

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 11 th January 2022
Application reference:	211664
Applicant:	CES Estates Limited
Location:	Mistral Court, 85 Chingford Avenue, Chingford, London, E4 6RQ
Proposed development:	Construction of an additional floor above existing three storey residential block to form three additional self-contained flats (2x1-bed and 1x2-bed) (Use Class C3). Provision of refuse/recycling storage, two additional car parking spaces, bicycle parking and landscaping (amended description).
Wards affected:	Endlebury
Appendices:	None

RECOMMENDATION

1.1 Recommendation to GRANT planning permission subject to conditions and completion of a Section 106 Agreement with the following Heads of Terms:

- £3000 requested toward improving sustainable modes of transport including walking and cycling in the site's vicinity which will directly benefit new residents in this development.

Legal Fees:

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

1.2 That authority to be given to the Assistant Director of Development Management and Building Control in consultation with the Council's Legal Services for the sealing of the Section 106 Agreement and to agree any minor amendments to the conditions or the Section 106 Agreement on the terms set out above.

1.3 In the event that the Section 106 Agreement is not completed within 12 weeks following the date of Planning Committee, the Assistant Director of Development Management and Building Control is hereby authorised to refuse the application, if appropriate. In the absence of this Section 106 Agreement, the proposed development would not be

able to deliver the residential development on the site. The implication of this happening is that the opportunity for securing the additional housing would be lost. Additionally, financial, and non-financial contributions would be lost towards transport related matters which must be secured by the Section 106 Agreement.

2 REASONS REFERRED TO COMMITTEE

- 2.1 There is significant public interest in the application, triggering the threshold of objections to an application requiring presentation to the planning committee.

3 SITE AND SURROUNDINGS:

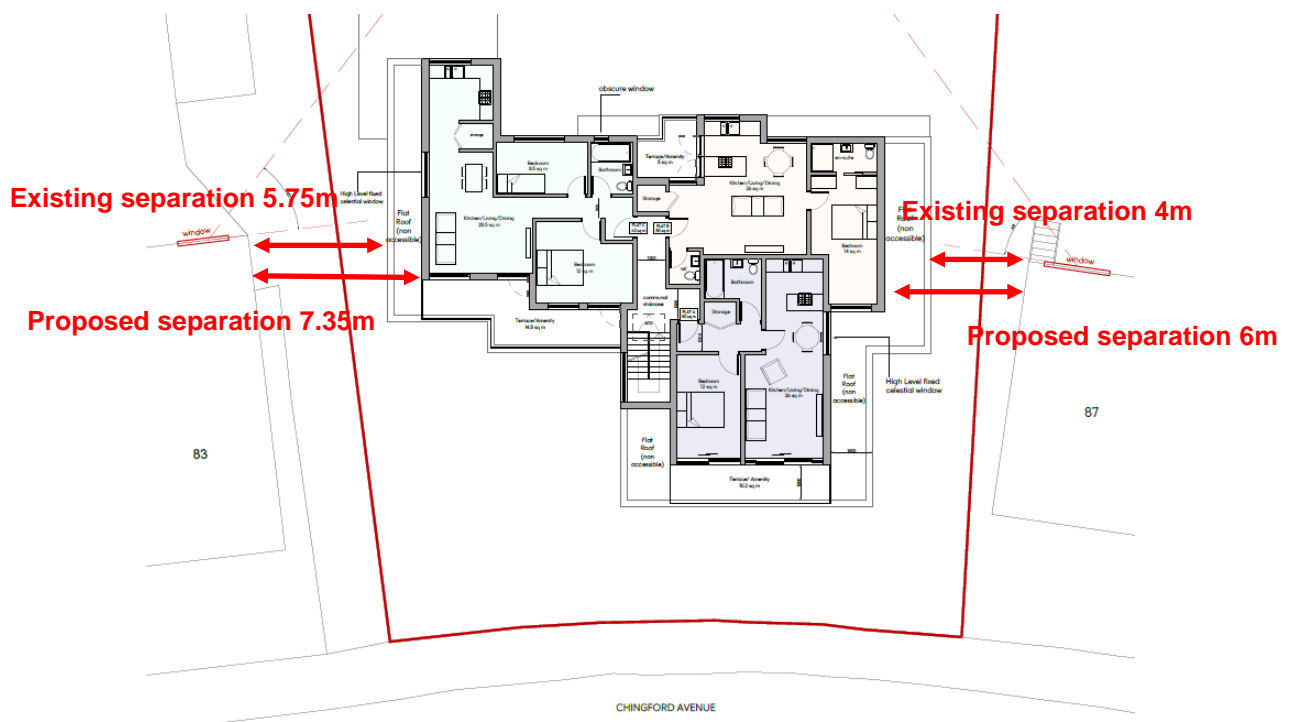
- 3.1 The application site relates to a flatted development situated on the southern side of Chingford Avenue, comprising of 11 self-contained flats (3x1 bedroom, 6x2 bedroom and 2x3bedroom) together with associated parking and landscaping towards the rear.
- 3.2 The property stands at three storeys high from the street elevation, whilst towards the rear the land slopes down and incorporates a row of garages at lower ground level appearing at four stories from the rear.
- 3.3 The surrounding area is predominantly residential however the form and type of the residential accommodation varies along the road. To the east of the site on this portion of Chingford Avenue there are several flatted developments, whilst to the north east there is an established character of semi-detached two-storey family homes.
- 3.4 To the west, including immediately adjacent to the site, the height of the properties drops to single-storey level with bungalows detached and semi-detached the prevailing character. Many of the properties in the area have been extended by virtue of single-storey rear extensions and dormer roof extensions. Chingford Mount Cemetery is sited immediately to the south of the site.
- 3.5 The site is not located within a Conservation Area; is not subject to an Article 4 Direction and no listed buildings are found within the vicinity.
- 3.6 The site is not situated within a controlled parking zone (CPZ) and falls within a PTAL 1b which is defined to be of very poor public transport accessibility with Chingford Station (the nearest overground station) situated a 27-minute walk from the site.

