbate congestion. James Lane is without a pavement and unsuitable for additional development.	A car-free development will be secured through a legal agreement ensuring that the development would not contribute towards parking pressures around the site. In response to the concerns with pedestrian safety, a 1.8 m pavement will be provided on site in accordance with Highways standards. Highway engineers have reviewed the proposal, and no other issues have been raised regarding the impact of the development on the traffic and stability of James Lane for the proposed development.
Environmental Concerns - Concerns have been raised regarding the potential loss of the mature London Plane tree and the impact of reduced green space on drainage and biodiversity. These matters have been	With respect to the London Plane tree, the submitted Arboricultural Impact Assessment confirms that the tree is unlikely to be affected by construction works, as its root system does not extend beneath the proposed development area. To

carefully reviewed by both the Nature Conservation and Drainage Officers.	ensure its protection, a compliance condition has been recommended requiring the development to follow all tree protection measures outlined in the approved Arboricultural Method Statement and Tree Protection Plan. These documents have been reviewed and endorsed by the Nature Conservation and Street Trees teams. Residents are also reminded that while there is a public park located opposite the proposed development, the site itself is not a publicly accessible green space. It is an overgrown, fenced-off area with dense vegetation and no formal access. The lawful use of the site is as a garage plot, not designated open space or public amenity land. In addition, biodiversity conditions have been recommended to safeguard and enhance the ecological value of the site. These include measures such as pollinator-friendly planting and the installation of habitat features like bird and bat boxes. Regarding drainage, the Drainage and Flooding Consultants have advised that a Sustainable Drainage Systems (SuDS) condition be imposed. This will ensure the development does not increase flood risk elsewhere and supports natural water infiltration, mitigating the impact of any loss of permeable surfaces. Subject to these conditions, the development is considered to appropriately address environmental concerns and comply with relevant planning policies.
Basement Flood Risk - the site is prone to flooding, with frequent pooling	The submitted basement impact assessment does not anticipate any

of water during heavy rain due to poor drainage.	flood risk concerns. It is proposed that any permission granted be subject to a planning condition requiring the submission and approval of a comprehensive Sustainable Drainage Strategy (SuDS) prior to commencement of works. This condition will ensure that surface water is managed on-site through attenuation, infiltration, and controlled discharge, thereby reducing the risk of flooding both to the proposed basements and the wider locality.
Local Infrastructure Pressure - Several other housing developments are already under construction nearby and the area is already under strain from population growth, impacting schools, health services, and transport infrastructure.	The proposed development is modest in scale and has been assessed in the context of wider growth across the borough. Infrastructure capacity is monitored and managed through strategic planning frameworks, including the Local Plan and the Infrastructure Delivery Plan, which coordinate investment in education, health, transport, and other public services. Where appropriate, financial contributions are secured through planning obligations (Section 106 agreements) or the Community Infrastructure Levy (CIL) to help fund improvements to local infrastructure. These mechanisms ensure that development supports the delivery of necessary services and facilities. Transport impacts are also considered through consultation with relevant authorities, and mitigation measures are recommended where needed. In this case, no significant adverse impact has been identified that would warrant refusal of the application.
Quality of Proposed Homes – the homes would not be affordable or contribute to addressing local housing needs and they appear to be too small	It is important to clarify that affordable housing requirements apply only to developments of 10 or more residential units. As this proposal falls

and potentially inadequate for future occupiers.	below that threshold, it is not subject to affordable housing obligations and is considered a private development. Nonetheless, the scheme has been assessed against nationally described space standards and has been found to meet the minimum requirements, ensuring acceptable living conditions. While modest in scale, the development will contribute to local housing supply, including the provision of family-sized dwellings, which are in demand across the borough. Though the contribution is limited, it supports the broader objective of diversifying housing stock and addressing local needs.
General Concerns About Development – the development prioritises profits over community well-being on a plot that can be improved without the building of houses by providing green space	It is important to clarify that the site in question is privately owned and lawfully designated as a garage plot. It is not recognised or protected as public open space or designated green space in the Local Plan. The Local Planning Authority (LPA) has no power to compel a private landowner to convert such land into public green space. The application has been assessed on its merits as a residential development proposal. It meets the relevant planning policies and environmental considerations.

7 STATUTORY CONSULTATIONS

7.1. Table 2: summary of internal responses

Consultee	Response
Highways	Building Line and Layout:

	• Set back the protruding building element to maintain a straight frontage and prevent debris accumulation. Cycle Parking: • Ensure cycle parking is secure, covered, and preferably includes a green roof. • Doors must not open onto the public highway. Planning Conditions and Legal Agreements Planning Conditions: • Condition survey of surrounding highway for carriageway and footway on James Lane and Leigh Road, covering all junctions used for vehicle routing. • Amend the submitted outline CLP. Submit a detailed CLP via planning condition prior to commencement. • Boundary treatment confirmation. • SuDS drainage strategy to include the following: ○ Provide a detailed SuDS drainage strategy drawing with supporting calculations prior commencement. ○ Include features such as permeable paving, rain gardens, soakaways, blue/green roofs, water butts, and greywater recycling. ○ Justify SuDS features using the GLA's Sustainable Design and Construction SPG hierarchy ○ Demonstrate that the development will be safe and not increase flood risk elsewhere. ○ Aim for greenfield runoff rates in line with London Plan policy. ○ Thames Water Consultation: Confirm any required consents for surface or foul water discharge and submit copies to the Council. • Highway Structures: Technical Approval under Highways Standard CG300 is required due to basement works supporting the public highway.
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	Legal Matters (S106 and S278): • Car-free designation for new units. • £2,000 S106 contribution for sustainable transport. • £250 S106 contribution for CLP monitoring. • S278/S38 works as outlined above.
Nature Conservation	Compliance with the submitted AIA/AMS that sets out the protection measures for the street tree and landscaping and biodiversity conditions.
Street Trees	No concerns were raised.
Design	- The design is acceptable but the private amenity provision is insufficient - M4(2) cannot be achieved, in this instance, given the constraints of the site, but it is considered to be acceptable - Materials details requested
Sustainability & Energy	<u>Carbon Emissions:</u> The standard carbon condition must be included. An offset payment of a £6,840 offset. should be made to achieve net-zero carbon, along with provision for capturing any shortfalls after development is completed. <u>Water:</u> The standard water use condition must be included.
Transport Policy	No response received
Noise & Air Quality	No response received
Contaminated Land	No response received
Waste & Recycling	No bin capacities are shown on the plans. Each property requires 140L for refuse and 140L for recycling. If 240L bins are provided and shared, this is sufficient.

