

## LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 3 <sup>rd</sup> March 2026
Application reference:	252185
Applicant:	Mr Mohamed Maljee (8 Pillars Holding Ltd)
Location:	562-564 High Road Leytonstone, London, E11 3DH
Proposed development:	Demolition of existing buildings and construction of a building rising from two to four storeys including a basement, with roof terraces at second and third floors, roof-top PV Panels and amenity balconies to the front and side elevations to facilitate provision of a mixed use development comprising seven residential units (3 x 1-bed, 2 x 2-bed and 2 x 3-bed) (Use Class C3) and commercial unit at ground and basement floors (Use Class E), associated works to include refuse/recycling and bicycle storage.
Wards affected:	Leytonstone
Appendices:	None

### 1. RECOMMENDATION

Recommendation to GRANT Planning permission under reference 252185, subject to conditions and informatives and s106 Legal Agreement.

#### A) Highways and Transportation:

1. Prior to commencement of the development the applicant shall enter into a S278 Agreement with the Highway Authority to fund highway works including, but not limited to:
  - a) Renewal of the footway, kerbing and road markings along the frontage of the site on High Road Leytonstone and Davies Lane.
  - b) Removal of the existing crossover on Davies Lane and renewal of the footway and kerbing.
  - c) Removal of the existing double yellow line on Davies and extension of the CPZ parking bays including a traffic management order.
  - d) Installation of a dropped kerb within 15 metres of the bin store.
  - e) Placing of bollards on the forecourt on High Road Leytonstone (requirement to be confirmed during S278 process).
  - f) Possible use of permeable material around the trees on Davies Lane.
2. A S106 contribution of £750 is requested towards CLP monitoring.
3. The residential units must be classified as car-free with future residents not entitled to parking permits.

4. A S106 contribution of £6,000 is requested toward improving sustainable modes of transport including walking and cycling in the site's vicinity which will directly benefit users of this development.

**B) SAMMS:**

- SAMMS - A financial contribution of £3,900.00 towards Strategic Access Management and Monitoring measures (SAMMs).

**C) Carbon offset:**

- Carbon Offset Fund (COF) contributions will be required for any shortfall in emission reductions, calculated to be £7422.

**D) Street Trees Maintenance:**

- Maintenance of 3 street trees on a 3 yearly cycle for their 80 year life expectancy @ £81.83 per tree, including 20% for inspections, assessments, admin time
  - $80\text{years}/3 = 27$  pruning cycles
  - General prune, cut back from property **£81.81 x 3 = £245.43**
  - $£245.43 \times 27 = \text{£}6626.61 + 20\% = \underline{\text{£}7881.83}$

**E) Legal Fees:**

- i) Payment of the Council's legal fees for the preparation and completion of the Legal Agreement.
- ii) Monitoring Fee - A financial contribution towards the implementation and monitoring of and securing compliance with the S106, equal to 5% of the total of all other financial contributions.

**2. REASONS REFERRED TO COMMITTEE**

The application is referred to planning committee due to the number of objections.

**3. SITE AND SURROUNDINGS**

The application site is located at the junction with High Road Leytonstone and Davies Lane. The site consists of a two-storey building with an amalgamation of rear extensions. The building as existing comprises of a ground and first-floor commercial unit(s) and first-floor residential unit. It features a statement bay window to the first floor. At the rear of the site is a service yard accessed via a large gate from Davies Lane with a further two-storey building with a gabled front facing Davies Lane and adjoining the flank elevation of no.1 Davies Lane. The whole site is currently configured as a mixture of residential, and commercial. Given the nature of the existing uses the application site would be classified as non-designated employment land.



3.1 The application site is located within close proximity of Leytonstone District Town Centre and falls within an area with a PTAL rating of 6a, which is designated very good. It is close to numerous bus routes and within a few minutes walking distance to both Leytonstone underground and overground stations. The application site is also located within a designated strategic location and archaeological priority zone.

### 3.2 ***Location Plan***

3.3 The immediate surrounding area on High Road Leytonstone is formed of a mix of residential dwellings and commercial units at ground floor level. On the opposite corner, at the junction to Davies Lane is a 5-storey residential development, Harris House, 566 High Road Leytonstone, granted planning permission for 17 flats in 2013. At the opposite end of Davis Lane, the road terminates as a no-through road, where there is leads onto Wanstead Flats. At the end of the road is a primary school and community centre.

3.4 The site is not located within a Conservation Area; it is not listed and is not subject to any relevant Article 4 directions.

## 4. **APPLICATION PROPOSAL**

Planning permission is sought for the demolition of the existing buildings and construction of a building rising from two to four storeys, including a basement, with amenity terraces at first, second and third floors, roof-top PV Panels and balconies to the front and side elevations to facilitate provision of a mixed use development comprising of seven residential units (Use Class C3), comprising 3 x 1-bed, 2 x 2-bed and 2 x 3-bed, and a commercial unit at ground and

basement floors (Use Class E), associated works to include refuse/recycling and bicycle storage.

The proposed ground floor 2-bed flat would be designed as a disabled persons unit.

**5. RELEVANT SITE HISTORY**

**A. Planning**

<p><b>240081</b></p>	<p>Demolition of existing buildings and construction of a building rising from two to four storeys including a basement, with roof terraces at second and third floors, roof-top PV Panels and amenity balconies to the front and side elevations to facilitate provision of a mixed use development comprising seven residential units (3 x 1-bed, 2 x 2-bed and 2 x 3-bed) (Use Class C3) and commercial unit at ground and basement floors (Use Class E), with associated refuse/recycle and bicycle storage.</p>	<p><b><u>Refused (with Reasons) application 2</u></b></p> <p>Reasons:</p> <ol style="list-style-type: none"> <li>1. The proposed development would create poor standard of accommodation for future occupiers in relation to insufficient internal storage across all flats, insufficient gross internal floor area of second floor flat 5 and the unacceptable provision of two single aspect north facing dwellings (first floor flat 3 and second floor flat 5). Therefore, the proposal would represent poor living environment and conditions for future occupants contrary to Policy 56 (Residential Space Standards) of the adopted Local Plan Part 1 (2024), Policy D6 of The London Plan (2021) and London Plan Guidance – Housing Design Standards (June 2023).</li> <li>2. The proposed external roof terraces, due to insufficient and adequate screening, appropriate set back and its close proximity to the neighbouring property at No. 1 Davies Lane, the proposal would create direct overlooking to the detriment, well-being and impact on privacy of the existing neighbouring occupiers contrary to Policy 57 (Amenity) of the adopted Local Plan Part 1 (2024).</li> <li>3. The external communal roof terraces, due to its overall scale and intensification (accessible by occupiers of six flats) and its close</li> </ol>
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		<p>proximity to Nos. 1 Davies Lane and 560 High Road Leytonstone, it would have a detrimental impact upon the amenity of adjoining occupiers with respect to increased activity, general noise and disturbance which would be contrary to Policy 57 (Amenity) of the adopted Local Plan Part 1 (2024).</p> <ol style="list-style-type: none"><li>4. The proposed building by reason of its excessive depth, height and close proximity to existing neighbouring windows would have a detrimental impact on the residential amenity of the occupiers at No. 560 High Road Leytonstone that would result in a significant loss of outlook, poor access to light and create an increased sense of enclosure. As such the proposal would be contrary to Policy 57 (Amenity) of the adopted Local Plan Part 1 (2024).</li><li>5. Due to the close proximity of street trees along the northern elevation (Davies Lane) and insufficient information submitted as part of this application, an adequate assessment could not be made to consider the potential harm of the development and its juxtaposition with the maturing trees particularly its relation to the proposed balconies and windows serving the residential development. As such, increased requirement for arboricultural works has not been taken into consideration contrary to the aims an objective of Policy 80 (Trees) of the adopted Local Plan Part 1 (2024).</li><li>6. In the absence of a satisfactory Outline Construction Logistic Plan, a full assessment of how the proposed development would be built or serviced without severely affecting the public highway could not be made in line with Policies T7 of the London Plan (2021) and Policy 65</li></ol>
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		<p>(Construction Logistics Plans) of the adopted Local Plan Part 1 (2024).</p> <p>7. The applicant failed to enter into a s106 agreement and therefore not in compliance with Policy 94 (Infrastructure and Developer Contributions) of the Adopted Local Plan (2024) - (figures applicable at the time of the assessment of the application):</p> <ul style="list-style-type: none"> <li>▪ Car Free Development - the development is to be classified as car-free and residents will not be eligible for parking permits.</li> <li>▪ A condition survey of the carriageway and footways fronting the site prior to the commencement of any works</li> <li>▪ Financial contribution of the Epping Forest SMM</li> <li>▪ S106 contribution toward CLP monitoring.</li> <li>▪ S278 agreement to, Works will include but are not limited to: <ul style="list-style-type: none"> <li>▪ Renewal of the footway on both frontages of the site on High Road Leytonstone and Davies Lane</li> <li>▪ Removal of the redundant crossover on Davies Lane</li> <li>▪ Removal of the existing double yellow line on Davies Lane and extension of the CPZ parking bays including a traffic management order</li> <li>▪ Installation of a dropped kerb within 15 metres of the bin store to facilitate bin collection</li> <li>▪ Financial contribution of 5% for s106 monitoring fees.</li> </ul> </li> </ul>
230473	Demolition of existing buildings and construction of part two and part four storey building with basement and communal roof terrace to create a mixed-use development of 8 residential units (3 x 1-	<p><b><u>Refused (with Reasons) application 1</u></b></p> <p>Reasons:</p> <ol style="list-style-type: none"> <li>1. The application as submitted comprises of inconsistent plans and insufficient detailing, relating to the proposed solar panels to the</li> </ol>

<p>bedroom and 3 x 2-bedroom and 2 x 3bedroom flats) and Class E-commercial unit at ground and basement floors, with associated refuse/recycle and bicycle storage.</p>	<p>proposed roof of the proposed building. Whereupon solar panels are illustrated within proposed roof plan but not within the proposed elevation drawings or section drawings.</p> <ol style="list-style-type: none"><li>2. Notwithstanding the first reason for refusal, the proposed development by reason of its design and overall bulk and massing would result in an unsympathetic and dominant form of development that would substantially harm the form, proportion and appearance of the surrounding area while prejudicing possible future development towards neighbouring no.560 and 558 High Road Leytonstone. Further, the proposed projecting balconies onto High Road Leytonstone and Davies Lane would represent an alien form of development in direct contrast with High Road Leytonstone's terraced form and street rhythm.</li><li>3. The proposed development in terms of its siting in proximity to the shared boundaries and neighbouring buildings, together with its design, scale, height and overall massing would adversely impact upon the occupants of 560 High Road Leytonstone and 1 Davies Lane whereupon the proposed development would appear overbearing onto occupants of these properties and would create poor outlook, overshadowing, an increased sense of enclosure and corridor-like effect onto the rear and flank windows of these properties.</li><li>4. The proposed cycle store at ground floor level provides an insufficient number of cycle parking space for guest parking in relation to that of the residential element of the development. While no detail is</li></ol>
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		<p>provided in terms of cycle parking for the commercial element of the development.</p> <ol style="list-style-type: none"><li>5. The development would take place in close proximity to street trees situated along High Road Leyton and specifically along Davies Lane. Due to the scale of the works and the fact that excavation works would be carried out, a Tree Survey would be required together with an Arboricultural Method Statement in order to assess the impact of the development on these trees.</li><li>6. The Outline Construction Logistic Plan as submitted, fails to adequately demonstrate how the proposed development could be built or serviced without severely affecting public highway.</li><li>7. The applicant has failed to enter into a S106 agreement and therefore not in compliance with DM36 of the Waltham Forest Local Plan – Development Policies 2013 and the Waltham Forest Supplementary Planning Document “Planning Obligations” SPD, specifically in relation to the following planning obligations requirements (figures applicable at the time of the assessment of the application):<ul style="list-style-type: none"><li>▪ Car Free Development - the development is to be classified as car-free and residents will not be eligible for parking permits. S278 works will be required upon completion of the works relating to the development prior to occupation. An application for Highway Works will be required. Extent of works will include but are not limited to: Renewal of the footway along the frontage of the site.</li><li>▪ A Condition survey of the carriageway and footways fronting the site prior to the commencement of any works</li></ul></li></ol>
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		<ul style="list-style-type: none"> <li>▪ Financial contribution toward improving sustainable modes of transport including walking and cycling in the sites vicinity which will directly benefit new residents in this development</li> <li>▪ Financial contribution towards the Epping Forest SAM</li> <li>▪ Financial contribution for a S106 contribution towards monitoring of the Construction Logistics Plan.</li> <li>▪ Financial contribution for street tree maintenance.</li> <li>▪ Financial contribution of 5% for s106 monitoring fees.</li> </ul>
<b>700101</b>	C.O.U FROM SHOP TO OFFICE	Approved (With Informatives)

### 5.1 B. Pre-application Advice

PRE\_24\_0395 - New building to provide 7 x residential flats with continued use Class E at ground floor with new basement at 562-564 High Road, Leytonstone, E11 3DH.