4. PROPOSAL:

- 4.1 The application seeks the construction of an additional storey to the existing three-storey development, to facilitate the provision of three additional self-contained units in the form of 2 x 1-bedroom 2 persons units and 1 x 2-bedroom 3 persons unit.
- 4.2 The proposed additional storey would incorporate various setbacks from all edges of the development, with some of this space being utilised to provide private amenity space for the future residents of the

additional units, enclosed by clear glazed screening. The existing parapet would be raised by 0.8m to facilitate the additional storey.

- 4.3 The proposed additional floor would have a flat roof, finished in a grey zinc cladding, whilst it would have a sedum roof installed above. The existing elevations would be refurbished, and elements of fascia replaced with zinc cladding. External windows and doors would have dark grey aluminium frame.
- 4.4 In addition, the proposal would provide a sheltered, lockable, cycle store sited towards the rear garden that would allow storage of up to 20 cycles for the occupiers of the total development and is designed with a sedum roof.
- 4.5 New refuse stores would be provided to the flank of the site, to the area of the existing stores housing an additional 1x1100 ltr general waste bin and 1x1100 ltr recycling bin.
- 4.6 Two additional vehicle parking spaces would be provided towards the rear of the site.
- 4.7 The communal garden to the rear of the site would be enhanced as part of the development, with planting, seating and paving details submitted as part of the proposal.



5. RELEVANT SITE HISTORY:

5.1 A) Planning:

Reference: 1963/0021A

Description: Erection of 2 x 3-bedroom, 6 x 2 bedroom and 3 x 1-bedroom flats and 11 garages

Permission: Granted (04/09/1963)

Reference: 202998

Description: Prior approval for the construction of a roof extension on a detached block of flats to create a third and fourth floor providing 2 x 1 bedroom, 4 x 2 bedroom and 2 x 1-bedroom self-contained flats (Class C3).

Permission: Refused (15/12/2020)

5.2 Application ref.202998 was refused as a result of insufficient information being submitted to fully assess the proposal against the relevant legislation whilst the design of the development was as a result of its insufficient setbacks considered to result in unacceptable harm to the neighbouring occupiers.

5.3 B) Enforcement:

There are no enforcement investigations associated with this site.

5.4 C) Adjacent Sites:

No relevant planning history.

5.5 D) Pre-Application:

Reference: 191849

Description: Construction of an additional storey

6. PUBLIC CONSULTATION:

6.1 The Council sent out consultation letters to local residents surrounding the site on the 5th August 2021.

- 81 (All), 83, 85 (All), 87-96 (All), 98-108 (Even) Chingford Avenue

6.2 The application was also advertised via a site notice dated 17th September 2021.

6.3 The Council received a total of six letters of objection from the public consultation. The objections and responses to the objections are outlined within the table below.

Objection Received	LPA Response
<p>Loss of privacy due to overlooking</p> <p>Loss of light and overshadowing</p> <p>Balcony to Flat C will overlook towards No.83 Chingford Avenue, and the east flank of this terrace should have high obscure glazing to avoid such overlooking.</p>	<p>The proposed development would, owing to its setbacks together with the context of the existing property, not be considered to give result in any significant additional amenity impact over and above the existing context to the neighbouring occupiers. These matters are discussed further in section 9E of the report.</p>
<p>Insufficient parking within the grounds and proposal would increase parking stress.</p> <p>The proposed parking would take space away where existing parking is found, and therefore there would be no net gain in parking provision. Parking space 1 would take away from existing soft landscaping. The addition of the refuse and cycle stores would result in the loss of space that could be utilised for informal parking and access. Parking space to the front would be in front of a window and cause noise impact.</p> <p>The parking and refuse improvements should not only seek to cater to the additional units but for the total development, and therefore the proposed parking provision would be insufficient.</p>	<p>The parking to dwellings ratio of the proposed parking and proposed dwelling is considered acceptable and would not be considered to give rise to any significant parking stress to warrant a reason for refusal. Furthermore, refuse/recycling and cycle storage would be provided for the existing and proposed development.</p> <p>These matters are discussed further in section 9F of the report.</p>
<p>Impact of construction traffic to build the development and noise etc</p> <p>Damage to local pavements and boundary lines during construction should be reinstated.</p>	<p>Any grant of permission would be subject to a condition survey to ensure that where any damage to the public highway is remade at the cost of the applicant.</p> <p>A detailed CLP would be secured by planning condition in an aim to reduce the impact of construction vehicles on the highway network.</p>
<p>No obvious site notice placed at the site.</p>	<p>New site notices were displayed at the site dated 17/09/2021.</p>
<p>The building is showing signs of cracking and have the foundations been checked to see if they could handle the extra weight of the additional floor. Building work is to be</p>	<p>Any works would be subject to Building Control inspection and would be covered by separate legislation.</p>