8 DEVELOPMENT PLAN

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

- a) the provisions of the development plan, so far as material to the application;

- b) any local finance considerations, so far as material to the application; and
 - c) any other material considerations.
- 8.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Waltham Forest comprises the 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:
- 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
 - H10 Housing size mix
 - 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 8: Character-Led Intensification
- Policy 12: Increasing Housing Supply
- Policy 15: Housing Size and Mix
- Policy 16: Accessible and Adaptable Housing
- Policy 19: Small Sites
- 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 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 sustainable transport
 - Making effective use of land
 - Achieve well-designed places
 - 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.
- 9.7 London Plan Guidance – The Control of Dust and Emissions During Construction and Demolition SPG (July 2014)
- 9.8 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)

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

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

- 9.10 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)

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

9.12 Local Finance Considerations

- 9.13 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 issues for consideration, in relation to the proposed development are as follows:

- A. Principle of Development
- B. Urban Design
- C. Impact on Existing occupiers
- D. Impact on Future occupiers
- E. Transport, Highways and Waste Management
- F. Trees and Local Biodiversity
- G. Climate change and sustainability

A. Principle of Development

- 10.2 Policy 19 (Small Sites) of the Waltham Forest Local Plan LP1 (2024) supports residential-led proposals for well-designed homes on small sites near designated centres with good public transport and/or on the Brownfield Land Register.
- 10.3 The site is located on an underutilised plot of land. It has a PTAL score of 3 and within 0.3 miles from Leyton Midland Road and 0.9 miles of Leytonstone Station. The closest district centre is Bakers Arms and Leyton Green located within 1.1 miles from the site. Although it is not formally on the brownfield land register, the site is well connected with different transport modes and suitable for residential development.
- 10.4 Considering the above, officers are satisfied that the principle of redevelopment of the site for residential purposes would be acceptable and in line with Policy of 19 the Waltham Forest Local Plan LP1 (2024).

B. Urban Design



Figure 10. shows the proposed pair of houses as viewed from James Lane. The image highlights their subordinate height and massing in the streetscape context.

- 10.5 The overarching principle of the design policies emphasises on creating well-designed and visually attractive developments that function effectively and enhance the quality of an area.
- 10.6 Paragraphs 131-141 of the NPPF (2023) stress the importance of beautiful design that is sympathetic to local character and history.
- 10.7 Policy D1 (London's form, character and capacity for growth) of the London Plan (2021) requires understanding the character of the area to plan growth, while Policy 4 (Delivering good design) emphasizes optimising site capacity through design-led approaches.
- 10.8 Policy 53 (Delivering High Quality Design) of the Waltham Forest Local Plan LP1 (2024) supports development that responds to context in terms of scale, height, and massing, encouraging character-led intensification.
- 10.9 Policy 8 (Character-Led Intensification) promotes housing intensification at suitable locations, with guidelines for building heights to ensure developments integrate with their context and contribute to a cohesive urban environment.
- 10.10 The site is located at the junction of Leigh Road and James Lane. The plot is fairly square in shape and untidy, overgrown with vegetation. Historically, the site was part of the rear garden of 2 Lyndhurst Drive; however, it functions as an independent plot of land.
- 10.11 The surrounding area is characterised by quiet residential streets featuring two-storey terraced houses set back from the road behind low-level boundary fences. Properties on Lyndhurst Drive and Forest Drive West have generously sized rear gardens with sheds, which back onto James Lane. Abbotts Park, situated immediately west of the site, is a large recreational green space in Leyton. It offers facilities such as an outdoor gym, tennis courts, and play areas for children and young adults.
- 10.12 Although the streets are predominantly lined with traditional Victorian terraces, some more modern residential developments are present. These include Danvers Terraces on James Lane, a three-storey flatted development on Primrose Road, and flatted buildings ranging from four to seven storeys on High Road Leyton, which is a short walk from the site (approximately 0.3 miles).
- 10.13 The proposal is for a pair of semi-detached houses elevated 1.5 storeys above ground with a sunken lower level. The buildings would feature pitched roof design and large picture windows. They would be set back behind 1.8 m pavement with the main access from James Lane. To the rear, the garden space would be divided into two areas: a lower ground level and a ground floor terrace. The ground floor would feature landscaped area with 1.8 m boundary fence. Cycle and bin storage would be provided within an enclosure adjacent to the development and accessed from Leigh Road.

- 10.14 The height of the pair of semi-detached houses would be consistent with the prevailing heights of outbuildings visible along James Lane. This would keep visual impact to minimal and allow for the development to be perceived as a subordinate to the terrace houses on Lyndhurst Drive and Forest Drive West. As such the height of the development is considered acceptable and appropriate for the context.
- 10.15 The massing and scale of the pair of semi-detached houses would be well distributed within the plot and would contribute positively to the public realm. The upper portion of the buildings that would be present in the street scene would occupy only half the length of the plot at a height of 1.5 storeys whilst most of the bulk would be below ground minimising negative impact on the street scene. As such officers are satisfied with the massing of the development.
- 10.16 The pitched roof design would reduce the bulk of the built form near to neighbouring boundaries while maintaining good internal height and improved ventilation for the future occupants. Pitched roofs are not uncommon in the area and therefore considered to align with the residential context of the area.
- 10.17 The development features large windows overlooking James Lane, which would enhance the natural surveillance of this section of the road. This would create a positive public benefit while maintaining ample natural light to the living areas of the new dwellings.
- 10.18 External material used in the design of the building would include traditional red brick which is also the main material for the external services of the houses on Danvers Terraces on James Lane and other properties in the area. A condition would be recommended to ensure the use of high-quality materials throughout the development.
- 10.19 Concerns were raised regarding the potential of the development to appear as out of character, citing its location on a small plot, its frontage onto a service road without a pavement and modern design that would not align with the surrounding residential architecture.
- 10.20 Officers consider that the development would be evenly distributed on the plot. The proposal also involves a 1.8m pavement for safe pedestrian access and adopts modern design to avoid pastiche development while referencing traditional residential features such as red brick and pitched roof designs.
- 10.21 Design officers have reviewed the scheme and expressed support, finding it proportionate and subservient in scale, form and massing relative to the terrace in Lyndhurst Drive. They also consider that the development would set a positive precedent for future occupiers along James Lane.
- 10.22 Considering the above, officers are satisfied that the proposal would be of a quality design consistent with local character. In the event of approval, a condition requesting full details of external materials would be added to the decision notice to ensure durability and quality of materials. As such the development complies with Paragraphs 131-141 of the NPPF (2024), Policy D1 and D4 of the London Plan (2021) and

Policy 53 and 55 of the Waltham Forest Local Plan LP1 (2024) supports development that responds to context in terms of scale, height, and massing.