Summary:

- The design and massing are broadly acceptable, with earlier concerns regarding overdevelopment, unit mix, internal layout, terrace privacy, refuse/cycle arrangements, and material differentiation now resolved.
- The only substantive issue raised related to ground floor bedrooms fronting the street (Urban Design SPD para. 5.9.2), due to privacy and surveillance concerns; this has also now been addressed.

PRE\_22\_0071 - New building to provide 9X residential flats with continued use Class E at ground floor with new basement.

Summary:

- The proposal is not supported due to excessive size, scale and bulk, resulting in harmful visual impact (particularly along Davies Lane) and unacceptable effects on neighbouring amenity (overlooking, loss of light, overshadowing and enclosure).
- Residential units fail to meet minimum space standards and key technical details are missing, including materials specification, Basement Impact Assessment, daylight and disabled access strategy, floor-to-ceiling compliance, CLP, cycle and waste details, and an energy report (with Carbon Offset contribution).

**5.2 C. Enforcement**

None

**5.3 D. Adjacent sites/ neighbouring properties**

5.4 560-564 High Road Leytonstone

580297	USE OF SHOP PREMISES AS OFFICES	Approved (With Informatives)
160088	Loft conversion	Withdrawn
980838	CREATION OF ROOM IN THE ROOF INVOLVING THE INSTALLATION OF REAR DORMER WINDOW AND VELUX WINDOW IN FRONT ROOF SLOPE	Approved (with Conditions & Informatives)
980808	ERECTION OF SECOND STOREY REAR EXTENSION	Approved (with Conditions & Informatives)
160257	Loft conversion with rear dormer window to provide bedroom.	Approved (with Conditions & Informatives)
150987	Prior Approval – Change of use from retail to residential	Prior Approval Required and Refused
142124	Conversion of rear part of ground floor shop into 1 x 1 bed self-contained flat (use class C3)	Refused (with Reasons)
140055	Development consisting of a change of use of a building and any land within its curtilage to use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order 1987 (as amended) from a use falling within Class B1(a) (offices) of that Schedule.	Approved (With Informatives)

566 High Road Leytonstone

132114	Erection of a five-storey block to provide 17 self-contained flats (3 x 1 bed, 7 x 2 bed, 6 x 3 bed and 1 x 4 bed).	Approved (with Conditions & Informatives)
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**6. PUBLIC CONSULTATIONS**

A public consultation was initially carried out on 13<sup>th</sup> September 2025 with letters being sent to surrounding residents/ occupiers and internal/ external stakeholders.

- 6.1 A site notice was displayed on the site, dated 22/09/2025.
- 6.2 The Council consulted the following properties surrounding the site:
- 536-566 High Road Leytonstone (even)
  - 576-580 High Road Leytonstone (even)
  - 663-675 High Road Leytonstone (odd)
  - 683 High Road Leytonstone
  - 1 & 3 Davies Lane
  - 7-13 Davies Lane (odd)
  - 2-20 Davies Lane (even)
  - 1-13 Cotton Close (odd)
  - 2-14 Cotton Close (even)
  - 2 Ferndale Road
  - Arch 250 Joseph Ray Road
  - 5 Brockway Close

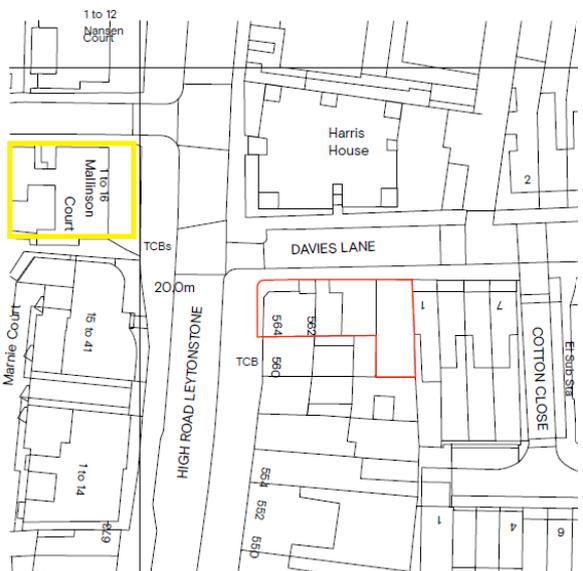
## 7. REPRESENTATIONS

### Public Representations

- 7.1 As a result of the public consultation 9 letters of objection were received.

Objection	Response
Over development and out of character	These issues have been resolved by this current proposal and have been specifically addressed within the Urban Design section of the report within paragraph 10.
Intensify parking	If minded for approval residents would not be entitled to parking permits. During the construction phase, parking would be controlled. This is managed and agreed by the Highway Authority via a detailed Construction Logistics Plan which is required prior to the start of any works. Compliance with the CLP is also monitored during works.
Noise from the external spaces (terraces)	Any potential noise should not go beyond what is expected from a traditional family dwelling. In the unlikely event that all terraces were used at the exact same time with intensified noise

	<p>(eg BBQ or general gathering). The noise from each flat would not be concentrated at the same elevation. Noting that the terraces are spread across the building at the side, front and rear elevations.</p>
<p>Noise during building works</p>	<p>This is managed by other legislation via environmental health. The allowed site working hours are stated in the the decision notice if development is approved.</p>
<p>Internal arrangement too small</p>	<p>The internal living requirements satisfies minimum space standards.</p>
<p>Dust/ air pollution</p>	<p>No development can take place until full details of the proposed mitigation measures for impact on air quality and dust emissions, in the form of an Air Quality and Dust Management Plan (AQDMP) Air Quality and Dust Management Plan (AQDMP). This would be managed by condition if approved.</p>
<p>Earlier refusal reasons 1 (overdevelopment), 2 (overlooking) and 4 (loss of light and outlook) still appear to apply.</p>	<p>These issues have been satisfactorily resolved by this current proposal and have been specifically addressed within the Urban Design section of the report within paragraph 10.</p>
<p>Create a "tunnel" effect on entry to Davies Lane.</p>	<p>Davies Lane is not considered a narrow road and has an approximate width of 15m between the two buildings on entrance to the street. The proposed building on entrance to Davies Lane would reduce this width by approximately 1.5m. It is also noted that the proposed building would have a consistent height with other buildings within the immediate terrace. Therefore, the proposal would not be considered as having a tunnelling effect within the streetscene.</p> 

<p>Rodents</p>	<p>The LPA cannot restrict development based on whether rodents may or may not live within the existing building or within the application site.</p>
<p>Lack of consultation</p>	<p>The LPA conducted a statutory consultation notifying surrounding occupiers by letter as well as site notices being displayed around the site</p>
<p>Rear balconies overlook gardens</p>	<p>The only external terrace that could have an unreasonable view into the adjacent garden of No.1 Davies Lane is from first floor flat 2. This can be mitigated by sufficient screening.</p>
<p>Existing refuse issues within the locality</p>	<p>The level of refuse and recycling facilities for the proposed development is sufficient for the number of flats within the building. This will be discussed further at Paragraph 10.37</p>
<p>Block sunlight on to the Mallinson Court block directly opposite.</p>	<p>This building is on the opposite side of the road and there would be more of an impact from Harris House which is directly in front of this building than the proposed building. The location is indicated in yellow, and the application site indicated in red.</p> 
<p>Highway safety concerns – site access/ traffic obstruction</p>	<p>The Highway Authority have reviewed the scheme and have not raised any concerns. Prior to the start of any works the applicant would need to submit a detailed outline construction logistics plan.</p>

Lack of ground floor amenity space (children's play area, communal social space)	Each residential unit has its own external amenity space consistent with minimum space standards. For this number of residential units there is no requirement in policy that states that a children's play area must form part of the scheme.
Materiality not in accordance with the existing character	Materiality would be agreed by condition, but the design and access statement has provided an overview of proposed materials. However, as demonstrated within the assessment within section 10 of the report even if there was a slight change to the character of the area this is acceptable in accordance with Policy 8 of the Local Plan as the application site is located within transition area as defined by Local policy. There is also a mixed palette of materials within the immediate area.

## 7.2 Internal & External Representations

7.3 The below table illustrates comments and representations received from the following noted bodies:

Consultee	Response
Building Control	<ul style="list-style-type: none"> <li>A response was not received.</li> </ul>
Design	<ul style="list-style-type: none"> <li>The proposal is now acceptable in design terms.</li> </ul>
Tree Preservation & Urban Greening	<ul style="list-style-type: none"> <li>Urban greening should be designed by a qualified landscape professional, delivering multi-functional, biodiverse planting with year-round interest and appropriate species selection to avoid future conflict with built form.</li> <li>Green roofs must be specialist-designed and maintained; raised planters minimised in favour of connected ground-level planting beds with adequate soil volume; and integrated habitat features (e.g. bat, bird and invertebrate boxes) incorporated throughout the scheme.</li> </ul>
Environmental Health	<ul style="list-style-type: none"> <li>If minded to approve, air quality, asbestos and contamination conditions would be required.</li> </ul>

Highways	<ul style="list-style-type: none"> <li>Highways have no objection in principle to the application subject to securing the S278 and S106 contributions + planning conditions for mitigation against described points.</li> </ul>
Sustainability	<ul style="list-style-type: none"> <li>The overall carbon saving target is met with 65.33% appropriate heat pump and PV renewables are proposed. However, the 10% be lean requirement is not met with 9.33%, the fabric specifications are reasonable but there is sufficient room for improvement to achieve 10%. Currently the expected carbon offset payment would be £7422 however this could reduce slightly if the above is addressed.</li> </ul>
Transport Policy	<ul style="list-style-type: none"> <li>A response was not received.</li> </ul>
Street Trees	<ul style="list-style-type: none"> <li>There are 3 street trees close to the application site. They have a Life Expectancy of 80 years. Assuming an ongoing 3 yearly pruning cycle, a financial contribution would be required.</li> </ul>
Refuse	<p>Information provided is sufficient, however:</p> <ul style="list-style-type: none"> <li>Ensure there is a dropped kerb on Davies Lane outside bin store.</li> <li>Ensure parking restrictions are in place so crew can get access to the bins.</li> </ul>
London Fire Brigade	<ul style="list-style-type: none"> <li>A response has not been received.</li> </ul>
Thames Water	<ul style="list-style-type: none"> <li>Surface Water drainage - if the sequential approach to the disposal of surface water followed (no objection)</li> <li>Waste Water Network and Sewage Treatment Works infrastructure capacity - (no objection)</li> <li>water network and water treatment infrastructure capacity - (no objection)</li> </ul>
Natural England	<ul style="list-style-type: none"> <li>If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.</li> </ul>
Historic England	<ul style="list-style-type: none"> <li>The development could cause to archaeological remains and therefore a field evaluation is required to determine appropriate mitigation. This requirement can be managed by condition post decision.</li> </ul>
Met Police	<ul style="list-style-type: none"> <li>Overall, the scheme has considered SBD principles via the separation of the residential and commercial and by using SBD approved products. The site could</li> </ul>

	achieve SBD Certification if required so there is no objection.
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## 8. PLANNING POLICY

- 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 (LPA) must have regard to considerations including the provisions of the development plan and any local finance considerations, so far as material to the application, and any other material considerations.
- 8.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that “if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.
- 8.3 The Development Plan for the site, at the time of this report, comprises the London Plan (2021), and the Waltham Forest Local Plan Pt 1 (2024). Other planning policies are material considerations.
- The London Plan (2021)
- 8.4 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.
- 8.5 The 2021 London Plan supersedes the 2016 London Plan, which no longer has any effect. The relevant policies within the London Plan 2021 are:
- GG1 Building Strong and Inclusive Communities
  - GG2 Making Best Use of Land
  - GG4 Delivering Homes Londoners Need
  - D1 London’s form, character and capacity for growth
  - D3 Optimising site capacity through the design-led approach
  - D4 Delivering good design
  - D6 Housing quality and standards
  - H1 Increasing housing supply
  - H10 Housing size mix
  - G1Green Infrastructure
  - G6 Biodiversity and access to nature
  - S11 Improving Air Quality
  - S17 Reducing Waste and supporting the circular economy
  - S113 Sustainable Drainage
  - T5 Cycling

- T6 Car Parking
- T7 Deliveries, Servicing and Construction
- DF1 Delivering of the Plan and Planning Obligations