Objection Received	LPA Response
completed above residents' garages, these roofs need to be checked for structural defects.	
The loss of garden space is not in the best interest of the residents who use this garden a lot. The landscaping outlined would not improve the current green space only reduce it.	<p>The overall soft landscaping on site would result in a biodiversity net gain and whilst there would be some loss to the overall communal amenity provision, the quality of this space would be enhanced as a result of the development. Furthermore, the site benefits from ample communal amenity space and the proposed loss would not make the development contrary to planning policy on amenity provision.</p> <p>These matters are discussed further in section 9E of the report.</p>
What are the plans to improve the existing common areas and to what cost to the leaseholders. The proposal does not consider the extensive requirements of the stairwell which is currently in disrepair.	This is not a material planning consideration.
Multiple errors in the supporting statements of the submission for example inconsistencies with the housing mix, the reference to Chingford Avenue being a bus route which it is not (it is a hail and ride service).	The supporting statements aim to provide additional information to support the assessment of the scheme. Notwithstanding an independent assessment is made on all planning matters, and the officer has concluded a full assessment of the proposal.
Local trees form an essential part of the area and no detail has been provided in respect of the landscaping proposed. The existing trees should be subject to a protection plan during construction and maintenance incorporated for their long-term health.	Further soft landscaping detail has been provided following the receipt of this objection. The soft landscaping details in principle appear acceptable and further detail will be secured by condition. These matters are discussed further in section 9G of the report.
Does the cladding meet current fire safety requirements	The London Fire Brigade have reviewed the submitted drawings and raise no objection to the development. Any permission would be subject to a condition requiring details of the materials proposed

Objection Received	LPA Response
	to be submitted in writing to the Council where the fire safety standard of the product can be reviewed. Furthermore, an additional condition is proposed to ensure the development accords with Part B5 of the Building Regulations which covers Fire Safety.

6.4 The following internal and external consultees were consulted.

Consultees	Response	Officer Response
Designing Out Crime (Metropolitan Police)	No information on security measures for the existing building provided. Given the date of the building there are inherent issues and difficulty for the building to achieve SBD.	Given the date of the existing build, and the nature of the development which only seeks to develop to the airspace, it is considered the requirements needed to make the site to be SBD compliant would not be reasonable to request as part of this development.
Environmental Health	No representation received.	No comment.
Highways Development	Representation received. Recommend the removal of proposed parking on site in line with Draft Local Plan policy standards. Recommend the inclusion of highway related conditions. Request financial contributions of £250 towards CLP monitoring and £3000 towards improving sustainable modes of transport.	Officers have agreed the financial contributions in principle with the applicant and the highway conditions raise no concerns. The proposed parking provision given the absence of a CPZ and the poor PTAL location is considered acceptable on balance.
London Fire Brigade	Raise no objection to the development.	No comment.
Sustainability and Energy Efficiency	No representation received.	No comment.

Thames Water	Raise no objection to the scheme subject to conditions in relation to drainage and Thames Water assets.	Officers agree with the inclusion of recommended conditions.
Transport Policy	No representation received.	No comment.
Waste Strategy	No representation received.	No comment.

7 DEVELOPMENT PLAN POLICIES

7.1 The policies considered relevant to this application are as follows:

National Planning Policy Framework (2021)

- 7.2 The National Planning Policy Framework was revised on 20 July 2021 and sets out the government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as at the heart of the framework.
- 7.3 This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018, and updated in February 2019 and July 2021.
- 7.4 For decision-taking the NPPF states that the presumption means "approving development proposals that accord with an up-to-date development plan without delay" and where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless "...any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".
- 7.5 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'
- 7.6 The specific policy areas of the NPPF considered to be most relevant to the assessment of this application are as follows:
- Achieving sustainable development
 - Delivering a sufficient supply of homes
 - Building a strong, competitive economy
 - Promoting healthy and safe communities
 - Promoting sustainable transport
 - Making effective use of land
 - Achieving well-designed places

Meeting the challenge of climate change, flooding, and coastal change

Conserving and enhancing the natural environment

2021 London Plan

- 7.7 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. The 2021 London Plan supersedes the 2016 London Plan, which no longer has any effect.
- 7.8 The relevant policies within the London Plan 2021 are:
- GG1 Building strong and inclusive communities
 - GG2 Making best use of land
 - GG3 Creating a healthy city
 - GG4 Delivering the homes Londoners need
 - GG6 Increasing efficiency and resilience
 - D1 London's form, character, and capacity for growth
 - D3 Optimising site capacity through the design-led approach
 - D4 Delivering good design
 - D5 Inclusive design
 - D6 Housing quality and standards
 - D7 Accessible housing
 - D12 Fire safety
 - D14 Noise
 - H1 Increasing housing supply
 - H2 Small sites
 - H10 Housing size mix
 - G1 Green infrastructure
 - G5 Urban greening
 - SI 2 Minimising greenhouse gas emissions
 - S1 13 Sustainable drainage
 - T4 Assessing and mitigating transport impacts
 - T5 Cycling
 - T6 Car parking
 - T6.1 Residential parking
 - T7 Deliveries, servicing, and construction
 - T9 Funding transport infrastructure through planning
 - DF1 Delivery of the Plan and Planning Obligations

Waltham Forest Local Plan Core Strategy (2012)

- 7.9 The Waltham Forest Local Plan Core Strategy (2012) was adopted on 1st March 2012. The Core Strategy contains 16 policies designed to deliver the Council's vision for the physical, economic, environmental, and social development of the Borough. These policies will be used to direct and manage development and regeneration activity up to 2026.