C. Impact on Existing occupiers

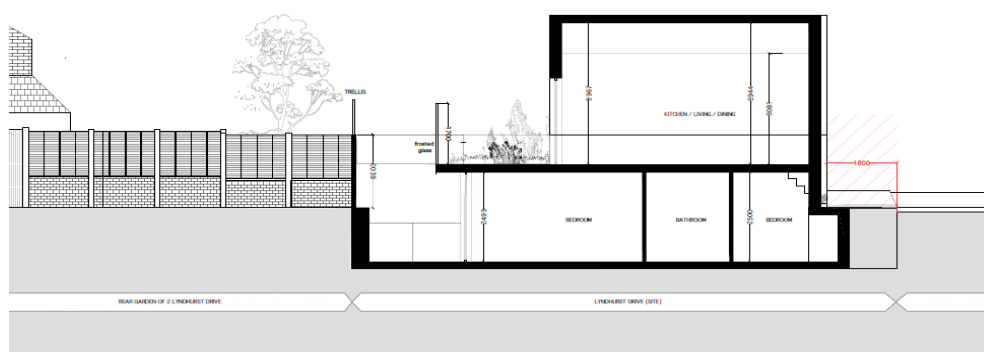


Figure 11 illustrates a section through the proposed dwellings, including the height and positioning of the boundary treatment. The drawing confirms that the fence reaches approximately 1.7 metres above ground level, which serves to screen views from the adjacent windows and outdoor areas. This arrangement demonstrates that direct overlooking into neighbouring plots would not be possible, thereby safeguarding privacy.

- 10.23 Policy D6 (Housing Quality and Standards) of the London Plan (2021), along with Policy 57 (Amenity) of the Waltham Forest Local Plan LP1 (2024) requires that new home proposals respect the amenity of existing and future occupiers, neighbours and the surrounding area by avoiding harmful impacts from overlooking, enclosure and/or the loss of privacy, outlook and daylight/sunlight and noise disturbance to adjacent residential properties.
- 10.24 The application site is located on the junction of Leigh Road and James Lane, occupying the rearmost section of what was historically the rear garden of No. 2 Lyndhurst Drive. It backs on James Lane and it fronts the rear gardens of properties on Forest Drive West and Abbots Park. The nearest structures to the site are the outbuildings backing onto James Lane and 2 Lyndhurst Drive, a two-story end-of-terrace house.

- 10.25 Concerns were raised during the life of the application regarding the potential of the development to appear as overbearing and compromising access to light for nearby buildings and gardens, as well as affecting the privacy of nearby occupiers. There are also concerns about the impact on the quality of life for neighbouring occupiers during and after construction particularly regarding potential structural damage, dust, noise and odours.
- 10.26 Officers are satisfied that development is designed to ensure it does not appear overbearing within the street scene. Most of the dwellings will be below ground, with only a 1.5-story portion visible above ground. This above-ground structure is similar in height to adjacent outbuildings, ensuring it remains subordinate to the surrounding environment and blends harmoniously within the context of the area.
- 10.27 The development would also maintain good levels of privacy for both existing and future occupiers. The scheme includes lower and upper ground floor levels, with the lower floor sunken partly below ground. The upper ground floor would include a terrace elevated at a maximum of 1m above the natural ground level of adjacent sites. Large patio windows would face the terrace, but these would overlook only the terrace itself, which is enclosed by a 1.7m fence located 3m from the building. Beyond the sunken garden at the lower ground level, an additional 2m trellis is proposed atop the existing 2m fence at No. 2, increasing the boundary height to 3m and further preventing direct overlooking and further mitigating against the impacts on the development in terms of overlooking.
- 10.28 The site slopes from west to east, resulting in the proposed terrace height being approximately 60 cm near the rear garden of No. 4 Lyndhurst Drive and increasing to 1 metre closer to the junction with Leigh Road. Views into the rear gardens of No. 2 and No. 4 will be blocked by the proposed boundary treatment. Given the existing boundary treatments in the area, the proposal is unlikely to create more intrusive overlooking than what already exists between neighbouring terraces. A minimum 1.7m fence between properties will be secured via planning condition to ensure privacy for both existing and future occupiers.
- 10.29 A Daylight and Sunlight Assessment (October 2022) by the Daylight Lab was submitted with the application and evaluated a larger development scenario. The assessment concluded that all neighbouring habitable rooms would retain acceptable levels of daylight and sunlight. The development is also expected to primary overshadow its own garden with only a small portion of the rearmost edges of the gardens of No. 2 and No. 4's being affected. Given the current proposal is smaller in scale and relationship with surrounding properties, it is not anticipated to adversely affect the living conditions of future or existing occupiers in terms of daylight or sunlight to habitable rooms or gardens.
- 10.30 The current use of the site vehicle storage is incompatible with the residential character of the area. The proposed development replaces this with a more appropriate residential use. Any noise generated by the

new residential dwellings would be typical of other residential properties and therefore not harmful to the living conditions of nearby occupiers. To further address concerns, a noise insulation condition will be applied to ensure adequate soundproofing within the new dwellings. A Construction Management Plan also will be secured by condition to minimise disruption to neighbouring properties during construction.

- 10.31 Any kitchen odours from the new dwellings will be residential in nature and unlikely to be more significant than those from neighbouring terraces. The minimum distance between the houses and neighbouring properties (13-17 metres) further mitigates any potential odour impact.
- 10.32 The proposed Mitsubishi Ecodan air source heat pump (ASHP), with a compact cubic volume of 0.514 m³, will be located at lower ground level and will not be visible from neighbouring properties. As an MCS-certified unit, it meets the requirements of permitted development regulations. To ensure good quality living standards for both existing and future occupants, a condition will be included in the decision notice to ensure noise levels are kept to a minimum.
- 10.33 Subject to boundary treatment and noise insulation conditions, the proposed development is considered to have no adverse impact on the amenity of neighbouring occupiers regarding loss of daylight, sunlight, outlook, or privacy. This aligns with Policy D6 (Housing Quality and Standards) of the London Plan (2021) and Policy 57 (Amenity) of the Waltham Forest Local Plan LP1 (2024), which require new home proposals to respect the amenity of existing and future residents.

D. Impact on Future occupiers

- 10.34 Policy D6 (Housing Quality and Standards) of the London Plan (2021), along with Policy 56 (Residential Space Standards) of the Waltham Forest Local Plan LP1 (2024) requires that new development proposals meet the specified minimum internal and external space standards. To ensure this, the policies require adherence to qualitative standards for privacy, outlook, and daylight. The Technical Housing Standards - nationally described space standard (2015) and Standard 24 of the Mayor's Housing SPG (2016) provide the benchmarks against which new residential developments are assessed.