#### Waltham Forest Local Plan Pt 1 (2024)

- 8.6 The draft version of the Local Plan underwent Regulation 18 public consultation between July 2019 and September 2019 and consultation on the proposed submission version between 26 October 2020 and 14 December 2020. It underwent examination and consultation on proposed modifications concluded on 21 September 2023. The Waltham Forest Local Plan (LP1) was subsequently adopted 29 February 2024 and therefore now forms a key part of the development plan in determining all planning applications. The previous Core Strategy (2012) and Development Management Policies (2013) are superseded by LP1.
- 8.7 The policies considered relevant to this application are as follows:
- Policy 1 Presumption in Favour of Sustainable Development
  - Policy 12 Increasing Housing Supply
  - Policy 15 Housing Mix
  - Policy 19 Small Sites
  - Policy 53 Delivering High Quality Design
  - Policy 56 Residential Space Standards
  - Policy 57 Amenity
  - Policy 60 Promoting Sustainable Transport
  - Policy 61 Active Travel
  - Policy 63 Development and Transport Impacts
  - Policy 65 Construction Logistic 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 Epping Forest and the Epping Forest Special Area of Conservation
  - Policy 85 A Zero Carbon Borough
  - Policy 88 Air Pollution
  - Policy 89 Water Quality and Water Resources
  - Policy 91 Managing Flood Risk
  - Policy 93 Waste Management
  - Policy 94 Infrastructure and Developer Contributions

## **9.0 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 but does not change the legal status of the Development Plan. It contains a presumption in favour of sustainable development, described as at the heart of the framework.
- 9.2 It contains a presumption in favour of sustainable development, described as at the heart of the framework.
- 9.3 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: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".
- 9.4 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.'
- 9.5 The specific policy areas of the NPPF considered to be most relevant to the assessment of this application are as follows:
- Delivering a sufficient supply of homes
  - Making effective use of land
  - Achieve well-designed places
  - Delivering a wide choice of high-quality homes
  - Meeting the challenge of climate change, flooding and coastal change
  - Conserving and enhancing the natural environment

#### Other Guidance/Documents

- Supplementary Planning Document Urban Design (2010)
- December 2025 the Government published an amended NPPF for consultation. However, this is subject to change and has very little weight in this decision.
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#### Local Finance Considerations

- 9.6 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 could be received from central government in relation to this development.
- ii. The Council does expect to receive income from LBWF CIL in relation to this development.
- iii. The Council does expect to receive income from Mayoral CIL in relation to this development.

## 10. ASSESSMENT

### Aerial view of the application site



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

- A. Principle of development
- C. Urban Design
- D. Housing Mix
- E. Living Conditions - Future Occupiers
- F. Living Conditions - neighbouring amenity
- G. Accessibility
- H. Trees and Local Biodiversity (Biodiversity Net Gain)
- I. Epping Forest Special Area of Conservation
- J. Climate change and sustainability
- K. Waste Management
- L. Highways, Traffic Management and Parking
- M. Contamination
- O. Making Places Safer and Designing out Crime
- P. Planning obligations

### 10.2 *Principle of development*

National, Regional and Local Plan policies seek to encourage sustainable housing development on appropriate sites in urban areas. Policy 12 (Increasing Housing Supply) of the adopted Local Plan seeks to deliver a minimum of 27,000 homes by 2035 by amongst other things making effective use of land by seeking to optimise housing densities and supporting new homes to be developed on small sites to meet housing needs. Policy 9 directs 1,580 new homes to the Leytonstone Strategic Location. The Council will generally not support development proposals containing only smaller homes (one and two bed). Local Policy supports the goal of a Boroughwide mix of housing that reflects the needs and level of supply identified in the London Strategic Housing Market Assessment (SHMA) (2017).

- 10.3 Chapter 5 of the NPPF relates specifically to the delivery of new housing. It recognises the importance of significantly boosting the housing supply and paragraph 61 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. This proposal will make effective use of underutilised land in a highly sustainable location to provide seven residential units and commercial floor space at an increased quantum than what existed previously.
- 10.4 Policy 8 (Character-Led Intensification) seeks opportunities for intensification of development involving housing and employment uses, promoted at appropriate locations. Noting that the application site is located within a Strategic Location, the intensification approach would be classified as transition as determined by local policy. Transition is applicable to sites/ areas where considerable intensification would be justified, resulting in some change in existing character.
- 10.5 Policy 19 (Small Sites) seeks to intensify and re-model areas of existing housing, encouraging innovative approaches to housing delivery. London Plan (2021) Policy H2 'Small Sites' also states that Boroughs should proactively support well-designed new homes on small sites through both planning decisions and plan-making in order to significantly increase the contribution of small sites to meeting London's housing needs.
- 10.6 It should be noted that this proposal is a resubmission of earlier refused application(s) 240081 and 230473. The principle of development for both earlier refusals is still valid for this current submission.
- Residential Principle - As stated within earlier refused application 230473 *'Within Pre-application reference: Pre\_22\_0071, it was noted that: "The construction of new family dwellings and provision of an increase in the amount of commercial floorspace within an area historically hosting mixed use would be in keeping with characteristics of that of the immediate area and hence no objection is raised in this regard." It is noted that the provision of residential accommodation above commercial properties is generally established in the area. Specifically, considering the nature and character of the surrounding area, it is concluded that residential use*

*is acceptable in principle and would result in the net gain of residential accommodation*'. Officers agree with this assessment.

- Commercial Principle - Policy 7 (Encouraging Mixed Use Development) of the Local Plan states that in contributing to the supply of homes, mixed use development proposals will be encouraged across the borough particularly in Strategic Locations. Subsection A of Policy 7 specifies an assessment criterion which must be considered when assessing whether a mixed-use proposal can be practically achieved. Subsection A (ii) states '*Whether the proposed mix of uses would be appropriate in the existing street frontage*', and (viii) states '*The compatibility of the proposed use(s) with existing, proposed and adjoining uses*'. Officers note that the proposed commercial use has only been stated as falling within Use Class E, however, it should be noted that Use Class E has multiple subsections meaning the proposed use could range from anything from a restaurant, retail shop, nursery (this list is not exhaustive). Noting that the existing use class falls within Use Class E this proposal does not relate to a change of use and therefore it would be unreasonable to insert conditions that restrict the interchangeability of the uses within the Use Class. However, if minded for approval it should not be considered unreasonable to insert a condition that protects unreasonable noise spillage into the residential floors (taking into consideration agent of change principles). Therefore, taking these points into consideration, the principle of development has been established with regard to Policy 7, 12 & 19 of the adopted Local Plan (2024).

### **10.11 Urban Design/ Conservation**

The NPPF requires Local Planning Authorities to approve applications for sustainable development. It states that good design is a key aspect of sustainable development; indivisible from good planning; and should contribute positively to making places better for people. In line with this Waltham Forest Local Plan Policies require all new development proposals, including alterations and extensions to existing buildings, to deliver good design.

- 10.12 Policy 53 requires that proposals provide a high-quality design which states inter alia that proposals should reinforce and/or enhance local character and distinctiveness accounting for existing patterns of development, urban form and grain, materials, building typologies, and other features of local significance and that is visually attractive, with architecture and landscaping reflecting its context whilst encouraging innovation and not unduly restricting style, which is equally supported by London Plan (2021) Policy D6.
- 10.13 Officers acknowledge that this proposal is the third submission of the scheme, noting that the proposal has undertaken incremental revisions. Below officers

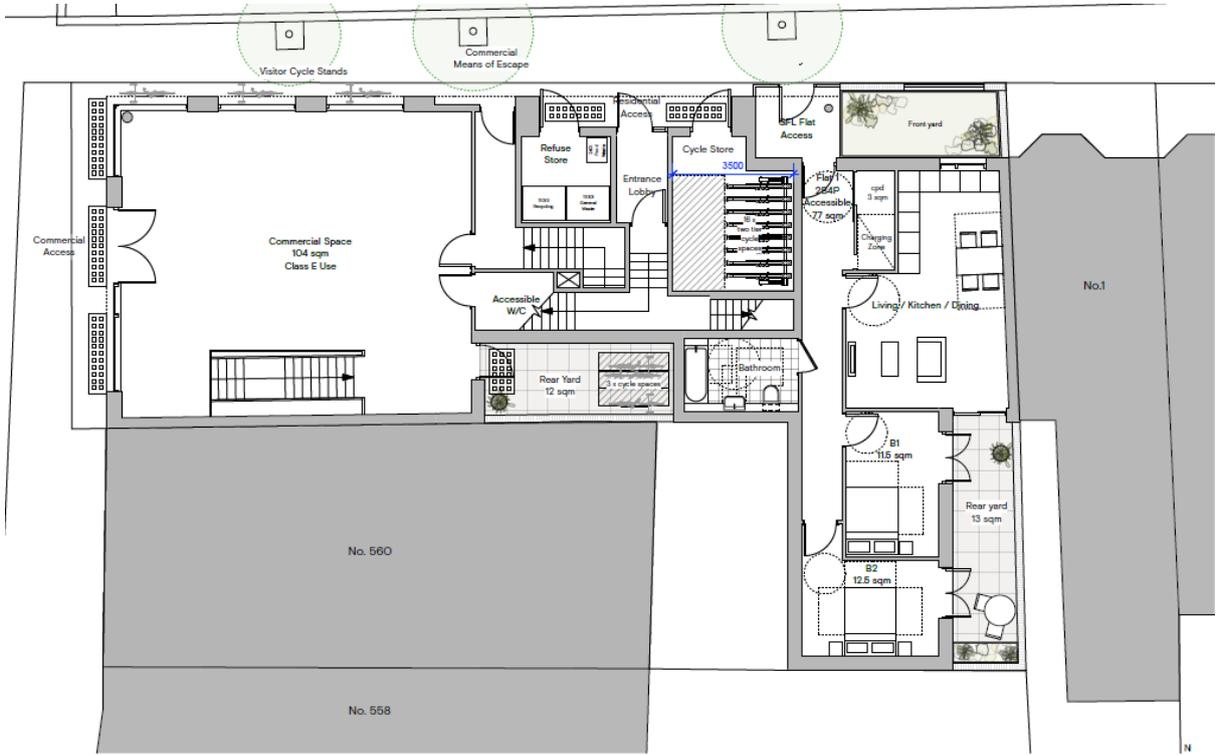
have inserted elevations and floor plans taken from the last refused application and the current submission. The earlier points of refusal will be addressed in turn:

- The proposed development would create a poor standard of accommodation for future occupiers in relation to insufficient internal storage across all flats, insufficient gross internal floor area of second floor flat 5 and the unacceptable provision of two single aspect north facing dwellings (first floor flat 3 and second floor flat 5).
  - All of the units now have sufficient internal storage space, the single aspect north facing nature of some of the earlier dwellings have been removed allowing for all proposed dwellings to have a dual or multiple aspect.
- The proposed external roof terraces, due to insufficient and adequate screening, appropriate set back and its close proximity to the neighbouring property at No. 1 Davies Lane, the proposal would create direct overlooking to the detriment, well-being and impact on privacy of the existing neighbouring occupiers.
  - At first floor level the rear terrace has been slightly reduced in size and setback from the boundary. At second floor level the earlier refused scheme had a large communal terrace spanning 44sq.m. The current scheme incorporates an external terrace for sole use of one flat only measuring 13sq.m and has been setback far from the boundary. At third floor level the earlier scheme included a large terrace. This has been slightly scaled back, it is no longer close to the boundary as the earlier iteration. Officers note that there was an objection regarding overlooking concerns from first floor Flat 4 into the bay window of No. 1 Davies Lane. Due to the location of the terrace, any view point from this terrace would be oblique, meaning there would be no direct views into this habitable space. There would be views into the rear garden of No. 1 Davies Lane from first floor flat 2. This issue can be addressed through adequate screening. Which could be addressed via condition if approved.
- The external communal roof terraces, due to its overall scale and intensification (accessible by occupiers of six flats) and its close proximity to Nos. 1 Davies Lane and 560 High Road Leytonstone, it would have a detrimental impact upon the amenity of adjoining occupiers with respect to increased activity, general noise and disturbance.
  - The communal terrace has been removed and therefore no longer forms part of this proposal.
- The proposed building by reason of its excessive depth, height and close proximity to existing neighbouring windows would have a detrimental impact on the residential amenity of the occupiers at No. 560 High Road