CS1: Location and Management Growth

CS2: Improving Housing Quality and Choice

CS4: Minimising and Adapting to Climate Change

CS5: Enhancing Green Infrastructure and Biodiversity

CS6: Promoting Sustainable Waste Management and Recycling

CS7: Developing Sustainable Transport

CS13: Promoting Health and Well Being

CS15: Well Designed Buildings, Places and Spaces

CS16: Making Waltham Forest Safer

Waltham Forest Local Plan Development Management Policies (2013)

- 7.10 The Local Plan Development Management Policies Document was adopted in November 2013. This sets out the borough-wide policies that implement the Core Strategy and delivering the long-term spatial vision and strategic place shaping objectives. There is an emphasis on collaboration and a positive proactive approach to reaching a balance agreement that solves problems rather than a compromise that fails to meet objectives. The following policies are relevant in this case:

DM2: Meeting Housing Targets

DM5: Housing Mix

DM7: External Amenity and Internal Space Standards

DM10: Resource Efficiency and High Environmental Standards

DM13: Co-ordinating Land Use and Transport

DM16: Parking

DM23: Health and Well Being

DM29: Design Principles, Standards and Local Distinctiveness

DM30: Inclusive Design and the Built Environment

DM32: Managing Impact of Development on Occupiers and Neighbours

DM33: Improving Community Safety

DM34: Water

DM35: Biodiversity and Geodiversity

8. MATERIAL PLANNING CONSIDERATIONS

Shaping the Borough – London Borough Waltham Forest Draft Local Plan Part One (Submission Draft April 2021)

- 8.1 The Draft Local Plan underwent Regulation 18 public consultation between July 2019 and September 2019 and consultation on the proposed Submission Version between 26th October 2020 and 14th December 2020. It has now been submitted to the Secretary of State for examination. This is an early stage of the plan making process and less weight will be given to its policies.
- 8.2 The Draft new Local Plan proposes to be a “combined” document comprising 12 thematic policies and a revised spatial strategy, splitting the borough into North, South and Central Waltham Forest.
- 8.3 The Draft Local Plan clearly sets out the Council’s growth agenda which seeks to facilitate the sustainable delivery of 27,000 new homes and 46,000sqm of employment floorspace over the next plan period. The draft policies relating to housing type and mix are reflective of the London Plan (2021).

Policy 56 Delivering High Quality Design

Policy 58 Residential Space Standards

Policy 59 Amenity

Policy 68 Managing Vehicle Traffic

Policy 81 Biodiversity and Geodiversity

Epping Forest Special Area of Conservation

- 8.4 Natural England issued an Interim Advice Letter on 6th March 2019, in relation to the Epping Forest SAC (Special Area of Conservation), which is based on updated research on the impacts on the SAC and proposed measures to mitigate those impacts with particular reference to those understood to arise from the recreational impact generated by occupiers of new development. The Local Planning Authority is a “competent authority” under the Habitat Regulations and is legally obliged to take Natural England’s advice into account in decision making and attach great weight to it.
- 8.5 Waltham Forest shares a boundary with the Epping Forest Special Area of Conservation and following research in the form of a visitor survey by Footprint Ecology, has been found to fall within a wider Zone of Influence (ZOI) based on the distance the majority of visitors will travel to visit Epping Forest SAC. This report identified that 75% of visitors travelled up to 6.2Km to the SAC and as result of the whole of the London Borough of Waltham Forest falls within this ZOI for recreational pressure. It is anticipated that new residential development within this ZOI constitutes an LSE (Likely Significant Effect) on the sensitive interest features of the SAC through increased recreational pressure, either when considered ‘alone’ or ‘in combination’.
- 8.6 The Council as Local Planning Authority is obliged to ensure that any grant of planning permission would have sufficient mitigation measures

in place so as to ensure that there would be no harmful impact on the Epping Forest SAC arising from LSE.

- 8.7 Natural England's Interim Guidance assumes that all new residential development within Waltham Forest will create an impact on the Epping Forest SAC which will need to be mitigated. The Interim Guidance suggests that mitigation measures should take a threshold approach whereby development of 100 dwellings or more is treated differently to schemes of 99 dwellings or less.
- 8.8 For schemes of 99 units or less, an initial draft of costed Strategic Access Management Measures (SAMM) has been prepared by the City of London Conservators of Epping Forest. This package of measures is to be used in the interim period until the full Mitigation Strategy has been agreed and adopted. However, as an indication under the interim Strategic Access Management Measures, Waltham Forest is expected to contribute circa £1m towards the mitigation works which equates to 37% of the total.
- 8.9 For applications received after 1st April 2019 a SAMM levy is requested for all new residential developments of 10 units or more to contribute towards the Epping Forest mitigation. This is calculated at £100 per unit. The SAMM levy is not being sought for schemes of less than 10 units as the administrative costs are greater than the amount collected. Natural England is supportive of this approach, provided the total expected contribution is delivered.

Other Material Considerations

Department for Communities and Local Government Technical housing standard – nationally described space standard (March 2015).

The National Design Guide: Creating Well Designed Places (2019)

Living with beauty: report of the Building Better, Building Beautiful Commission (2020)

Waltham Forest Supplementary Planning Document - Urban Design SPD (2010)

Waltham Forest Local Plan Planning Obligations Supplementary Planning Document (2017)

Waltham Forest Design Charter 10 Principles for well-designed homes

Local Finance Considerations

- 8.10 Local finance considerations are a material consideration in the determination of all planning applications. Local finance considerations can include either a grant that has been or would be given to the Council from central government or money that the Council has received or will or could receive in terms of the Community Infrastructure Levy (CIL).
- i) There are no grants which could be received from central government in relation to this development.