Internal Space Standards

- 10.35 Both units meet the minimum standards and comfortably exceed the overall space requirements detailed in the London Plan:
- Two-storey, three-bedroom dwelling for five occupiers: Minimum standard 93m² (H.01 – 95 m² proposed)
 - Two-storey, five-bedroom dwelling for five occupiers: Minimum standard 93m² (H.02– 95 m² proposed)
- 10.36 The London Plan policy also requires that a single bedroom has a floor area of at least 7.5m² and a double (or twin bedroom) has a floor area

of at least 11.5m²; the development is able to meet and exceed these bedroom space requirements.

- 10.37 In terms of internal head height, the nationally described space standard sets a minimum ceiling height of a 2.3 metres and a maximum of at least 75% of the gross internal area of the dwelling. To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. The development proposed a minimum internal ceiling height of 2.5 m for the lower ground level and a maximum internal ceiling height of 3.9 metres for the upper level, thereby exceeding the minimum standards.
- 10.38 In light of this, the application proposal would meet the minimum internal space standards in accordance with Policy 56 of the of the Waltham Forest Local Plan Part 1 (2024).

Outlook, daylight and privacy

- 10.39 Turning to the level of outlook, daylight and privacy afforded to the units proposed, an acceptable number of windows would be provided in locations conducive to providing both outlook and internal privacy. Furthermore, the proposal would be conditioned to include greater level of detail with respect to the proposed boundary treatment to maintain the privacy of future and surrounding occupiers and ensure the successful integration of new development with its surroundings.

External Space Standards

- 10.40 Waltham Forest Local Plan **Policy 57** requires a minimum of 50 m² of private amenity space per dwelling for houses. Each proposed house provides 40 m² of private amenity space, split across the lower and upper ground levels. While this marginally falls short of the standard, the site's proximity to Abbots Park directly opposite adequately mitigates this shortfall, offering high-quality public open space within easy reach. Officers are therefore satisfied that the proposed provision is acceptable.

Accessibility

- 10.41 London Plan (2021) Policy D7 requires at least 10% of dwellings to meet Building Regulations M4(3) 'Wheelchair User Dwellings,' while all other dwellings must comply with M4(2) 'Accessible and Adaptable Dwellings.' According to Approved Document M of the Building Regulations, Volume 1: Dwellings, to comply with M4(2) or M4(3), step-free access into the dwelling must be provided. Exceptions are allowed for certain types of development, but only in blocks of four storeys or less if agreed at application stage.

10.42 The development includes stepped access, which initially prevents it from meeting M4(2) accessibility standards. However, following further discussions with the applicant's agent, confirmation was provided that the development could achieve M4(2) compliance through the incorporation of the following measures:

- 1) External stairlift can be accommodated to provide step-free access to dwelling.
- 2) External entrance door clear width 850mm with 300mm nib and level threshold. Dusk to dawn timer lighting adjacent to entrance.
- 3) Stairs 850mm clear width - can accommodate stairlift as required by end user.
- 4) 900mm unobstructed corridor widths.
- 5) 1.2m min clear space in front of all kitchen units and appliances.
- 6) 850mm maximum to glazing of principal window in living room.
- 7) Master bedroom 750mm clear zones to both sides and foot of bed.
- 8) Other double beds to have 750mm clear zone to one side and foot of bed.
- 9) Single beds to have 750mm clear zone to one side of bed.
- 10) All bedrooms to have clear access route 750mm to windows/doors.
- 11) Bathroom including WC, basin and bath on the same floor as the main double bedroom.
- 12) 1100mm x 700mm clear access zones in front of WC and basin and to the side of the bath.

10.43 To ensure that the new homes meet accessibility and adaptability requirements, catering to a diverse range of needs, and to comply with both local and national planning policies, officers recommend the inclusion of a pre-commencement condition. This condition would require the submission of plans and details demonstrating how the development will meet the requirements of M4(2). With this condition in place, the development would comply with London Plan (2021) Policy D7.

E. Transport, Highways and Waste Management

Car Parking

10.44 Policy 66 requires car-free development in locations that have high-parking stress. This site, located in a CPZ, must therefore be car-free. A s106 agreement will prevent residents from obtaining car permits, and a £2,000 contribution will fund sustainable transport improvements. These measures mitigate parking pressure and ensure compliance with Policy 66.

Highways Works:

- 10.45 National, regional, and local highway policies prioritise minimizing impact on the public highway. The Waltham Forest Local Plan Part 1 (2024) requires that development proposals mitigate site-specific impacts on local infrastructure via S106/S278 highway agreements. Highways have requested the following works are secured in the event of approval:
- S38 Works: The installation of a footway on the frontage of the site on James Lane connecting round to Leigh Road
 - S278 Works: Renewal of footway on Leigh Road on the frontage of the site
 - S278 Works: Renewal of carriageway on James Lane on the frontage of the site
 - S278 Works: Potential relocation of illuminated 'No Entry' sign.
 - S278 Works: Amendment to Traffic Management Order to extend.
- 10.46 These works, secured via planning obligations, will mitigate impacts and comply with the NPPF, London Plan Policies T1, T5, T6, T7, and Local Plan Policies 60-67.

Deliveries, Servicing, and Construction:

- 10.47 London Plan Policy T7 and Waltham Forest Local Plan Policies 63 and 65 require a Construction Logistics Plan (CLP) and Delivery and Servicing Plan (DSP) to accompany each application for new developments. An Outline CLP has been submitted but it requires further revisions. The Council's Highways Development team recommended that the Detailed CLP is secured via planning condition along with a £250 monitoring fee. Subject to these requirements, the development will comply with London Plan Policy T7 and Waltham Forest Local Plan Policies 63 and 65.

Basement impact assessment

- 10.48 All applications involving subterranean development require a Basement Impact Assessment to address potential impacts on surface and groundwater flow, structural stability (including neighbouring properties), construction methods, ground condition monitoring, and cumulative impacts. The assessment does not anticipate any flooding impacts. Highways have reviewed the submitted assessment and due to the development impacts the public highway, **Technical Approval per CG300**, including an AIP addressing design parameters, standards, methods, and traffic management, is required *prior to commencement*. This will be secured via condition. The tree section must also be consulted regarding potential root disruption from underpinning works on Leigh Road.

Surface water and Flooding

- 10.49 Policy SI12 of the London Plan (2021) requires development proposals to ensure that appropriate measures are incorporated to minimise and mitigate any flood risk. London Plan Policy SI13 (2021) together with 91

of the Waltham Forest Local Plan LP1 (2024) 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. A planning condition would be applied to this development to ensure that SuDS standards are met.

Cycle Parking (Residential):

- 10.50 The proposal includes provision for 6 secure cycle parking spaces, in full compliance with Local Plan (2024) Policy 61 and London Plan Policy T5. A compliance condition will be included in the decision notice to secure delivery of these spaces.