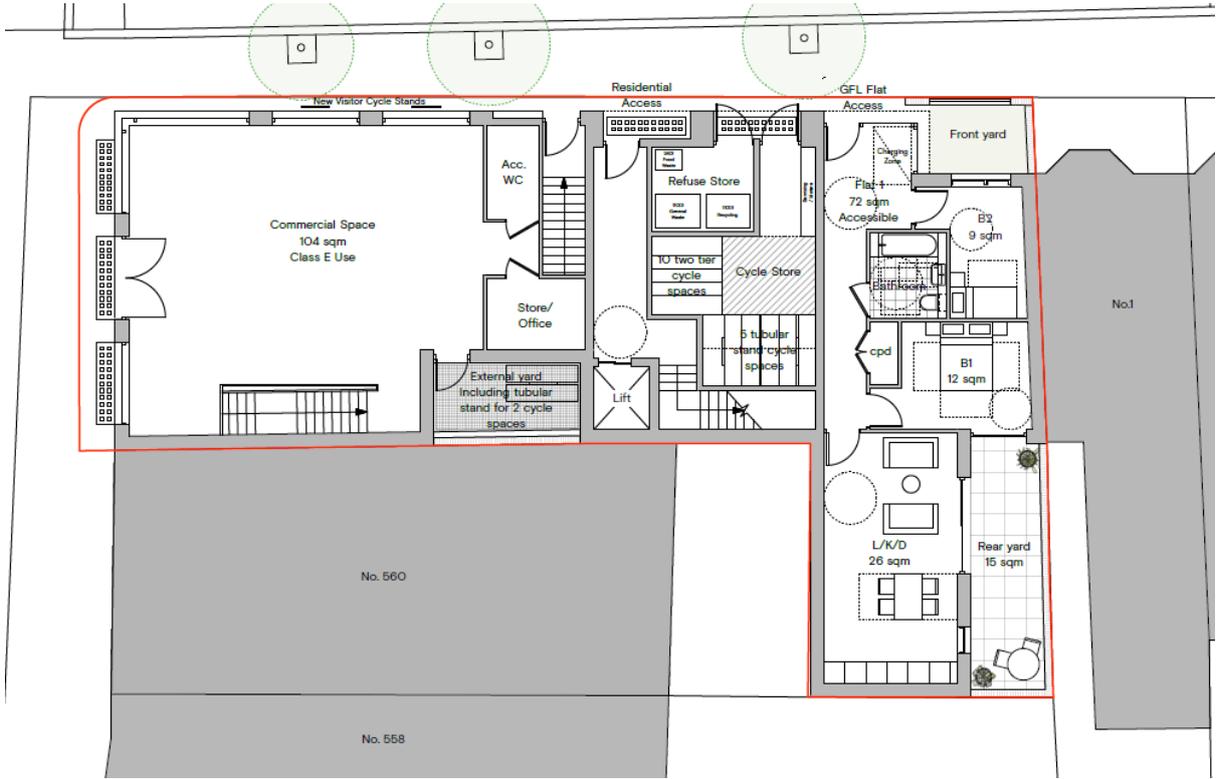
Leytonstone that would result in a significant loss of outlook, poor access to light and create an increased sense of enclosure.

- The width of the building has been reduced, the lift in the previous proposal has been removed and the stair core positioning has been relocated. A further material point of consideration is that the existing first floor commercial space extends to the shared boundary at first floor level with No. 560. This revised proposal would provide some relief to No. 560 in terms of potential shadowing/ impact to natural light.
  
- Due to the close proximity of street trees along the northern elevation (Davies Lane) and insufficient information submitted as part of this application, an adequate assessment could not be made to consider the potential harm of the development and its juxtaposition with the maturing trees particularly its relation to the proposed balconies and windows serving the residential development. As such, increased requirement for arboricultural works has not been taken into consideration
  - Additional supporting information has been provided.. There are street trees close to the application site which will require regular pruning. Given that the trees have an expected life expectancy of 80 years, the Council’s street tree team have provided a cost implication which would be collected as a planning obligation if this proposal is minded for cycle approval.

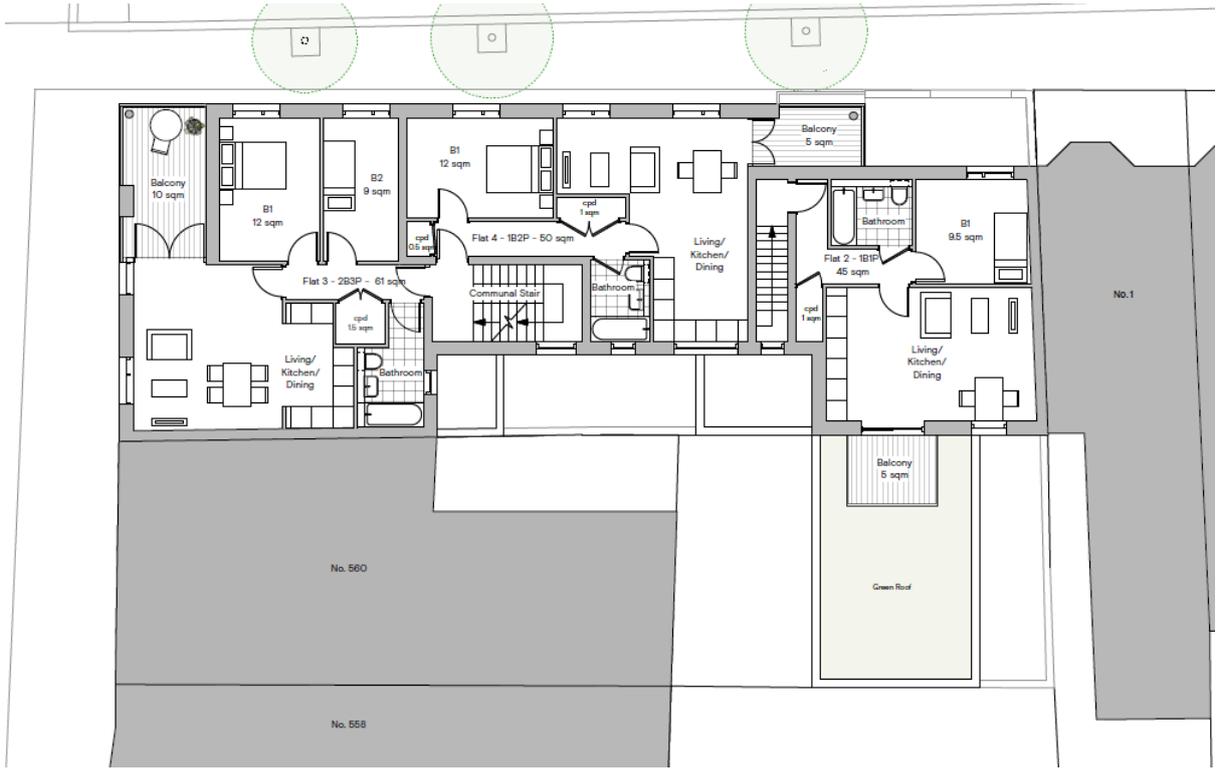
**Proposed Ground Floor Plan**



**Refused application (240081) – Ground Floor Plan**



**Proposed First Floor Plan**



**Refused application (240081) – First Floor Plan**



**Proposed Second Floor Plan**



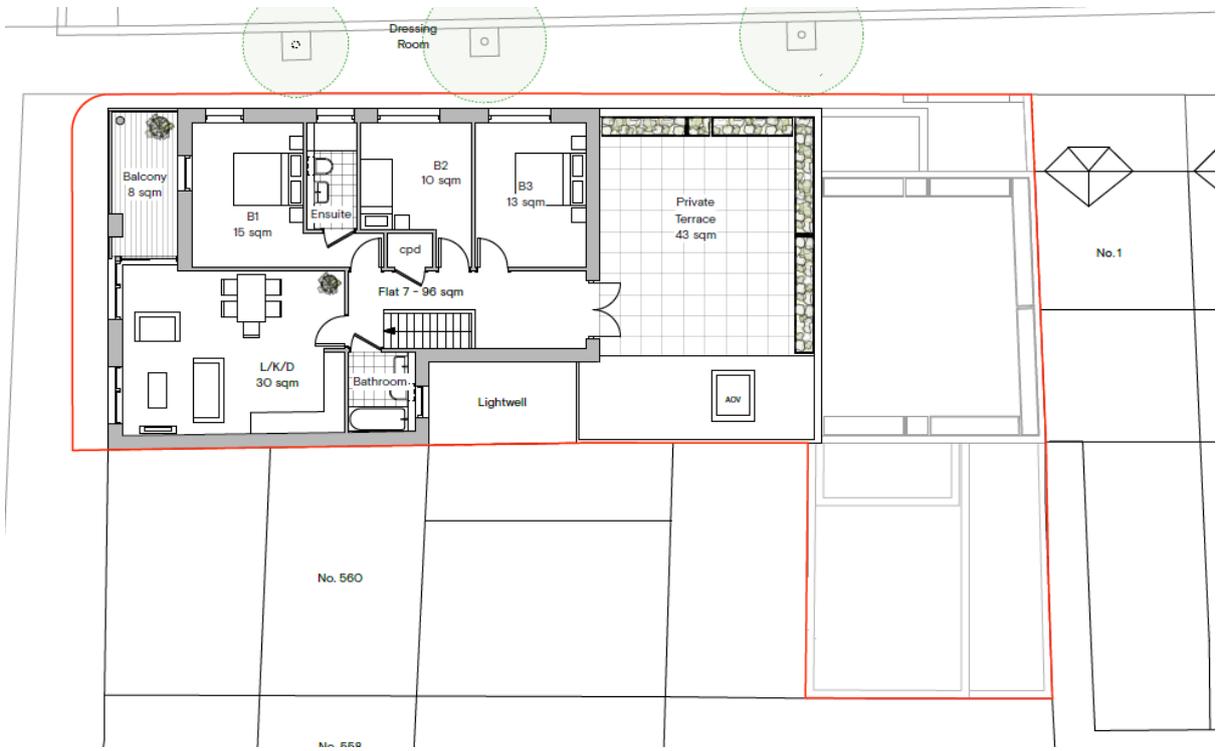
**Refused application (240081) – Second Floor Plan**



**Proposed Third Floor Plan**



Refused application (240081) – Third Floor Plan



**Proposed Front elevation**



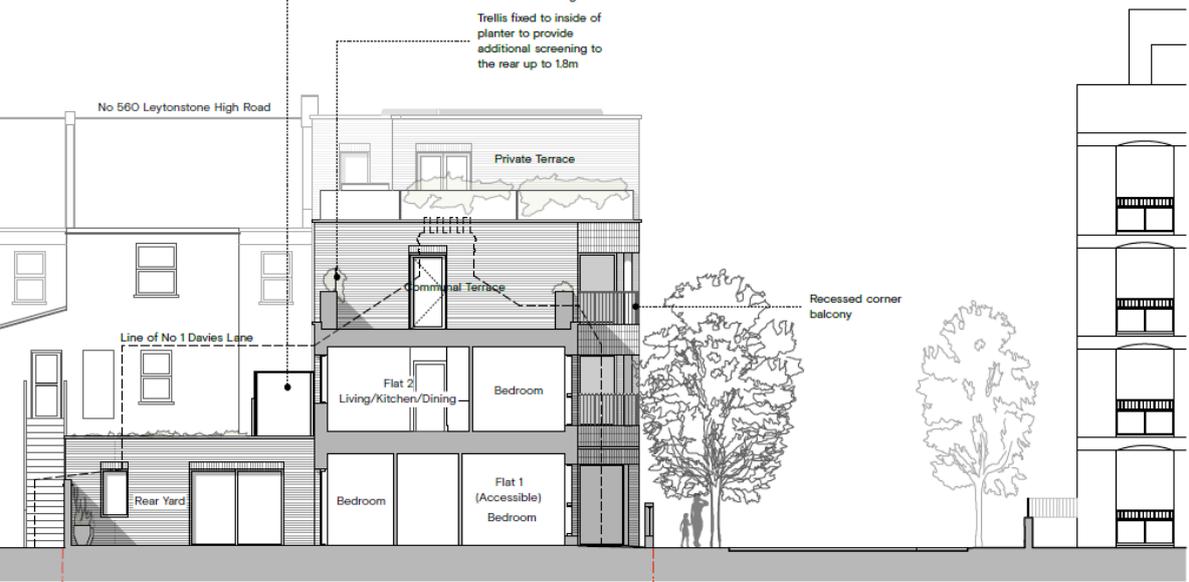
**Refused application (240081) – Front elevation**



**Proposed Rear elevation**



**Refused application (240081) – Proposed Rear elevation**



**Proposed Side elevation**



**Refused application (240081) – Proposed Side elevation**



10.14 As part of the assessment of this proposal the design team were consulted. They provided the following response:

*“The proposal demonstrates a thoughtful response to its prominent High Road location. There have been various iterations to reduce the height, massing and enhance the design of the proposal. The building’s graduated massing from two to four storeys is well-handled, mediating between the varied surrounding built*

*form and ensuring a comfortable relationship with neighbouring properties. The inclusion of a basement level allows for efficient site use without overwhelming the street frontage.*

*The design adopts a contemporary architectural language that complements the evolving character of Leytonstone High Road. The use of high-quality materials, articulated façades, and well-proportioned fenestration contributes to a visually engaging and contextually appropriate elevation. The incorporation of roof terraces and balconies adds depth and rhythm to the building, while enhancing residential amenity.*