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

9 ASSESSMENT

9.1 The main areas which shall be addressed within this report relate to the following:

- A. The Principle of the Development;
- B. The Proposed Housing Mix;
- C. The Standard of Residential Accommodation;
- D. The Design of the Development;
- E. The Impact on Neighbour Amenities;
- F. Impact on Highways, Parking and Servicing;
- G. The Impact on Trees and Nature Conservation;
- H. Environment and Sustainability;
- I. Planning Obligations

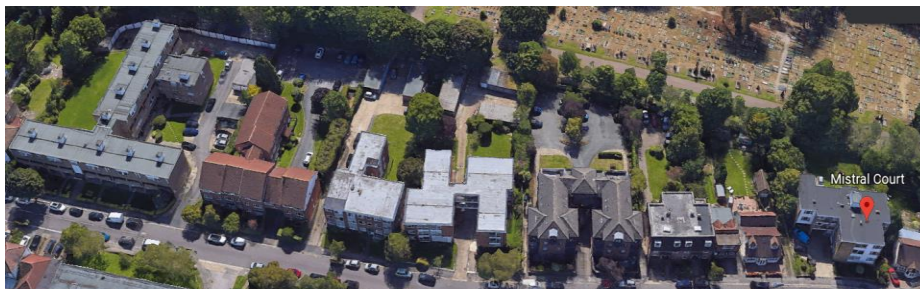
A. The Principle of the Development

(i) Proposed residential intensification

9.2 National, London and Local plan policies all seek to encourage sustainable housing development on appropriate sites in urban areas. In particular, Policy CS2 of the Waltham Forest Local Plan Core Strategy identifies the need to prioritise development on previously developed or underused land and optimise housing densities.

9.3 Policy objectives seek to efficiently maximise the use of land, so long as it is compliant with other policy requirements. Policy H2 of the London Plan (2021) states that boroughs should pro-actively support well-designed new homes on small sites, such as this one.

9.4 The application site is situated within predominantly residential surroundings, and whilst the large majority of this housing is found in the form of single-family dwellings, towards the east of the site beyond the two immediately adjacent detached bungalows, is a span of six detached flatted blocks which highlights a mixed character to this part of Chingford Avenue.



- 9.5 Additional residential development in this setting is therefore considered acceptable in principle, whilst the provision of increased housing in the form of three additional flats, is also considered acceptable given the mix and type of housing found to this area.
- 9.6 The proposed development would contribute towards the overall housing stock within the borough and would count towards meeting the Council's housing target which is set by the London Plan.
- 9.7 The proposed development is therefore considered acceptable in principle in line with policy objectives however, this must be balanced with other matters including; appropriate housing mix, high quality design, standard of accommodation, residential amenity, highway matters, nature conservation and environmental matters which would ensure that any development would be sustainable.

B. The Proposed Housing Mix

- 9.8 National Planning Policy requires new development to deliver sustainable, inclusive, and mixed communities in accessible locations.
- 9.9 Policy H10 of the London Plan seeks to ensure that new residential developments comprise a mix of unit sizes to address the housing needs of the local area. The policy does not, however, specify a precise mix of housing types.
- 9.10 Policy CS2 of the Local Plan sets out that the Council will facilitate sustainable housing growth by 'creating a mixed and inclusive community by enabling a variety of housing types to meet the identified local needs of older and vulnerable people'.
- 9.11 Paragraph 6.6 of the same policy document recognises that the proposed housing mix of new development should be considered on a site by site basis, and that LBWF take a flexible approach when applying the preferred housing mix outlined above.
- 9.12 LBWF will consider site specific aspects such as:
- The character and context of the site and surrounding area,
 - The size of the site and constraints; and
 - Financial viability.
- 9.13 Policy DM7 outlines that the Council aims to ensure each development should contribute to the creation of mixed and balanced communities by containing a mix of large and small homes overall. In order to prioritise larger family housing, the Council aims to provide at least

50% of new private and social / affordable rented homes as three bed plus.

- 9.14 The proposed housing mix for the totality of the development including the existing is outlined in the below table:

Unit Type	Number of Units	Total Percentage
1-bedroom	5	36 %
2-bedroom	7	50 %
3-bedroom	2	14 %
Total	14	100%

- 9.15 The proposed housing mix whilst predominantly weighted towards one- and two-bedroom units, would achieve a relatively acceptable balance of housing on offer. Whilst the proposal itself does not provide any additional family housing, given it only seeks a relatively modest increase to the existing housing level on site, it is not considered necessary for the development to provide such form of housing. Furthermore, the wider surrounding area is predominantly characterised by family housing, and the proposal provides diversification to the housing on offer to this setting whilst achieving a good balance of housing within the total residential development on site.
- 9.16 The proposal is an extension to an existing residential block under the threshold (10 units) to be constituted as a major development and therefore affordable housing contributions are not sought as part of the proposal in line with the NPPF (2021).
- 9.17 The proposed development is of a relatively modest scale, and whilst it does not provide additional family sized housing, it nonetheless ensures the housing on offer at the application site maintains an acceptable balance relative to the surrounding area. Therefore, the proposed unit mix would be considered acceptable given the context of the site, in line with Policy DM5 of the Waltham Forest Local Plan Development Management Policies (2013).

C. The Standard of Residential Accommodation

(i) Internal Spaces

- 9.18 London Plan Policy D6 states that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment.
- 9.19 Local Plan policy DM7 states that the Council would ensure that all new residential development would be of the highest quality both internally

and externally in terms of the space provided. The Department for Communities and Local Government Technical Housing Standard – Nationally Described Space Standard sets the requirements for internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy.