Waste Management

- 10.51 Local Plan Policies 57 and 93 require environmentally sound waste management. For two dwellings, each dwelling requires a minimum of 120-litre separate refuse and recycling. The submitted plans show 4 x 140 bins in the external enclosure on Leigh Road. A compliance condition will be included in the decision notice to secure delivery of these spaces.

F. Trees and Local Biodiversity

Trees

- 10.52 Policy G7 C (Trees and Woodlands) of the London Plan (2021), together with Policy 80 A and B (Trees) of the Waltham Forest Local Plan LP1 (2024), states that development proposals should ensure that, wherever possible, existing trees of value are retained.
- 10.53 If planning permission necessitates the removal of trees, there should be adequate replacement based on the existing value of the benefits of the trees removed. The submission of Arboricultural report is also required where a development proposal will impact on trees as per Policy 79 J (Biodiversity and Geodiversity).
- 10.54 A London Plane tree is located on the public highway immediately west of the development site. Due to its proximity, an Arboricultural Survey, Arboricultural Impact Assessment (AIA), and Tree Constraints and Protection Plan dated January 2023 by Elite Ecology were submitted. The report concludes that the likelihood of root damage is relatively low and recommends mitigation measures such as hand excavation methods and the installation of a root barrier.
- 10.55 However, the Nature Conservation Officer raised concerns about the report's depiction of the tree's rooting system, which suggests downward growth rather than outward spread. A more detailed plan was requested in the form of exploratory hand digging to establish exactly whether there is or not significant roots in the area the development is planned to take

place. This was required to ensure that the tree under Council responsibility is not going to become unstable and cause a potential risk to public health & safety.

- 10.56 The report identifies the London Plane (*Platanus x acerifolia*) as a Category A1 tree. To confirm it does not encroach on the site, a trench excavation to a depth of 800mm was carried out. No significant roots were found—only small fibrous ones. This may indicate that larger roots were previously severed during historic site works. The airspade investigation confirmed no significant roots were present, and therefore, the tree's rooting environment is not expected to constrain the proposed development.
- 10.57 Given these findings, officers recommend a Tree Survey, Arboricultural Impact Assessment, and Method Statement prior to the commencement of any works to ensure adequate protective measures are in place. If planning permission necessitates the removal of trees, there should be adequate replacement based on the existing value of the benefits of the trees removed.

Urban Greening and Landscaping

- 10.58 Policy G5 A (Urban Greening) of the London Plan (2021) together Policy 77 C (Green Infrastructure and the Natural Environment) 79 of the Waltham Forest Local Plan LP1 (2024) requires development to contribute to the greening of London.
- 10.59 Policy G6 (Biodiversity and Access to Nature) of the London Plan (2021), together with Policy 79 (Biodiversity and Geodiversity) of the Waltham Forest Local Plan LP1 (2024), states that proposals should seek to protect and enhance biodiversity.
- 10.60 Policy 79 (Part G) of the Waltham Forest Local Plan LP1 (2024), of the Waltham Forest Local Plan LP1 (2024), requires providing measures to support species and habitats through landscaping measures or other measures such as bird boxes which provide space for species to nest, roost or hibernate.
- 10.61 While the plans indicate greening measures, the proposed planted areas appear challenging, and the supporting information is inconsistent. To address these issues, the following recommendations are made by the Nature Conservation Officer:
- The landscaping must feature plants appropriate for the site conditions and capable of long-term maintenance.
 - A diverse plant palette, incorporating layers and heights with climbing plants, shrubs, perennials, and bulbs, should provide year-round flowering and interest. Placement should account for future growth and built structures to avoid conflicts.
 - Incorporating biodiverse green roofs on flat surfaces, such as cycle and refuse stores, is strongly encouraged.

- 10.62 Nature Conservation officers also recommended that the applicant engages a qualified landscape designer to address these comments and ensure successful planting and its maintenance.
- 10.63 Subject to a planning condition for landscaping and a long-term maintenance plan, the development would comply with Policy G5 A (Urban Greening) of the London Plan (2021) and Policy 77 C (Green Infrastructure and the Natural Environment) of the Waltham Forest Local Plan.

Biodiversity net gain

- 10.64 Policy G6 (Biodiversity and Access to Nature) of the London Plan (2021), together with Policy 79 (Biodiversity and Geodiversity) of the Waltham Forest Local Plan LP1 (2024), states that proposals should seek to protect and enhance biodiversity.
- 10.65 Policy 79 (Part D) requires developments to demonstrate a minimum 10% biodiversity net gain (BNG) using the Defra Biodiversity Metric 2.0 (or subsequent version). The BNG legislation became mandatory for small sites applications submitted after 2 April 2024.
- 10.66 A biodiversity net gain (BNG) report has not been submitted with this application. However, as the proposal was submitted before the mandatory BNG requirements under the Environment Act came into effect and as such it qualifies for the small site exemption from the 10% BNG requirement. While the application is not subject to the mandatory BNG threshold, additional biodiversity enhancements are recommended to be achieved by the Nature Conservation officer through measures such as:
- Incorporating pollinator-friendly planting as part of the soft landscaping.
 - Including habitat provisions, such as bat, bird, and invertebrate boxes or bricks, within the built fabric and soft landscaping.
- 10.67 Given these measures, and the timing of the application submission, the absence of a biodiversity net gain report is considered acceptable. Subject to conditions requiring detailed landscaping and habitat provisions, the proposal would deliver a net gain in biodiversity and improve the site's ecological value overall.

Epping Forest SAC and Appropriate Assessment

- 10.68 Policy 81 (Epping Forest and the Epping Forest Special Area of Conservation) of the Waltham Forest Local Plan LP1 (2024) seek to ensure that development proposals contribute to the avoidance and mitigation of adverse recreational and urban effects on the Special Area of Conservation (SAC) by implementing The Strategic Access Management and Monitoring Strategy (SAMMS) and of Suitable Alternative Natural Green Spaces (SANGs) for All new residential development comprising 1 or more new home(s) within the 6.2km Zone

of Influence (ZOI) of the boundary of the Epping Forest SAC. Waltham Forest borders the Epping Forest Special Area of Conservation (SAC), with the entire borough falling within the Zone of Influence (ZOI) for recreational pressure. A survey by Footprint Ecology revealed that 75% of visitors travelled up to 6.2km to the SAC. This indicates significant potential recreational pressure, raising concerns about the impact of new residential development on the sensitive features of the SAC.