*The inclusion of a commercial unit at ground and basement levels (Use Class E) is strongly supported. It reinforces the active frontage along the High Road, contributing to the vibrancy and economic resilience of the local centre. The glazed shopfront and clear delineation between commercial and residential entrances ensure legibility and accessibility.*

*This is a well-designed, sustainable, and contextually sensitive development that makes a positive contribution to the High Road. It balances commercial vitality with residential provision and demonstrates a high standard of architectural quality. The scheme is supported on design grounds, subject to detailed conditions on materials, landscaping, and boundary treatments.”*

- 10.15 As acknowledged above, the adopted Local Plan supports this form of development within strategic locations. Noting that the application site falls within a strategic location this form of development is considered acceptable. Officers acknowledge that there have been several objections to the proposed building being out of character and an overdevelopment of the site. The impact of the earlier proposal upon No. 560 High Road Leytonstone has been resolved by this current scheme by a reduction in width at first, second and third floor levels. Within the streetscene along Davies Lane, the depth of the fourth-floor side elevation has also been reduced. These subtle revisions have provided relief to No. 560 and the proposed building's prominence within the streetscene when viewed from Davies Lane.
- 10.16 It is acknowledged that the bulk and mass of the proposal is consistent with heights of existing buildings close to the application site. Therefore, officers would argue that the architectural typology along this section of High Road Leytonstone is evolving and therefore, if approved, a more contemporary building would not look out of character within the existing surrounding context. When viewed from High Road Leytonstone the height of the proposed building is consistent with the other buildings within the terrace parade. When viewed from Davies Lane, the proposed building gradually steps down from four stories to a two-storey height at the shared boundary with No. 1 Davies Lane. These heights are not considered overly tall and are consistent with the existing built form, Officers are therefore satisfied with the scale and level of development in

this location, as it would satisfy Policy 8 of the Local Plan, which allows for higher densities where applicable.

- 10.17 The application site is located within an Archaeological Priority Zone, as such Historic England were consulted as part of the assessment of this proposal. They provided the following comment "*The development could cause harm to archaeological remains and therefore a field evaluation is required to determine appropriate mitigation. This requirement can be managed by condition post decision*".
- 10.18 Taking all points into consideration, officers are satisfied that earlier points of contention have been satisfied, the proposal is consistent with the aims and objectives of Policies 8 and 53 of the Local Plan.

#### 10.19 **Housing Mix**

Policy 15, subsection B of the Local Plan states 'A diverse range of housing will be supported by allowing variations to the dwelling size mix where it can be fully justified based on the tenures and type of housing proposed, site location, area characteristics, design constraints, scheme viability; and where shared ownership is proposed, the ability of potential occupiers to afford the homes proposed'. Policy H10 of the London Plan states one- and two-bedroom units are generally more appropriate in mixed-use locations or in areas with higher transport access and connectivity.

- 10.20 The most recent Strategic Housing Market Assessment (SHMA) which was published in 2019 found that the boroughs housing requirements were 31% 2 beds, 27% 1 beds and 28% 3 beds and 12% 4 beds. The application is proposing a dwelling mix at market rate, as such the policy consideration would be 20% 1 bed; 50% 2 bed and 30% 3 bed plus. The proposed unit mix of 2 x 3-bed, 2 x 2-bed and 3 x 1-bed is considered acceptable in this instance, as the proposal site is located within proximity to Leytonstone District Town Centre and has a high PTAL rating of 6a meaning the site is located close to a high level of sustainable methods of public transportation.
- 10.21 As such, taking all points into consideration, the proposed dwelling mix is considered acceptable in relation to the aims and objectives of Local Plan Policy 15 and London Plan Policy H10.

#### 10.22 **Living Conditions - Future Occupiers**

Internal space standards - Policy 53 of the Local Plan states that all new residential units will be required to be of high quality and exemplar design. To ensure that good quality homes are built, and to create a suitable and sustainable living environment, Policy 56 of the Local Plan, Policy D6 of the London Plan and the Technical Housing Standards – nationally described space standard (2015) set out the required minimum space standards.

### 10.23 *Internal ceiling height*

Paragraph 10 of the Technical housing standards states that any area with a headroom of less than 1.5m is not counted within the gross internal area (GIA) unless used solely for storage, and the minimum floor to ceiling height should be 2.3m for at least 75% of GIA. Policy D6 of the London Plan has a similar ethos, albeit a minimum floor-to-ceiling height of 2.5m.

All the units meet this required minimum standard

### 10.24 *Unit Size*

The proposed development is designed to the London Plan, Housing Design Standards LPG and Nationally Described Space Standards. This includes relevant guidance on storage, room widths, and relevant seating length. A detailed explanation of this is set out in the Design and Access Statement. Officers acknowledge that all proposed residential units meet and exceed the requirements of these standards

### 10.25 *Unit Layout*

Policy 56 of the Adopted Local Plan requires that the provision of dual aspect units should be maximised and the provision of single aspect units avoided where possible. In this case there are no single aspect units, all have been designed as at least dual aspect.

10.26 This is an appropriate design solution given the constraints of this site, that provides high quality living accommodation whilst having regard to the guidelines set out in the Housing Design Standards London Plan Guidance. The internal layouts are otherwise acceptable in principle, benefitting from appropriate functional layouts and appropriate natural light.

### 10.27 *Amenity Space*

Policy 56 of the Waltham Forest Local Plan LP1 (2024) seeks a minimum of 50 sqm of private external amenity space for all houses, and a minimum of 10 sqm of external amenity space for all flats, increasing by 1 sqm for each additional resident in homes containing three or more bedrooms. As with the adopted standards, external amenity space for flats can be private or communal, provided that an individual flat has an element of private external amenity space measuring at least 5 square metres in size and achieve a minimum depth and width of 1.5 metres.

10.28 All proposed flats have private amenity space more than 1.5 m width, with two flats having 5sq.m and the remaining 5 flats exceeding this standard. In each case this is a good quality space with acceptable levels of natural light and reasonable outlook. The proposal complies with relevant planning policies in this respect.

Unit	Proposed external amenity space
------	---------------------------------

1	13sq.m
2	5sq.m
3	10sq.m
4	5sq.m
5	10sq.m
6	13sq.m
7	41sq.m

#### 10.29 *Outlook and Privacy*

Each habitable room within the 7 proposed residential units are served by adequately sized windows that provide sufficient outlook to ensure a good living environment for future occupiers.

10.30 The scheme has been sensitively designed to ensure adequate privacy for future occupants and there are no unreasonable overlooking considerations to the other flats within the proposed development or adjacent properties.

10.31 Taking all points into consideration, the proposed units satisfy the requirements of minimum space standards. Therefore, officers are satisfied that the scheme is consistent with the aims and objectives of Policies 53 and 56 of the Local Plan.

#### 10.32 **Living Conditions - neighbouring amenity**

Policy 57, subsection A states, 'New development should respect the amenity of existing and future occupiers, neighbours and the surrounding area by 'Avoiding harmful impacts from overlooking, enclosure and/or the loss of privacy, outlook and daylight/sunlight'.

10.33 The London Plan (2021) Policy D6, notes that the design of development should considers impacts upon neighbouring buildings and their surroundings when considering the development of taller buildings in terms of wind, daylight, sunlight penetration and temperature conditions around building(s) and neighbourhoods must be carefully considered so development does not compromise comfort and the enjoyment of open spaces and around buildings.

#### 10.34 **No.1 Davies Lane**

As stated earlier, there are concerns that the terrace of first floor Flat 2 does have views of No. 1 Davies Lane. However, this can be alleviated by 1.8m high natural screening at the side(s) of the terrace. Noting the shallow and setback nature of the terrace officers consider any further privacy concerns akin to views from a first-floor window. Due to the urban environment, there will be some views into adjacent gardens. However, this is not considered unreasonable to warrant a reason for refusal.

10.35 At ground floor level Flat 1 would have a 13sq.m garden space and at first floor level Flat 2 would have a 5sq.m external terrace area. Officers do not consider

that the combined occupancy would be above and beyond that of other 3/4 bed terrace properties within the terrace. Noting that the ground floor flat has a 13sq.m external terrace area and the first floor 5sq.m, it is not considered that the space would be viable to have any large-scale gatherings. Therefore, officers accept that none of the proposed external amenity spaces would unreasonably impact the adjacent occupiers in relation to noise disturbance to warrant a reason for refusal (the second and third floor external amenity spaces are set back a generous distance from the boundary. As such, there should not be any unreasonable amenity impacts pertaining to overlooking that would warrant a reason for refusal).

**10.36 No. 560 High Road Leytonstone**

The previous refused application, 240081, was proposing to be built up to the shared boundary with No. 560. The top first floor plan is the current scheme and the bottom is the earlier refused scheme. As such there is some relief in terms of the proximity of the proposal to the adjacent occupiers at first and second floor levels at No. 560.

- 10.37 The Daylight and Sunlight Assessment identifies some reductions below BRE guidance; however, key context is material. At No. 560, the primary window (Window 1) remains above minimum standards, meaning the studio would remain adequately lit despite impacts to a secondary window. Although Window 5 (a primary window) falls below guidance, officers note GLA advice that lower VSC levels may be acceptable in dense inner-city contexts.
- 10.38 Given the site's designation for taller, higher-density development and applying a balanced approach under paragraph 130(a) of the NPPF (2024), the identified daylight reductions are considered acceptable, with the housing benefits outweighing the harm



10.39 The proposal is considered acceptable regarding Policies 56 and 57 of the adopted Local Plan.

#### 10.40 **Accessibility**

Part C of Policy 16 (Accessible and Adaptable Housing) states '*Developments will be expected to provide high quality, accessible homes by (a) Requiring all new-build self-contained homes to be accessible and adaptable in line with Building Regulation M4(2)*'.

10.41 Paragraph 3.7.7 of the London Plan states '*in exceptional circumstances the provision of a lift to dwelling entrances may not be achievable. In the following circumstances and only in blocks of four storeys or less it may be necessary to apply some flexibility in the application of this policy regarding small infill developments*'. It is acknowledged that this site is heavily constrained. The earlier refused proposal incorporated a lift into the design, however, this introduced other harmful concerns. As such, configuring the development to have step free access throughout would heavily impact the internal layout to

some of the upper floor flats. However, the flats 2-7 would be M4(2) compliant and flat 1 would be M4(3) compliant.

10.42 Part D of Policy 16 states 'Developments will be expected to provide a minimum of 10% of self-contained new homes to be suitable for wheelchair user or easily adapted for occupation by a wheelchair user in accordance with building regs'. Noting that Flat 1 would be fully M4(3) compliant the scheme ensures that new housing is accessible to all and adaptable to the changing needs of future residents

10.43 The scheme is considered acceptable in relation to Policy 16 of the Local Plan.

#### 10.44 **Trees and Local Biodiversity (Biodiversity Net Gain)**

Policy 79, subsection A of the Local Plan states 'Proposals should seek to protect and enhance biodiversity and geodiversity resources in the borough and achieve biodiversity net gain by maximising opportunities to create new, or make improvements to existing natural environments, nature conservation areas, habitats or biodiversity features and links into the wider green infrastructure network'. Policy 77, subsection D (iii) 'All development proposals should enhance the value of existing open spaces by Increasing biodiversity value'

#### 10.45 **Biodiversity and Ecology**

The applicant has claimed a de minimis exemption in relation to mandatory BNG required under the Environment Act 2021. The reason given is:

- **No existing habitat**

10.46 From the submitted information and a desktop study of the site using aerial imagery, the above statement is accepted.