	Minimum standards required (sqm)	Flat A (1b2p)	Accords
Gross Internal Area (sqm)	50	50	Yes
Double Bedroom	11.5	12	Yes
Single Bedroom	7.5	N/A	Yes
Combined floor area of living, dining, and kitchen spaces	23	26	Yes
Storage	1.5	1.35	No
		Flat B (1b2p)	Accords
Gross Internal Area (m2)	50	50	Yes
Double Bedroom	11.5	14	Yes
Single Bedroom	7.5	N/A	Yes
Combined floor area of living, dining, and kitchen spaces	23	26	Yes
Storage	1.5	1.25	No
		Flat C (2b3p)	Accords
Gross Internal Area (m2)	61	62	Yes
Double Bedroom	11.5	12	Yes
Single Bedroom	7.5	8.5	Yes
Combined floor area of living, dining, and kitchen spaces	25	28.5	Yes
Storage	2	1.5	No

- 9.20 The table illustrates the minimum space standards required for each unit as per the 'Technical Housing Standards - Nationally described space standard' (2015) and DM7 of the WF Local Plan (2013).
- 9.21 All proposed units would satisfy the minimum space standards set out aside from storage space provision where they would marginally fall short (0.65sqm for Flat A, 0.75sqm for Flat B and 0.5sqm for Flat C).
- 9.22 All units would be dual aspect and owing to the design of the internal layout, would all benefit from natural cross ventilation and a greater capacity to address overheating, mitigating pollution, greater flexibility in the use of rooms, and more potential for future adaptability by altering the use of rooms.
- 9.23 The fenestration design and internal layout, together with the position of the proposed terraces ensures all residents are afforded relatively good levels of outlook, natural light, and privacy. Movement throughout the units would not be constrained.

- 9.24 Given the marginal shortfall in the storage provision, and the acceptability of the internal spaces in all other respects, it is considered the overall quality of internal accommodation is acceptable.
- 9.25 As the development does not currently include a lift and it is not viable or practical to provide one, the additional flats are unable to meet the requirements of Access to and use of Buildings, Approved Document M (2015 as amended), Volume 1: Dwellings, M4 (2): Accessible and adaptable dwellings. London Plan paragraph 3.7.6 allows for this and states that in blocks of four storeys or less it may be necessary to apply flexibility to the application of this policy. Where this flexibility is considered appropriate to apply, as it is considered in this instance, the proposed dwellings would be required to satisfy regulations requirements of M4(1) via the Building Control process.
- 9.26 In addition, the proposed position and design of the development is also considered well placed ensuring future development to adjacent sites are not prejudiced.
- 9.27 On the whole, the proposed development would provide a good-quality internal standard of accommodation, meeting minimum space standards, and providing good levels of outlook, natural light, and privacy relative to the site surroundings. This satisfies the objectives of DM7 of the Local Plan (2013).

(ii) Sunlight and Daylight for the occupiers:

- 9.28 All proposed units owing to their orientation and dual aspect nature should allow for good levels of natural light and direct sunlight. Where Flat B would be north facing it nonetheless retains a west facing window to the living space ensuring capture of direct sunlight.
- 9.29 As such, the proposed design ensures a good level of sunlight and daylight for the occupiers in accordance with DM7 of the Local Plan (2013).

(iii) Amenity Space Provision:

- 9.30 Policy DM7 states for flatted developments a minimum of 10 sq.m amenity space is to be provided per bedroom space. The overall provision can be provided in the form of private amenity and communal amenity space however a minimum of 5sqm private amenity space is required. External amenity space should be well-designed, appropriately located, and usable.

- 9.31 The table below outlines the provision of private amenity space provided for each unit against the minimum provision required.

Flat	Minimum private amenity space (sqm)	Proposed private amenity space (sqm)	Accords
Flat A (1b2p)	5	10.2	Yes
Flat B (1b2p)	5	5	Yes
Flat C (2b3p)	5	14.5	Yes

- 9.32 All proposed units would meet the minimum private amenity space requirement set out in Policy DM7 of the Local Plan (2013). In addition to this private amenity requirement, the total provision of amenity space (private and communal) requires the one-bedroom units to provide 10sqm of amenity space and 20sqm for the two-bedroom space.
- 9.33 The soft landscaped rear garden, which would be enhanced as a result of the proposed development, provides a total of 331sqm of communal amenity space. This exceeds the amenity space for the total development, including the existing and proposed (25-bedroom spaces require 250sqm). As a result, the proposed development would provide sufficient outdoor amenity provision for the benefit of the future occupiers of the site.
- 9.34 However, whilst the quantum of amenity space is met, the quality of these spaces also needs to be reviewed. The proposed terrace spaces are considered well positioned, of a good depth and width, and allow for comfortable use and movement with convenient access for each occupier. At ground floor level, the existing rear communal garden can largely be described as an area of grass with mature trees sited to the boundary of the site. The applicant has submitted indicative soft landscaping detail to enhance this space, providing seating, paving, biodiverse friendly planting, and habitat boxes in principle. The detail of these matters would be secured by a planning condition however these enhancements would be considered to provide a relatively good level of communal amenity space.
- 9.35 When considered in the balance of the overall standard of accommodation, it is considered that this development, would provide an acceptable level of accommodation for future occupiers of the site. The proposal would therefore be in broad conformity with the requirements of Policy DM7 of the Waltham Forest Local Plan Development Management Policies (2013).

Summary

9.36 In summary the proposed development, given the internal and external spaces and layout of habitable rooms, would be acceptable in accordance with the London Plan (2021), Technical Housing Standards (2015), Policy CS16 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM7 and DM33 of the Development Management Policies (2013).