- 10.69 A Habitat Regulations Assessment Screening and Appropriate Assessment has been prepared by the applicant which confirms that SAMMS contributions are appropriate for the impact of the development on the integrity of any European designated sites, such as the Epping Forest SAC and SSSI either considered alone or in combination with other plans or projects.
- 10.70 A contribution of £650 x 2 units = £ 1,300 in total towards SAMMS is sought and secured through the Section 106 agreement. Financial contributions towards the SANGS would be secured via the Community Infrastructure Levy (CIL) and would be allocated to projects within the relevant catchment area as identified in the strategy.
- 10.71 On the basis of the above, it is considered that the proposed development would have an acceptable impact on ecology. As such, the proposed development would accord with Policy 81 of the Waltham Forest Local Plan LP1 (2024), and London Plan Policies G1 and G6.

G. Climate change and sustainability

Contaminated Land

- 10.72 Policy 90 of the Waltham Forest Local Plan (2024) seeks to manage and prevent the spread of contamination. Comments from the Contaminated Land Officer were not forthcoming for this application. However, given the previous use of the site as a scrapyard, contamination may be present. As such, a preliminary risk assessment and associated works would be required as a pre-commencement condition in the event of approval.

Air Quality

- 10.73 Policy SI1 of the London Plan (2021), together with Policy 88 of the Waltham Forest Local Plan LP1 (2024), states that development should be **at least air quality neutral**. The whole of Waltham Forest is an Air Quality Management Area (AQMA). To minimize impacts on local air quality in accordance with policy requirements, officers recommend compliance with the Non-Road Mobile Machinery (NRMM) Low Emission Zone as a planning condition. Air quality impacts during the built and construction phases will be managed through separate sets of design, construction, and sustainability conditions. As such subject to compliance with these conditions, the development would be consistent

with Policy SI1 of the London Plan (2021), together with Policy 88 of the Waltham Forest Local Plan LP1 (2024).

Energy Efficiency

- 10.74 The Waltham Forest Local Plan (LP1, 2024) aims for sustainable development. Policy 87 requires that all new build development of more than one home or greater than 100sqm must achieve a minimum of 35% reduction below Part L of the Building Regulations on-site, targeting net zero carbon where possible in line with the energy hierarchy and with best practice guidance, including the GLA's Energy Planning Guidance.
- 10.75 The proposal for two new dwellings qualifies as minor residential development. The Energy Sustainability Statement (dated 14 June 2024) confirms:
- The "Be Lean" target of 10% carbon savings is exceeded with 11%.
 - The overall carbon reduction requirement of 35% is surpassed with 56%, meeting the 50% target.
 - Carbon savings are achieved through Air Source Heat Pumps (ASHPs) and efficient design measures.
- 10.76 No carbon offset payment is proposed. Under Policy 85 B.iii., this two-unit scheme should offset 2.4 tonnes of carbon annually, equating to £6,840.
- 10.77 To comply with Policy 87, a S106 for financial contribution and a condition will be added requiring the development to follow the measures in the Energy Report. Once fulfilled, the scheme will be considered policy compliant.

Water Efficiency

- 10.78 Policy SI 5 (Water infrastructure) of the London Plan (2021) and Policy 89 of the Waltham Forest Local Plan LP1 (2024) require that a residential development must not exceed a maximum water use of 105 litres per head per day (excluding the allowance of up to 5 litres for external water consumption). A planning condition would be applied to this development to ensure that the water efficiency standards are met.

11 PLANNING OBLIGATIONS

- 11.1 Section 106 Agreements are a material consideration in the determination of a planning application. The purpose of such an Agreement is to make otherwise unacceptable development acceptable and they should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

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) for this development relate to:

- A contribution of £650 x 2 units = £ 1,300 in total towards SAMMS
- An offset payment of £6,840 to achieve net-zero carbon.
- Car-free designation for new units.
- Condition survey of surrounding highway for carriageway and footway on James Lane and Leigh Road, covering all junctions used for vehicle routing.
- £2,000 S106 contribution for sustainable transport.
- £250 S106 contribution for CLP monitoring.
- S38 Works: The installation of a footway on the frontage of the site on James Lane connecting round to Leigh Road
- S278 Works: Renewal of footway on Leigh Road on the frontage of the site
- S278 Works: Renewal of carriageway on James Lane on the frontage of the site
- S278 Works: Potential relocation of illuminated 'No Entry' sign.
- S278 Works: Amendment to Traffic Management Order to extend.
- Monitoring fee equal to 5% of total financial contributions
- Payment of Council's legal fees for preparation of the agreement

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 the 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 proposed development is considered to be of good quality design that responds appropriately to the local context in terms of scale, height, and massing, with a form that complements surrounding residential character. Conditions will be required to secure full details of external materials to ensure durability and visual quality, in line with design policy objectives.
- 13.3 The proposed development is considered to respect the amenity of neighbouring occupiers, with its modest above-ground height, boundary treatments, and daylight/sunlight impacts all deemed acceptable. Conditions will be required to secure boundary screening, noise insulation, and a Construction Management Plan to safeguard residential amenity during and after construction.
- 13.4 The proposed homes meet and exceed internal space standards, provide acceptable outlook and privacy, and offer reasonable external amenity space given the site's proximity to Abbotts Park. A pre-commencement condition is required to secure compliance with M4(2) accessibility standards, ensuring the dwellings are adaptable and inclusive for future occupiers.
- 13.5 The development is acceptable in terms of transport requirements and subject to planning conditions and legal agreements that secure car-free status, highway improvements, and complaint waste and cycle storage, the development will align with relevant policies in the London Plan and Waltham Forest Local Plan.
- 13.6 The development is considered acceptable in terms of its ecological and environmental impact, with tree protection, landscaping, and biodiversity enhancements appropriately addressed. Conditions will be required to secure tree protection measures, detailed landscaping and habitat provisions, and compliance with ecological mitigation strategies to ensure alignment with London Plan and Waltham Forest Local Plan policies.
- 13.7 The development is considered acceptable in terms of environmental sustainability, subject to conditions securing contaminated land assessment, air quality compliance, SuDS drainage strategy, and water efficiency standards. These measures are necessary to mitigate environmental risks and ensure alignment with London Plan and Waltham Forest Local Plan policies on contamination, flood resilience, carbon reduction, and resource efficiency.

14 RECOMMENDATION

14.1. It is recommended that the Planning Committee resolve to grant permission subject to the following Heads of Terms conditions and informatives:

- A contribution of £650 x 2 units = £1,300 in total towards SAMMS
- An offset payment of £6,840 to achieve net-zero carbon.
- Car-free designation for new units.
- Condition survey of surrounding highway for carriageway and footway on James Lane and Leigh Road, covering all junctions used for vehicle routing.
- £2,000 S106 contribution for sustainable transport.
- £250 S106 contribution for CLP monitoring.
- S38 Works: The installation of a footway on the frontage of the site on James Lane connecting round to Leigh Road
- S278 Works: Renewal of footway on Leigh Road on the frontage of the site
- S278 Works: Renewal of carriageway on James Lane on the frontage of the site
- S278 Works: Potential relocation of illuminated 'No Entry' sign.
- S278 Works: Amendment to Traffic Management Order to extend
- Monitoring fee equal to 5% of total financial contributions
- Payment of Council's legal fees for preparation of the agreement.