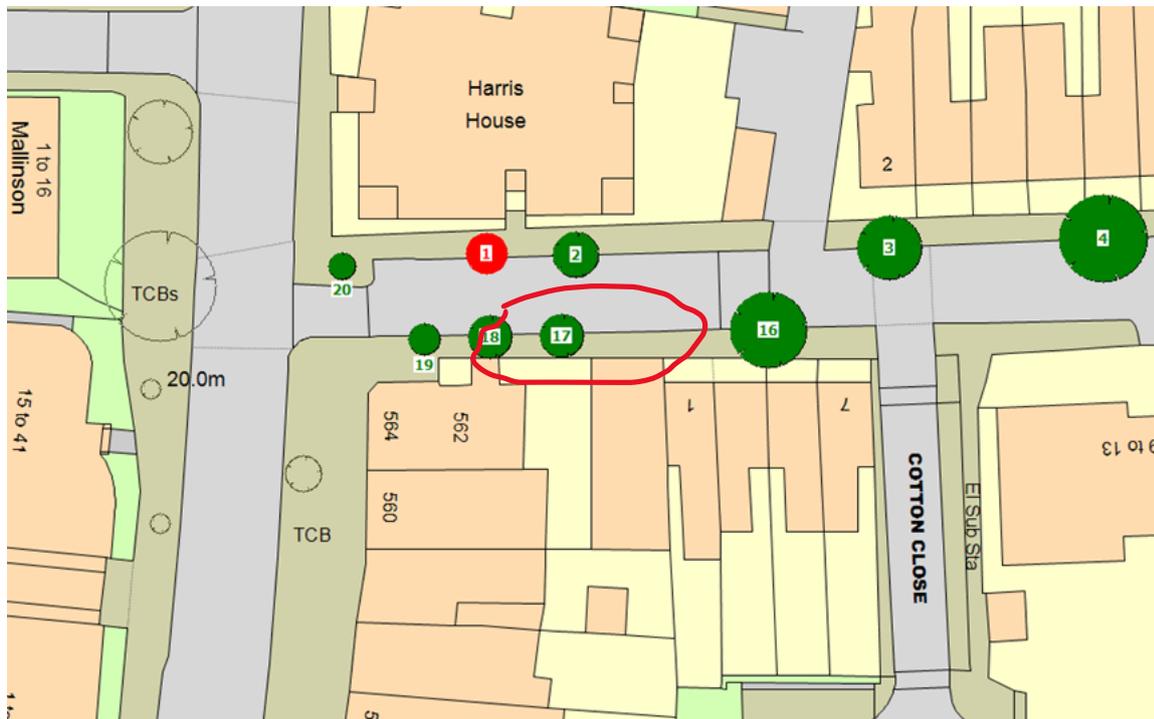
10.47 However, in line with Policy 79 of the local plan, proportional biodiversity enhancements should be incorporated in development proposals. These enhancements should include biodiverse planting as part of the soft landscaping for the proposed site, and habitat provision for wildlife.

#### 10.48 **Trees**

The presence of adjacent street trees (indicated on the below plan numbered 17, 18 and 19) and the potential issues that may result from the proposed juxtaposition of the building form has been highlighted in the submitted Design and Access Statement as one of the reasons for a refusal of a previous proposal to redevelop the site.

10.49 The proposed building line would be brought forward from the existing, the result of which would be poorer juxtaposition between the building and the adjacent street trees. This is likely to lead to an increased frequency in pruning of the trees, and a reduction of their value in ecoservices terms. The street tree

team have provided a costing for regular pruning. If approved, this payment would be captured as a planning obligation.



#### 10.50 Urban Greening

Urban greening for this scheme consists primarily as green roofs provided across various levels, with the applicant stating 82.00sqm green roof would be installed. The uppermost roof is shown as a brown roof with p.v. panels.

There is minimal planting at ground level and the scheme provides no benefits, either actual or visual, for the wider public realm. There is mention of planting within planters on the proposed terraces, but no detail is provided at this stage.

10.51 The inclusion of green roofs could be beneficial in biodiversity terms, though their specialist installation and long-term maintenance is crucial for their success. Green roofs must be properly irrigated and maintained to ensure they thrive and, importantly, do not become a fire risk. It is noted that the proposal states the blue roofs will be incorporated in the scheme to act as a component of SuDS. The combination of green/blue roofs can assist in irrigation, though more detail on that aspect is required, as is confirmation of long-term management, including safe access for maintenance operatives. It is also noted that Policy 79 (D) of the Local Plan states that *'Proposals should seek to protect and enhance biodiversity and geodiversity resources in the borough and achieve biodiversity net gain by demonstrating a minimum 10% biodiversity net gain using the Defra Biodiversity Metric 2.0 (or subsequent version), even where development proposals do not result in biodiversity loss'*

10.52 The urban greening created under the proposal should be designed by a suitably qualified soft landscape designer, resulting in multi-functional green spaces across the scheme providing benefits in terms of year-round amenity,

Climate Change mitigation, SUDs, air quality and biodiversity. A diverse palette of plants to provide all year-round flowering and interest with a matrix of layers and heights should be incorporated into the scheme. This should be achieved through the selection of suitable tree species, climbing plants, shrubs, herbaceous perennials, and bulbs. The positioning of the selected trees and plants should take account of the juxtaposition of built structures and of future growth in order to mitigate any potential conflict arising.

- 10.53 Green roofs should be designed, installed and maintained by specialist green roof companies to ensure they are adequately maintained for the lifetime of the development.
- 10.54 The use of raised planters should be kept to a minimum and used only where significant constraints (such as utilities) require it. In the interests of a more sustainable and resilient approach, soft landscaping at ground level should be planted within connected planting beds with sufficient soil volume to encourage a natural, biodiverse growing medium.
- 10.56 The use of artificial grass is unacceptable in urban greening terms and should be avoided.
- 10.57 The inclusion of habitat provision across the site, included as part of the built fabric and as part of the soft landscaping, is encouraged and should include habitat bricks/boxes for bats, birds and invertebrates.
- 10.58 Taking all points into consideration, the proposal is considered acceptable regarding Policy 77 and 79 of the adopted Local Plan.

10.59 **Epping Forest Special Area of Conservation and Appropriate Assessment**

A shadow Habitats Regulation Assessment was prepared by the applicant dealing with the impacts of the proposal on the Epping Forest Special Area of Conservation ("SAC"). This has informed the 'appropriate assessment' under the Habitats Regulations 2017 which forms this part of the report.

- 10.60 The qualifying features of the Epping Forest SAC from which its special interest is derived are Atlantic acidophilous beech forests; European dry heaths and Northern Atlantic wet heaths; and the qualifying species are the stag beetle. The Conservation objectives are to ensure the integrity of the site is maintained or restored.
- 10.61 Potential likely significant effects are identified as arising from additional recreational pressure (additional population accessing the SAC for recreational purposes), and urbanising effects, specifically cat predation, fires and fly tipping. Other ways in which the development would have a likely significant effect on the SAC is through construction dust, and visual impact, specifically due to artificial light.
- 10.62 In this case the development is outside the boundary of the SAC and its immediate buffer zone but within the 6.2-kilometre Zone of Influence. It is

around 0.6 km from the SAC. The separation distance is such that there are no pathways for impacts of construction and site-specific urbanisation to result in impacts on the SAC. The intensified residential use of the site will however result in increasing recreational pressure on the Epping Forest.

- 10.63 Mitigation for this can be achieved through a financial contribution to a Strategic Access Management and Monitoring Strategy which sets out a fully costed set of measures to be delivered in the forest itself, ranging from interventions like repairing and improving paths and trackways to protect the special interest of the SAC. A financial contribution of £3,900.00 (£650 per unit) is required for this purpose. This is in accordance with the methodology set out in the Epping Forest Strategic Access Management and Maintenance (SAMM) Strategy.
- 10.64 Secondly, the Council has developed a strategy for Sustainable Alternative Natural Greenspaces which provide alternative locations for recreation and leisure to the Epping Forest SAC, thus reducing recreational pressure on it. Based on the methodology set out in the emerging strategy, it is anticipated that the new homes proposed would result in a potential visitor uplift. The proposed SANGs that this site falls within the catchment of would mitigate the potential recreational impacts on Epping Forest SAC. This would be funded via Community Infrastructure Levy.
- 10.65 Consequently, as a result of the avoidance and mitigation measures set out above, the proposed development would not result in any adverse impact on the integrity of the Epping Forest Special Area of Conservation. The proposal is acceptable in this respect and there is no conflict with the requirements of the Habitats Regulations.

#### 10.66 **Climate change and sustainability**

Sustainability of buildings is an important factor in mitigating climate change and requires proposals to be designed to high feasible environmental standards. Policy 87 of the Local Plan states 'The design, construction and operation of all new development should clearly demonstrate how they integrate sustainable design standards'.

#### 10.67 Energy efficiency

Policy SI2 of the London Plan requires all residential development to achieve 10 per cent reduction in carbon emissions, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the Borough.

- 10.68 Policy 85 of the Local Plan states that 'All new build development of more than one home must achieve a minimum of 35% reduction below Part L of the Building Regulations on-site, targeting net zero carbon where possible....10% reduction below Part L of the Building Regulations for residential development'.

10.69 The LPA's sustainability officer was consulted on states the following *"the overall carbon saving target is met with 65.33% appropriate heat pump and PV renewables are proposed. However, the 10% be lean requirement is not met with 9.33%, the fabric specifications are reasonable but there is sufficient room for improvement to achieve 10%. Currently the expected carbon offset payment would be £7422 however this could reduce slightly if the above is addressed"*. It should be noted that the residential units would be fitted with exhaust air source heat pumps which are more suitable for flatted developments as they take up less space and do not require external units

#### 10.70 Water

Policy SI5 of the London Plan requires all development proposals to achieve a mains water consumption of 105 litres or less per head per day, a BREEAM excellent standard for commercial development as well as incorporate measures such as smart metering, water saving and recycling measures. Retrofitting would also help to achieve lower water consumption rates and to maximise futureproofing. Policy 89 of the Local Plan has a similar ethos in terms of water efficiency.

10.71 Should the application be recommended for approval, water saving measures could be secured by condition.

#### 10.72 Sustainable Urban Drainage Systems (SUDS)

Policy 91 requires new development to contribute towards climate change adaptation and mitigate surface water runoff by incorporating SUDS design elements. To ensure off-site discharge rates meet greenfield runoff rates, it is expected development follow the drainage hierarchy set out in the London Plan utilising SUDS.

10.73 Should the application be recommended for approval, the requirement for a SUDS plan would be secured by condition.

#### 10.74 **Waste Management**

Policy 57 states that new development should respect the amenity of existing and future occupiers, neighbours and the surrounding area by providing sufficient facilities for the storage, collection and disposal of refuse, considering the level and type of provision, its location, and any negative impacts it may have on visual amenity, access, health and security. Policy 93 states Sustainable management of waste will be achieved by ensuring that new development, provides accessible, adequate and well-designed internal and external storage facilities for residual waste and recycling. Policy SI7 of the London Plan has a similar ethos.

10.75 Refuse did not form part of the reasons for refusal of the earlier scheme and is in the same location for this current proposal. The residential refuse storage is located on access to the building and has its own access door, allowing for 1100L x 2 General Waste & Recycling bulk containers and 1 x 240L bulk food

waste bin. In terms of the commercial refuse, as the needs would be dependent on the type of business that would occupy the commercial space, it would be difficult to determine if the requirements are feasible at this point. Therefore, if minded for approval it should not be considered unreasonable if a pre occupation delivery and servicing plan was inserted into any decision to cover this requirement.

10.76 Therefore, taking these points into consideration officers are satisfied that the proposal is consistent with both policy 57 and 93 of the Local Plan.

#### 10.77 **Highways, Traffic Management and Parking**

Policy 60 of the Local Plan states that the Council will actively encourage sustainable travel and developments should not have a harmful impact on the walking and cycling environment. The application location is located within an area with a PTAL rating of 5, noting that there are 5 buses that service this location and with Leytonstone underground/ overground station(s) within a reasonable walking distance.

10.78 An Outline Construction Logistics Plan was received at the point of submission, and its contents have been agreed by the Highway Authority. The purpose of this document is to minimise the impact of construction logistics on the road network for all new residential and commercial development in the borough which should enable efficient and sustainable servicing and delivery of goods, waste and servicing activity to and from sites. The received Outline CLP acknowledges that Davies Lane is a school street and therefore the servicing of the site for deliveries has been restricted to no deliveries prior to 9:15am (Weekdays and Saturdays). No deliveries after 14:45 on weekdays and 13:00 on Saturdays. No deliveries on Sundays or Bank Holidays. The Outline CLP has also been accompanied with a swept path analysis. This illustrates the types of vehicles used in the servicing of the site and how they would access and turn within Davies Lane.

10.79 It is acknowledged that the information received is a preliminary document, if development is approved further detailed information would be required to assess the impacts of development on the public highway in accordance with Policy 65 of the Local Plan.