D. The Design of the Development

9.37 Local Plan Core Strategy Policy CS15 and Development Management Plan Policy DM29 state that new developments will be expected to ensure the highest quality architecture and urban design and that they should reinforce and/or enhance local character and distinctiveness, taking account of patterns of development, urban form, and building typology.

9.38 Paragraph 126 of the NPPF requires good design within developments which should be of a high quality and design due to the contribution towards making better places for people.

9.39 The proposal seeks the construction of an additional floor to the existing three-storey development together with the provision of refuse/recycling storage, cycle storage, landscaping, and two additional car parking spaces to facilitate three self-contained units.



Scale, Massing and Layout

9.40 The proposed development seeks the construction of an additional floor to the existing three-storey building. The additional floor would have a flat roof design and add 2.8m in height to the building together with 0.8m raising the existing parapet, whilst it incorporates minimum setbacks of 1.45m (east) and 1.95m (west) from the flank boundaries in addition to setbacks from the front and rear elevations.

- 9.41 The additional floor when viewed in isolation appears subordinate to the host dwelling and proportional to the roofscape owing to the various setbacks, the corresponding roof design and the use of a contrasting material which reads well from the street level. The proposed addition would not unduly dominate the elevations of the building, nor appear as a top-heavy addition with the height of the addition similar to existing storey heights.
- 9.42 The application site sits adjacent to bungalows either side of the development; towards the west of the site there is a row of five detached and one pair of semi-detached bungalows whilst to the east there are two detached bungalows before the aforementioned span of (six) detached flatted three-storey blocks.
- 9.43 In the immediate context of the bungalows the existing application site sits dominantly, and somewhat incongruous relative to the neighbouring properties albeit it is noted that the application plot is of much larger proportions and the bulk of the mass is setback from the established front building lines.
- 9.44 The construction of an additional storey in theory would only be considered to increase the dominance and incongruous nature of the building relative to the immediate surroundings. However, noting the existing context of the building which is of a dated design and appearance, and the harm already arising from the development owing to its relative position, it is important to consider the impact of the development and whether this would be over and above the existing harm, and whether it would result in an additional harm which would be considered unacceptable.
- 9.45 Where the development would result in the creation of an additional storey, the additional floor as noted above would be considered a subordinate and proportional addition to the host building. Whilst it nonetheless extends to a fourth storey level, given the various setbacks and the material application, in context of the existing design and relationship with the neighbouring sites it is not considered that the proposed development would appear significantly more so dominant or incongruous relative to the immediate setting to warrant a reason for refusal.
- 9.46 The bulk of the additional mass is set away from the edges of the existing building in particular the street facing elevation, and these setbacks serve to limit the visual bulk of the development, whilst the use of glazed balcony screening also aids in providing a lighter appearance.

- 9.47 The proposal also seeks to enhance the existing façade of the development which would update and improve the existing visual quality of this dated, uninspiring block. This is considered a planning benefit of the scheme.
- 9.48 Relative to the wider context of Chingford Avenue it is noted that the flatted blocks found to the surroundings are all of three-storey height. The proposed development therefore needs to be considered in context of these developments, potentially serving as a precedent for the surrounding developments to follow.
- 9.49 It is considered that the context of the detached blocks east of the site differs somewhat relative to the application site, with numerous blocks providing a rhythm of three-storey heights that is consistent and undisturbed before sloping down to the two-storey and single-storey development to the end of this row. The creation of an additional storey to any of the flatted developments could result in a visual unbalancing, whereas in this instance the unbalanced relationship already exists.
- 9.50 Notwithstanding, the presence of a four-storey building could result in other developments seeking to follow suit despite the unbalancing impact noted above. The creation of a fourth storey in this instance is considered acceptable owing to the existing context together with the design, scale and form of the development which incorporates various setbacks, a corresponding roof design, and appropriate application of materials. Should surrounding developments seek to cite this application as precedence, they would be required to similarly incorporate various setbacks, have a good quality design, and good quality standard of accommodation. Officers remain in acceptance of the additional storey to this development noting the potential precedence.
- 9.51 As such, the overall scale, form, and massing is considered to sit reasonably within the context of the surrounding area and being acceptably designed.

Detailing and Materials

- 9.52 The application proposes the refurbishment of the existing façade, treating it to provide a more modern aesthetic in the hope of improving its overall visual quality, relative to its existing dated appearance.
- 9.53 Existing areas of white fascia would be replaced with dark grey zinc cladding, whilst the existing brickwork would be cleaned. These alterations whilst not significant would enhance the overall elevations and provide a more pleasing visual contribution towards the street scene.

- 9.54 To the extension at roof level, the proposal would be finished with the aforementioned cladding together with aluminium framed windows and doors. This is a typical material palette for setback roof additions and whilst it would not necessarily be considered a creative outcome, it nonetheless is considered an acceptable and appropriate material choice. The use of this cladding at roof level is acceptably considered where at street level the panels read smaller, whilst contrasting with the existing brickwork.
- 9.55 The cycle and refuse stores would be timber structures which help lighten their overall appearance and give an acceptable visual appearance. No objections are raised to these matters.
- 9.56 In the event permission is granted, a condition will be attached to provide updated material samples, to ensure the quality of the chosen materials whilst further details regarding the parapet coping treatment and balcony balustrades will be required. The depth of the proposed windows and doors will be required to be setback from the elevation to provide additional depth and quality to the façade.
- 9.57 On the whole, the proposed detailing and material finishes proposed would be considered to enhance the visual appearance of the host building and would be considered acceptable in line with policy objectives.