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

- Existing ground floor plan: E_001 P_05 (dated 17.09.24)
- Proposed upper ground floor plan: A_101 P_05 (dated 17.09.24)
- Proposed lower ground floor plan: A_102 P_05 (dated 17.09.24)

- Proposed roof plan: A_103 P_05: (dated 17.09.24)
 - Proposed north elevation: A_200 P_05 (dated 17.09.24)
 - Proposed east elevation: A_201 P_05 (dated 17.09.24)
 - Proposed rear elevation: A_202 P_05 (dated 17.09.24)
 - Proposed west elevation: A_203 P_05 (dated 17.09.24)
 - Proposed south elevation: A_202 P_05 (dated 17.09.24)
 - Proposed section AA: A_300 P_05 (dated 17.09.24)
 - Proposed section: BB: A_301 P_05 (dated 17.09.24)
 - Proposed landscape upper ground floor: L_101 P_05 (dated 17.09.24)
 - Proposed landscape lower ground floor: L_102 P_05 (dated 17.09.24)
 - Proposed landscape upper ground floor M2: A_104 P_05 (dated 17.09.24)
 - Proposed landscape upper ground floor M2: A_105 P_05 (dated 17.09.24)
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- Arboricultural Impact Assessment, Method Statement, and Tree Protection Plan by Elite Ecology (dated April 2025)
 - Planning Response Statement Ref: 51.571003, -0.005322 Site: Lyndhurst Drive 2A Lyndhurst Drive (dated November 2024)
 - Root Investigation Report DTE Ref RF23821 Site: Lyndhurst Drive (dated 4 August 2025)
 - Energy Sustainability Statement (dated 14t June 2024)
 - Recreational Pressure Habitat Regulation Assessment (HRA) (dated 12 June 2024)

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

Materials

3. 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 external surfaces (including but not limited to brick details, mortar, door & windows, balconies, rooflights, rainwater pipes, privacy screens) of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the development.

Reason: To safeguard and enhance the visual amenities of the locality, in accordance with Policy 53 and Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

Wheelchair user dwelling

4. Residential units shown on plan hereby permitted shall be built in accordance with Approved Document M 2015, M4 Category 3: Wheelchair user dwellings. M4(3)(2)(a) 'adaptable' will apply to these units. All

wheelchair user dwellings must provide sufficient footprint and drawings must demonstrate that they can achieve a fully accessible layout. To ensure compliance with these conditions, contact should be made with the Council's Senior Occupational Therapist in Housing both before and during the build. Reason: 16.

Reason: To ensure inclusive development in accordance with Policy 16 (Accessible and Adaptable Housing) of the adopted Waltham Forest Local Plan Part 1 (2024) and Policy D7 of the London Plan (2021).

Boundary Treatment:

5. Prior to the commencement of superstructure works, details of all boundary treatments and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and Highways Authority. These details shall include the position, design, height, materials and finishes of all boundaries, including those between the site and neighbouring properties, as well as any divisions between private and communal spaces or individual units within the development. The approved boundary treatments shall be fully implemented prior to the occupation of any unit and thereafter retained for the lifetime of the development.

Reason: To safeguard and enhance the visual amenities of the locality, in accordance with Policy 53 and Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

Cycle Parking

6. The development shall be carried out in full accordance with the approved plans (ref A_101 P_05; A_103 P_05; A104 P_05; A 203 P_05)(dated 17.09.24), including provision of 6 secure cycle parking spaces The development shall be carried out in accordance with the approved details and the areas identified cycle storage shall be retained as such for the lifetime of the development.

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

Waste Management

7. The development shall be carried out in full accordance with the approved plans (ref A_101 P_05; A_103 P_05; A104 P_05; A 203 P_05) (dated 17.09.24), including provision of 4 x 140 litre bins in secure enclosure. The development shall be carried out in accordance with the approved details and the areas identified bin storage shall be retained as such for the lifetime of the development.

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

Trees

8. The development hereby approved shall be carried out in full accordance with the protection measures set out in the Arboricultural Impact Assessment, Method Statement, and Tree Protection Plan prepared by Elite Ecology (dated April 2025). These documents outline the required safeguards for the street tree adjacent to the site. No works shall commence until all tree protection measures are in place, and they shall be retained for the duration of the construction period.

Reason: In the interest of local amenity and biodiversity in accordance with Policy G5 A (Urban Greening) of the London Plan (2021) and Policy 77 C (Green Infrastructure and the Natural Environment) of the adopted Waltham Forest Local Plan Part 1 (2024).

Landscaping and Biodiversity

9. Prior to commencement of development (excluding demolition and site clearance), a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - A planting plan with species suitable for site conditions and capable of long-term maintenance.
 - A diverse mix of planting types (e.g. climbing plants, shrubs, perennials, bulbs) arranged to provide year-round interest and avoid conflict with built structures.
 - Biodiverse green roofs on flat surfaces such as cycle and refuse stores, where feasible.
 - Biodiversity enhancements including pollinator-friendly planting and habitat features such as bat, bird, and invertebrate boxes or bricks.
 - A long-term management and maintenance plan.
 - Five Year Maintenance Plan
 - Confirmation that the scheme has been prepared by a qualified landscape designer.

The approved landscaping scheme shall be implemented in full prior to first occupation of the development and maintained thereafter in accordance with the approved management plan. 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 development contributes to urban greening and biodiversity enhancement in accordance with Policy G5 (Urban Greening), Policy G6 (Biodiversity and Access to Nature) of the London Plan (2021), and Policies 77 and 79 of the Waltham Forest Local Plan LP1 (2024), and

to address concerns raised by the Nature Conservation Officer regarding planting viability and ecological value.

Construction Logistics Plan

10. Prior to the commencement of the development, a detailed Construction Logistics Plan shall be submitted to and approved by the local planning authority. The logistics plan shall include details of site access, journey planning, access routes (taking into consideration existing road layout), hours of delivery, temporary traffic arrangements or restrictions, site operation times, loading and unloading locations, material storage and a swept path analysis to show the haulage vehicles accessing and egressing. All works shall be carried out in accordance with the approved details throughout all demolition and construction works. This must be submitted using the TfL template and guidance found here: www.constructionlogistics.org.uk.

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).

11. Basement Works – Technical Approval

Prior to commencement of basement works, an Approval in Principle (AIP) shall be submitted to and approved in writing by the Local Planning Authority, in accordance with Highways Standard CG300. The AIP must confirm that the design, construction, and impact of both temporary and permanent works will not compromise the safety or integrity of the publicly maintainable highway. It shall include design parameters, working methods, and measures to minimise disruption to road users and residents, particularly given the constraints of James Lane.