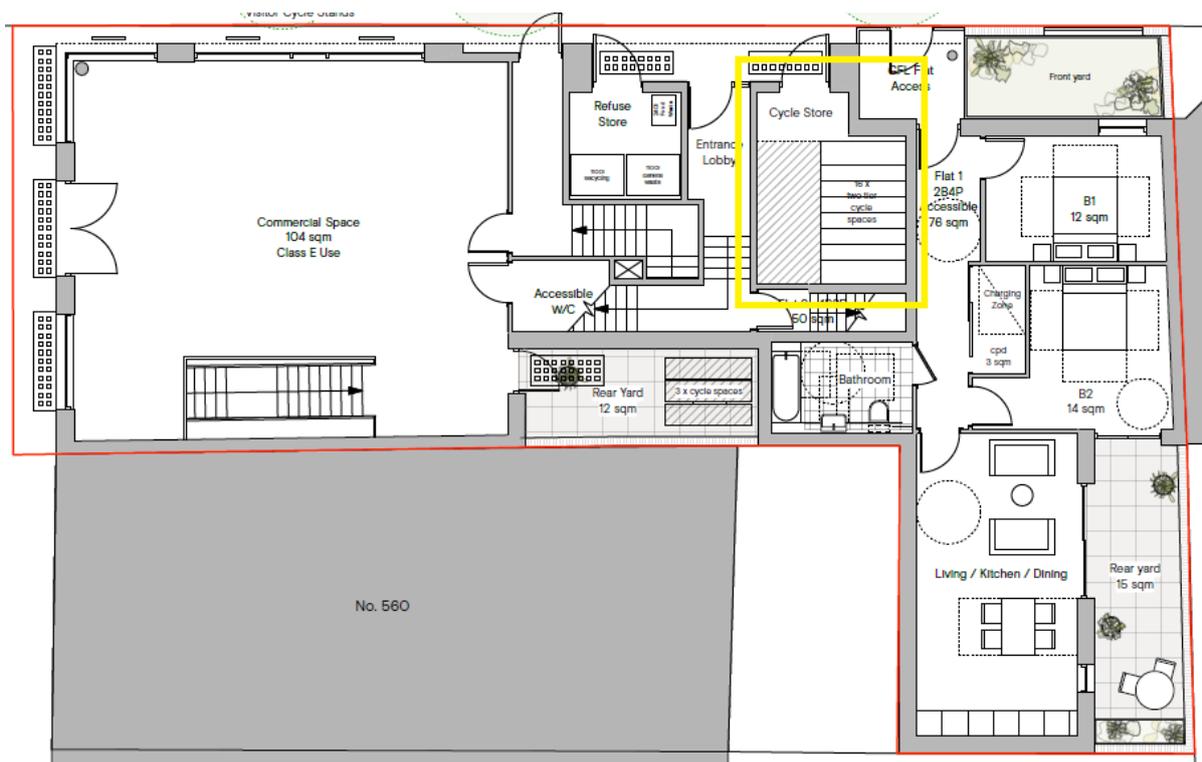
#### 10.80 Car Parking

Policy T6 of the London Plan and Appendix 1 - Parking Standards of the Local Plan states that the Council would seek to effectively manage parking by encouraging car-free and car-capped development in locations where there is an existing controlled parking zone excluding Blue Badge holders. As the application site falls within a controlled parking zone, the new units would be classified as car-free with future residents not being entitled to on-street parking permits. If minded for approval permission would be subject to a Section 106 Agreement ensuring occupiers are not provided residential parking permits for the area.

10.81 A Section 106 Agreement to provide sufficient mitigation against any potential car parking pressure generated by the proposal would be required with any approval. It is also acknowledged that there is a car club space within Davies Lane. Therefore, any future car sharing scheme could have a vehicle parked within this location which could benefit the residential occupiers. The proposal is therefore consistent with the aims and objectives of Policy 60 of the Local Plan.

### 10.82 Cycle Parking

The Local Plan states that cycle parking for new developments should be 1.5 cycle parking spaces per 1 bedroom dwelling, 2 spaces per 2 bedroom dwelling, 3 spaces per all other dwellings. Accordingly, the proposal would be required to provide a minimum of 15 spaces (6 for the three bed units, 4 for the two bed units and 4.5 for the one bed units). The proposed ground floor plan illustrates adequate provision for secure cycle storage internally within the proposed building for 16 bicycles (etched in yellow below). The commercial unit has space for 3 secure bicycle stores within the rear court yard. There will also be temporary spaces within the front courtyard.



### 10.83 Other Highways Matters

A highway condition survey is required prior to the commencement of any works to show the condition of the footway and carriageway on. The condition survey should cover the site frontage and 20m on both sides including any area on the

public highway identified for loading/offloading. The condition survey must include a site plan showing the location of where the photographs were taken on the public highway. This will be required to ensure that if the public highway is damaged as a result of the construction works this would be reinstated by the Council and funded by the developer.

10.84 The Highways Team have set out the following requirements for the proposed development -

1. Prior to commencement of the development the applicant shall enter a S278 Agreement with the Highway Authority to fund highway works including, but not limited to:
  - a) Renewal of the footway, kerbing and road markings along the frontage of the site on High Road Leytonstone and Davies Lane.
  - b) Removal of the existing crossover on Davies Lane and renewal of the footway and kerbing.
  - c) Removal of the existing double yellow line on Davies Lane and extension of the CPZ parking bays including a traffic management order.
  - d) Installation of a dropped kerb within 15 metres of the bin store - A dropped kerb is required on Davies Lane to facilitate refuse collection.
  - e) Placing of bollards on the forecourt on High Road Leytonstone (requirement to be confirmed during S278 process) - The site frontage on High Road Leytonstone is susceptible to informal vehicle access or parking. The bollards are required to safeguard pedestrian movement and prevent vehicles from driving over the public footpath. This intervention would help maintain the integrity of the footway, protect public realm improvements, and ensure compliance with highway safety standards.
  - f) Possible use of permeable material around the trees on Davies Lane.
2. A S106 contribution of £750 is requested towards CLP monitoring.
3. The residential units must be classified as car-free with future residents not entitled to parking permits.
4. A S106 contribution of £6,000 is requested toward improving sustainable modes of transport including walking and cycling in the site's vicinity which will directly benefit users of this development.

#### 10.85 **Contamination**

Policy 90 states that to manage contaminated land and prevent the spread of contamination (A) Site investigation and desk-based research should be undertaken, and a Preliminary Risk Assessment (PRA) should be submitted with all planning applications in line with current guidance for new developments proposed on contaminated or potentially contaminated land (B) New development must address the impacts of contaminated land on on/off-site sensitive receptors through proportionate action(s) during the construction phase (C) Development that has the potential to contaminate land, or which is situated in close proximity to Groundwater Source Protection Zones (SPZs) or

other sensitive receptors must include mitigation measures to prevent any adverse impacts on people and the environment, and to monitor any impacts where appropriate.

10.86 The environmental health team were consulted as part of this proposal, although they have no issue with the scheme there are concerns of potential contamination. Therefore, if minded for approval they have requested conditions relating to asbestos and contamination. As such, the scheme is considered consistent with the aims and objectives of Policy 90.

#### 10.87 **Making Places Safer and Designing Out Crime**

Policy 58 states that *‘To improve community safety and cohesion the Council will work with partners to minimise opportunities for criminal behaviour by requiring all forms of new development to incorporate Designing out Crime and Secured by Design principles’*. As part of the assessment of this scheme the Metropolitan Police were consulted and they note “Overall the scheme has considered SBD principles via the separation of the residential and commercial and by using SBD approved products. The site could achieve SBD Certification if required so there is no objection”. As such they have not requested any pre commencement conditions. As such, the scheme is considered acceptable in relation to Policy 58 of the Local Plan.

#### 10.88 **Planning obligations**

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.

10.89 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) Highways and Transportation:**

1. Prior to commencement of the development the applicant shall enter into a S278 Agreement with the Highway Authority to fund highway works including, but not limited to:
  - a) Renewal of the footway, kerbing and road markings along the frontage of the site on High Road Leytonstone and Davies Lane.
  - b) Removal of the existing crossover on Davies Lane and renewal of the footway and kerbing.
  - c) Removal of the existing double yellow line on Davies and extension of the CPZ parking bays including a traffic management order.
  - d) Installation of a dropped kerb within 15 metres of the bin store.

- e) Placing of bollards on the forecourt on High Road Leytonstone (requirement to be confirmed during S278 process).
  - f) Possible use of permeable material around the trees on Davies Lane.
2. A S106 contribution of £750 is requested towards CLP monitoring.
  3. The residential units must be classified as car-free with future residents not entitled to parking permits.
  4. A S106 contribution of £6,000 is requested toward improving sustainable modes of transport including walking and cycling in the site's vicinity which will directly benefit users of this development.

#### **B) SAMMS:**

- SAMMS - A financial contribution of £3,900.00 towards Strategic Access Management and Monitoring measures (SAMMS).

#### **C) Carbon offset:**

- Carbon Offset Fund (COF) contributions will be required for any shortfall in emission reductions, calculated to be £7422.

#### **D) Street Trees Maintenance:**

- Maintenance of 3 street trees on a 3 yearly cycle for their 80 life expectancy @ £81.83 per tree, including 20% is for inspections, assessments, admin time
  - $80\text{years}/3 = 27$  pruning cycles
  - General prune, cut back from property **£81.81 x 3 = £245.43**
  - $£245.43 \times 27 = \mathbf{£6626.61} + 20\% = \mathbf{£7881.83}$

#### **E) Legal Fees:**

- i) Payment of the Council's legal fees for the preparation and completion of the Legal Agreement.
- ii) Monitoring Fee - A financial contribution towards the implementation and monitoring of and securing compliance with the S106, equal to 5% of the total of all other financial contributions.

### **11. CONCLUSION**

- 11.1 The detailed assessment in the previous sections of this report demonstrate that the proposal complies with the LPA's development plan policies together with other guidance and strategies. It has been acknowledged that there were enough objections to warrant this scheme being referred to the planning committee. However, officers are of the opinion that the report has addressed all concerns. Taking into account the regeneration benefits offered by the development and its contribution to the wider area, it is considered that the scheme is acceptable.

### **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.
  - d) The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 12.2 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered and may be balance against other relevant factors.
- 12.3 It is considered that the recommendation to approve permission in this case would not have a disproportionately adverse impact on a protected characteristic.

### Human Rights

- 12.4 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.
- 12.5 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 RECOMMENDATIONS**

- 13.1 The Planning Committee is requested to resolve that planning permission be granted subject to a s.106 agreement and the following conditions and informatives.

**CONDITIONS AND REASONS:**

**Time:**

1. The development hereby permitted shall begin no later than the expiration of three years from the date of this permission.

**Reason:** to comply with the provisions of section 91(1)(a) of The Town and Country Planning Act 1990 (as amended).

**Plans and Documents:**

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

- **Plan numbered:** 1055.117 **Dated** 19/02/2026
- **Plan numbered:** 1055.102 Rev H, 1055.103 Rev G, 1055.111 Rev F, 1055.112 Rev G, 1055.114 Rev F **Dated:** 18/02/2026
- **Plan numbered:** 1055.100 Rev B **Dated:** 08/09/2025
- **Plan(s) numbered:** 1055.002 Rev B, 1055.003 Rev A, 1055.101 Rev F, 1055.104E Rev E, 1055.105 Rev F, 1055.106 Rev D, 1055.113Rev E, 1055.115 Rev D, 1055.116 Rev C **Dated:** 29/08/2025
- **Plan numbered:** 1055.001 Rev B **Dated:** 28/08/2025
- **Plan(s) numbered:** 1055.000, 1055.111 Rev A, 1055.112 Rev A, 1055.013 Rev A **Dated:** 20/02/2023
- **Document(s) titled:** Design and Access Statement (January 2026), Outline CLP Rev C (January 2026), Stage 1 & 2 Basement Impact Assessment (14/04/2023), River and coastal flooding (06/04/2023), Appendix 1 – Figures (13/04/2023), Energy Strategy Statement Rev 1 (28/08/2025), Recreational Pressure Habitat Regulation Assessment (undated), Daylight, Sunlight & Overshadowing Assessment Rev 1 (28/08/2025), Arboricultural Impact Assessment. Method Statement & Tree Protection Plan (December 2023), Planning Statement (September 2025), Planning Fire Safety Strategy (13/03/2024)

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

**Design:**

3. Prior to the commencement of development, excluding site investigation and clearance works, demolition and construction to slab level, a schedule of materials to be used in the construction of all external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the development

**Reason:** To ensure a satisfactory appearance in accordance with Policy 53 of the adopted Waltham Forest Local Plan Part 1 (2024).

4. Prior to the commencement of development, excluding site investigation and clearance works, demolition and construction to slab level, details relating to the siting, design and height and finish of all new walls, gates, fencing, railings, privacy screens and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out solely in accordance with the approved details, prior to the first occupation of the use hereby approved and thereafter shall be fully retained and maintained accordingly for the lifetime of the development.

**Reason:** In the interest of general visual amenity, and amenity of neighbouring occupants, in accordance with Policies 53 and 57 of the adopted Waltham Forest Local Plan Part 1 (2024).

5. Prior to the commencement of development, excluding site investigation and clearance works, demolition and construction to slab level, design details relating to the residential entrances including entry control system, display of postal numbers and position of letter box facility shall be submitted to and agreed in writing by the Local Planning Authority. The agreed measures shall be fully implemented prior to the first occupation of the development and thereafter maintained.

**Reason:** To ensure safety and security of the site users, in accordance with Policy 58 of the adopted Waltham Forest Local Plan Part 1 (2024).