Reason: To ensure the structural integrity and safety of the highway and surrounding public areas during and after construction, in accordance with Highways Standard CG300 and Policies 50, 57, 63, 65, 87 and 89 of the adopted Waltham Forest Local Plan LP1 (2024).

In order to safeguard the amenity of nearby residents and road users.

12. Construction method statement

No development shall take place whatsoever, until a Construction Method Statement including any demolition works, has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for the: i. parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control emissions, dust and dirt during construction vii. recycling/disposing of waste resulting from demolition and construction works

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 Part 1 (2024).

13. **SUDS:** The development shall be carried out in full accordance with the approved Drainage Strategy (Maintenance and Management Plan (April 2024); Typical SuDS Drainage Standard Details and associated documentation dated (20.03.2023). The development shall be carried out solely in accordance with the approved details 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. No deviation from the approved details shall take place without the prior written agreement of the Local Authority.

Reason: To prevent the increased risk of flooding, both on- and off-site ensure that adequate drainage facilities are provided in accordance with Policy SI13 of the London Plan (2021), and Local Plan Policy 91.

Land Contamination:

14. 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. 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.
 - C) A verification report providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete. Any investigation and risk assessment must be undertaken in accordance with the Environment Agency's Model Procedures for the Management of Contaminated Land (CLR11).
 - D) In the event that additional significant contamination is found at any time when carryout the approved development it must be reported immediately to the LPA.

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).

Air quality assessment report

15. Prior to commencement of construction works an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority. The development shall be at least “Air Quality Neutral” and an air quality neutral assessment and transport shall be included in the report. The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the 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).

16. Sound installation residential

Within the residential unit(s) hereby approved the following internal noise levels shall be achieved and not exceeded with the windows closed: 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 55dBLAeqt.

Reason: To protect the amenity of residential properties and the surrounding area in accordance with Policy 85 and 87 of the adopted Waltham Forest Local Plan Part 1 (2024).

17. Noise – new plant

Noise from all new building services plant for the lifetime of the development shall be controlled to a level not exceeding 10dB(A) below the typical underlying background noise level (LA90) during the time of plant operation at a position one metre external to the nearest noise sensitive premises. The underlying background LA90 shall be determined in the absence of the new plant noise. This assessment shall be completed in accordance with BS4142: 1997, ‘Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas’.

Reason: To protect the amenity of residential properties and the surrounding area in accordance with Policy 85 and 87 of the adopted Waltham Forest Local Plan Part 1 (2024).

NRMM:

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

Zone requirements and to register NRMM, please visit <http://nrmm.london/>.

Reason: To ensure that air quality is not adversely affected by the development in line with London Plan policy SI 1 and the Mayor's SPG: The Control of Dust and Emissions During Construction and Demolition Supplementary Planning Guidance, Mayor of London, 2014

Sustainability:

19. Prior to the 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 35% compared to the 2013 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.

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

Water Efficiency

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

Reason: To minimise the water use of the development, in accordance with the requirements of Policy SI 5 of the London Plan (2021).

Informatives:

1. This notice is without prejudice to your responsibilities under any other legislation.
2. 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.
3. 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 discussion.
4. 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.

5. Construction activities must not affect traffic flows on the highway. No materials can be stored on the highway and no construction related activities can take place on the highway. It is an offence to place scaffolding, skip or hoarding on the highway without permission. Early contact with the Council's Network Operations is advisable, as it may affect the construction programme.
6. Community Infrastructure Levy: 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 walthamforest.gov.uk/content/community-infrastructure-levy. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at atplanningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/. Note: The Mayoral CIL Charging Schedule (MCIL1) (adopted 2012) will be superseded by MCIL2 Charging Schedule; and will take effect from 1 April 2019. The London Borough of Waltham Forest has been moved from Band 3 to Band 2, increasing the MCIL2 rate from £20 to £60 per sq m (excluding indexation).
7. Surface water drainage, where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required https://protect-eu.mimecast.com/s/U_GjCywvjf2WqyzcZjmRt8. The construction details of any new surface water connection to the Thames Water public sewer will need to be agreed to by the Water Authority and consent records must be provided to Waltham Forest Lead Local Flood Authority (LLFA) for record keeping.
8. If the applicant is planning on using Thames Water mains water for construction purposes, it is important that you let Thames Water know before you start using it to avoid potential fines for improper usage. More information and how to apply can be found online at <https://protect-eu.mimecast.com/s/yOdiCz6kwlwBQmpTX9JqJ12>.
9. A legal agreement has been entered into with the London Borough of Waltham Forest in conjunction with this grant of planning permission with

regard to car free and other highways matters (condition survey, sustainability contribution), SAMMS contribution and legal fees.

10. It is the developer's responsibility to ensure all signage associated with the proposed development i.e. street nameplates, building names and door numbers will be erected prior to occupation, as agreed with the Councils Street Naming/Numbering Officer.
11. Unless otherwise agreed, hardstanding levels within the red line boundary, and threshold levels should be designed to tie into existing public highway back of path levels. Discharge of surface water onto public highway will not be permitted.
12. Once a Highway Works Application is received, the process of validation, technical review, design development and drafting of legal agreements is approximately 12 months. This process must be completed prior to commencement of the highway works, with occupation only permitted once the highway works are complete. To avoid delays, an application to Highways should be made within 6 months of implementation of the planning permission.
13. Unless otherwise agreed, hardstanding levels within the red line boundary, and threshold levels should be designed to tie into existing public highway back of path levels. Discharge of surface water onto public highway will not be permitted.
14. Where planning permission has been granted for a driveway and vehicle crossover/dropped kerb, Highways retain the right to refuse construction of the vehicle crossover or dropped kerb if current Highways standards and conditions relating to vehicle crossovers and dropped kerbs cannot be met at the time of installation. Please note planning permission does not give consent for changes to be made to the public highway, approval is required from the Highway Authority following planning permission.
15. It is an offence to place scaffolding, skip or hoarding on the highway without permission. Early contact with the Council's Network Operations is advisable, as it may affect the construction programme.
16. It is the developer's responsibility to ensure all signage associated with the proposed development i.e., street nameplates, building names and door numbers will be erected prior to occupation, as agreed with the Councils Street Naming/Numbering Officer. The applicant should be minded that this decision does not give consent to display any form advertisement. For clarity, an advertisement consent application must be submitted and approved in writing by the Local Planning Authority before any form of advertisement can be displayed.
17. **IMPORTANT:** Compliance with planning conditions requiring submission and approval of details before development commences a. 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. b. 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. c. 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.