6. Prior to the commencement of development, excluding site investigation and clearance works, demolition and construction to slab level and construction of foundations, full details of all forms of external lighting to be provided on site shall be submitted to the Local Planning Authority. The development shall be fully completed in accordance with the agreed details prior to the initial occupation of the site.

**Reason:** Insufficient details have been provided as part of the planning application and in the interest of security and sustainable development in accordance with Policy 58 of the adopted Waltham Forest Local Plan Part 1 (2024).

7. All window reveals on the external brick walls of the development hereby permitted shall be set in 115mm (minimum) from the external face of the building and thereafter retained as such.

**Reason:** In the interest of visual amenity in accordance with Policy 53 of the adopted Waltham Forest Local Plan Part 1 (2024).

8. Prior to first occupation, the development shall achieve a Certificate of Compliance to the relevant Secure by Design Guide(s) or alternatively achieve Crime Prevention Standards submitted to and approved in writing by the Local Planning Authority in conjunction with the Metropolitan Police. The development shall be carried out in accordance with the approved details and

thereafter shall be fully retained and maintained as such for the lifetime of the development.

**Reason:** In the interest of security and sustainable development, in compliance with Policies 53 and 58 of the adopted Waltham Forest Local Plan Part 1 (2024).

### **Landscaping**

9. Prior to the commencement of development on site excluding site investigation and clearance works, demolition and construction to slab level, details of all hard and soft landscaping to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of species, sizes and densities of the proposed plants, specification of any proposed green roofs/ living walls, along with the requirement to demonstrate any permeable areas. The development shall be carried out solely in accordance with the approved details and all approved planting shall be carried out in the first planting season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedges, shrubs, and greenspaces forming part of the approved scheme which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced with others of similar size and species.

**Reason:** To ensure a satisfactory appearance and in the interest of local amenity and biodiversity in accordance with Policies G1, G5 and G6 of London Plan (2021), Policies 53, 77, 79 and 80 of the adopted Waltham Forest Local Plan LP1 (2024).

10. Prior to the first occupation of the residential units, a Landscape Management Plan, which demonstrates how the soft landscaping proposal will be successfully implemented and maintained in the long term, details to include planting methods and maintenance schedules with reference to the relevant British Standards and horticultural and arboricultural best practice guidance shall be submitted to and approved in writing by the Local Planning Authority. The approved Landscape Management Plan shall be implemented prior to the first occupation of the development hereby approved and thereafter maintained for the lifetime of the development.

**Reason:** To ensure the well-being of the trees and in the interest of biodiversity, in accordance with Policies G1, G5 and G6 of London Plan (2021), Policies 53, 77, 79 and 80 of the adopted Waltham Forest Local Plan LP1 (2024).

11. Prior to the commencement of development, excluding site investigation and clearance works, demolition and construction to slab level, details of ecological enhancement measures (the number and type of habitat bricks and boxes proposed for birds, bats and invertebrates and details of the permeability of site boundaries for ground based wildlife and sensitive lighting) and associated pre-works precautionary method statement and location plan to identify areas of enhancement on site shall be submitted to and approved in writing by the local planning authority. The measures shall be installed prior to the first occupation

of the development hereby approved and shall thereafter be maintained in accordance with the approved details in perpetuity.

**Reason:** In the interest of local amenity and biodiversity in accordance with Policies G1, G5 and G6 of London Plan (2021), Policies 53, 77 and 79 of the adopted Waltham Forest Local Plan LP1 (2024).

**Highways:**

12. Prior to the commencement of any development involving basement excavation or construction adjacent to the public highway, an Approval in Principle (AIP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The AIP shall set out the design parameters, design standards, and methods of working to be adopted for the works, in accordance with Clause 1.1 of CG300 (Technical Approval of Highway Structures). The development shall thereafter be carried out in full accordance with the approved AIP.
- Information on the type, construction method and dimensions of the proposed basement structure.
  - Information on type, construction method, position and extent of any temporary works required to enable construction of permanent works.

The approved Basement AIP shall be fully implemented, and the implemented measures shall thereafter be retained and maintained as such for the lifetime of the development.

**Reason:** In the interest of pedestrian and highway safety, to comply with Policies 50, 57 and 61 of the adopted Waltham Forest Local Plan Part 1 (2024).

13. No development shall take place until a detailed Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the local planning authority. The Construction and Logistics Plan must be submitted using the CLOCS template and guidance found here: <https://www.walthamforest.gov.uk/parking-roads-and-travel/roads-and-pavements/highways-advice-developers/construction-logistics>. The logistics plan shall include details of site access, journey planning, access routes, hours of deliveries, temporary traffic arrangements or restrictions, site operation times, loading and unloading locations and material storage. All works shall be carried out in accordance with the approved details and the Construction and Logistics Plan should be implemented throughout all demolition and construction works.

**Reason:** To ensure considerate construction and to protect the amenities of the nearby residents to ensure that disruption is kept to a minimum and does not affect highway traffic flows to comply with Policies 50, 57, 63, 65, 87 and 89 of the adopted Waltham Forest Local Plan Part 1 (2024).

14. Prior to the commencement of any development on the site including demolition and site clearance, a specification for a highway site condition survey to assess

the condition of highway before and after construction works shall be submitted to and approved in writing by the local planning authority. The condition survey specification must align with the guidance found here:

<https://www.walthamforest.gov.uk/parking-roads-and-travel/roads-and-pavements/highways-advice-developers/photographic-condition-surveys>

The highway condition survey shall then be carried out in accordance with the approved timescales contained within the approved specification and it shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied.

**Reason:** To ensure considerate construction and to protect the amenities of the nearby residents to ensure that disruption is kept to a minimum and does not affect highway traffic flows to comply with Policies 50, 57, 63, 65, 87 and 89 of the adopted Waltham Forest Local Plan Part 1 (2024).

15. Prior to the commencement of the development, excluding site investigation and clearance works, demolition and construction to slab level, a boundary treatment plan that includes the specification, materials, existing back of path levels and proposed threshold levels shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interest of general visual amenity, and amenity of neighbouring occupants, in accordance with Policies 53 and 57 of the adopted Waltham Forest Local Plan Part 1 (2024).

16. Prior to the commencement of the development, excluding site investigation, clearance works and demolition a SuDS Management and Maintenance Plan with supporting calculations must be provided and agreed by Highways:

**Reason:** To prevent the increased risk of flooding, both on and off-site to ensure that adequate drainage facilities are provided in accordance with Policies 89 and 91 of the adopted Waltham Forest Local Plan Part 1 (2024).

**Sustainability:**

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

18. Prior to first occupation of the use hereby approved, a report demonstrating how the scheme reduces the carbon dioxide emissions of the development by at least 35% compared to the 2021 Building Regulations shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall reference the measures set out in the Energy Statement accompanying the planning application but shall explain what measures have been implemented in the construction of the development. The development and energy efficiency measures shall thereafter be retained.

**Reason:** In the interests of the sustainability and energy efficiency of the development and to meet the requirements of policy SI 2 of the London Plan and Policy 85 of the London Borough of Waltham Forest Local Plan.

**Environmental Health:**

19. 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, and (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)

20. No development shall take place whatsoever, until full details of the proposed mitigation measures for impact on air quality and dust emissions, in the form of an Air Quality and Dust Management Plan (AQDMP), have been submitted to and approved in writing by the local planning authority. In preparing the AQMDP the applicant should follow the recommendations outlined in the AQ assessment submitted with the application. If the development is located in or near an air quality focus area the applicant should follow the guidance on mitigation measures for Medium Risk and include automatic dust monitoring as a minimum.

**Reason:** To manage and mitigate the impact of the development on the air quality and dust emissions in the area and London as a whole, and to avoid irreversible and unacceptable damage to the environment, in accordance with Policy 88 of the adopted Waltham Forest Local Plan 2024.

21. **A)** No development shall take place whatsoever until the developer submits evidence that either the site building(s) were built post 2000 or provide an intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 supported by appropriate an appropriate mitigation scheme to control

risks to future occupiers. The scheme must be written by a suitably qualified person and submitted to the Local Planning Authority (LPA) for approval, before commencement. The scheme as submitted shall demonstrably identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed use.

**B)** The scheme of mitigation shall be independently verified to the satisfaction of the LPA prior to occupation.

**Reason:** To ensure the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 90 of the Waltham Forest Local Plan Part 1 (2024).

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

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

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

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

D) 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). In the event that additional significant contamination is found at any time when carrying out the approved development it must be reported immediately to the LPA. For the avoidance of doubt, this condition can be discharged on a section-by-section basis.

**Reason:** To ensure the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 90 of the Waltham Forest Local Plan Part 1 (2024)

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

**Reason:** To ensure that air quality is not adversely affected during the construction phase of the development, in line with Policy 88 of Waltham Forest Plan and London Plan Policy SI.

24. Noise from the ground floor and basement commercial uses shall not cause the background sound level (LA90,5min) measured at or within noise-sensitive rooms of the upper-floor flats (with windows closed) to exceed the pre-commencement baseline LA90,5min at any time.

The baseline shall be established by an Acoustic Report submitted to and approved in writing by the Local Planning Authority prior to first use.

This requirement shall apply for the lifetime of the development.

**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).

**Housing:**

25. Notwithstanding the approved drawings, the development hereby permitted shall have the following mix of accommodation and shall be retained as such for the lifetime of the development:

- 2 x 3-bedroom self-contained residential units.
- 2 x 2-bedroom self-contained residential units.
- 3 x 1-bedroom self-contained residential units.

**Reason:** In the interest of the creation of mixed and balanced communities in accordance with Policy 15 of the adopted Waltham Forest Local Plan Part 1 (2024).

**Accessibility:**

26. 1 x 2 bedroom residential unit shall be built to The Building Regulations (2010) Access to and use of Buildings, Approved Document M (2015 as amended), Volume 1: Dwellings, M4 (3): Accessible and adaptable dwellings.

2 x 3 bedroom, 1 x 2 bedroom, 3 x 1 bedroom residential units shall be built to The Building Regulations (2010) Access to and use of Buildings, Approved Document M (2015 as amended), Volume 1: Dwellings, M4 (2): Accessible and adaptable dwellings.

**Reason:** To provide accessible residential units which can be adapted to residents' changing needs throughout their lifetime in accordance with Policy 16 and 53 of the adopted Waltham Forest Local Plan Part 1 (2024).

**Commercial:**

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

**Reason:** To ensure that adequate arrangements are made for the storage and collection of refuse and recycling and to comply with Policies 57 and 93 of the adopted Waltham Forest Local Plan Part 1 (2024).

28. No external shutters shall be installed to the frontages of the ground floor commercial unit, without the prior written approval of the Local Planning Authority.

**Reason:** In the interest of visual amenity of the building and its setting in the streetscene, in accordance with Policy 53 of the adopted Waltham Forest Local Plan Part 1 (2024).

29. The commercial unit entrance doors shall have a minimum opening clearance of 1000mm and level thresholds.

**Reason:** To ensure that the site provides access for all, in accordance with Policy 45 of the adopted Waltham Forest Local Plan Part 1 (2024).

**Archaeology:**

30. a) No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

b) If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

- Where appropriate, details of a programme for delivering related positive public benefits.
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be approved until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

**Reason:** to safeguard the archaeological interest on this site. Approval of the WSI before works begin on site provides clarity on what investigations are required, and their timing in relation to the development programme.

**Piling:**

31. No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) and piling layout plan including all Thames Water wastewater assets, the local topography and clearance between the face of the pile to the face of a pipe has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement and piling layout plan.

**Reason:** The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

**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 work 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. 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.
7. 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.
8. 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](mailto:CIL@walthamforest.gov.uk). The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window. Further information and all CIL forms are available on the Planning Portal at [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) and the Waltham Forest Council website at [walthamforest.gov.uk/content/community-infrastructure-levy](http://walthamforest.gov.uk/content/community-infrastructure-levy). Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at [planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/](http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/). Note: The Mayoral CIL Charging Schedule (MCIL1) (adopted 2012) will be superseded by MCIL2 Charging Schedule; and will take effect from 1 April 2019. The London Borough of Waltham Forest has been moved from Band 3 to Band 2, increasing the MCIL2 rate from £20 to £60 per sq m (excluding indexation).

9. 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\\_GjCywjvf2WqyzcZjmRt8](https://protect-eu.mimecast.com/s/U_GjCywjvf2WqyzcZjmRt8). 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.
10. 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>.
11. 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.
12. Written schemes of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
13. 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.
14. 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.
15. **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.

16. The applicant must ensure that they have read the Thames Water 'working near our assets' guide to ensure that your workings will be in line with the necessary processes that you must follow if you are considering working above or near Thames Water pipes or other structures <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) or write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.
17. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
18. 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.