Summary

- 9.58 In summary it is considered that the proposed development, given its height, scale, design, layout and use of materials, would be acceptable within the existing urban form in the vicinity and the wider locality in accordance with the London Plan (2021), Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM29 of the Development Management Policies (2013).

E. The Impact on Neighbour Amenity

- 9.59 Policy DM32 of the Development Management Policies (2013) states that when considering the impact of a new development on neighbouring amenity, the Council will have regard to access to daylight and sunlight, outlook, privacy and noise and disturbance. LBWF will only find development acceptable where it would not cause an unacceptable loss of amenity to adjoining or future occupiers of the development.
- 9.60 As noted in the previous assessment, the application site in its current form sits incongruously relative to either adjacent property, whilst Chingford Cemetery sits to the rear of the site, and a semi-detached

pair of bungalows sits opposite the site with the Chingford Avenue highway separating the sites.

- 9.61 The existing development appears overbearing relative to the immediately adjacent bungalows and owing to the orientation and position and scale of the building relative to its neighbours it results in harm to the quality of outlook and natural light for these occupiers. Again, whilst the existing context of the dated design and appearance of the building relative to the neighbouring properties is noted, the assessment of this proposal considers the impact of the extension, and whether this would be over and above the existing harm, and whether it would result in an additional harm which would be unacceptable.
- 9.62 The proposed development would increase the height of the building by 3.6m albeit it incorporates various setbacks ensuring the additional floor is of a reduced footprint relative to the existing building.
- 9.63 The setback additional storey would have a separation of 7.35m from the neighbouring elevation to the east (No.83) and a 6m separation from the neighbouring elevation to the west (No.87).
- 9.64 Noting the position of the immediate neighbouring properties, together with their single-storey level, and the setback position of the additional floor, there would be no direct view from the rear elevation neighbouring windows towards the extension. With the proposed extension not increasing the footprint of the existing building, and setback from the flank elevations, its harm in respect of appearing overbearing or prejudicing outlook, would not be considered any greater than the existing harm arising from the design, scale and footprint of the existing building.
- 9.65 Where the proposed development raises the height of the building, and noting the orientation where these properties are north facing, there is already harm with regards to overshadowing and prejudicing the level of natural light received from the neighbouring occupiers. Given the proximity between the application site and its immediate neighbours, the raising roof line would not give rise to any significant additional overshadowing or loss of light for these occupiers.
- 9.66 The development however would result in some additional overshadowing harm to the occupiers at No.83a and No.89, who are not as adversely harmed by the existing development in respect of loss of light and overshadowing. It is however considered that with separation distances of 18.7m with No.83a and 17m to No.89, that the level of harm would be on the whole limited relative to the existing levels of amenity. The separation between the named properties and

the proposed addition are considered sufficient in ensuring the overall harm is mitigated.

- 9.67 With respect to privacy and overlooking, the proposed extensions display two flank elevation windows, one to the eastern elevation and one to the western elevation. These windows would be high level, non-openable windows that owing to their height, position, and fixed nature, would not give rise to any significant privacy harm.
- 9.68 The proposal also shows the inclusion of three terraces at roof level, one associated with each of the three units. An objection has been raised in association with the terrace of Flat C, noting that the eastern element of the balcony should be made to be high level to prevent occupiers overlooking towards No.83. The position of this balcony, which would be setback relative to the rear building line of No.83 and facing the road would unlikely result in any significant adverse harm to the privacy of the neighbouring occupiers given the angled and flank relationship, full details of the balcony treatment is to be secured by planning condition in the event of a grant of permission. It is considered reasonable to ensure that the flanks of the balcony associated with both Flat A and Flat C to have higher level treatment to prevent any potential for overlooking notwithstanding the officer's view in the above assessment.

Summary

- 9.69 In summary, in relation to residential amenity, it is considered the proposal on the basis of the preceding assessment is considered to have an acceptable level of impact with regards light, privacy and outlook for the occupiers of adjoining residential properties and noise nuisance and would therefore comply with Policies CS13 of the adopted Waltham Forest Local Plan – Core Strategy (2012), Policy DM32 of the Development Management Policies (2013) and The London Plan (2021).

F. Impact on Highways, Parking and Servicing

- 9.70 Policy DM14 (Sustainable Transport Network) states that the Council will actively encourage sustainable travel. Developments should not have a harmful impact on the walking and cycling environment.
- 9.71 Policy DM16 states that the Council would seek to effectively manage parking by encouraging car-free and car-capped development in locations that have high levels of parking stress. Adding that in car-free and car-capped developments, the Council would be limiting on-site car parking for these developments to spaces designed for disabled people

and operational and service needs; and introducing controlled parking zones in the vicinity of the development.

- 9.72 Policy T6 of the London Plan states Car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity.
- 9.73 Draft Local Plan Policy 68 'Managing Vehicle Traffic' states that whilst all new developments should be car free, in areas of low accessibility, parking provision on site could be considered acceptable subject to a robust transport assessment.
- 9.74 The site is not situated within a controlled parking zone (CPZ) and falls within a PTAL 1b which is defined to be of very poor public transport accessibility with Chingford Station (the nearest overground station) situated a 27-minute walk from the site. The 97, 215, and 397 bus routes which provide routes towards Walthamstow Central, Chingford Station and Stratford is situated a 4-minute walk from the application site.

(i) Car Parking

- 9.75 The application proposes the provision of two, off-street parking spaces to be positioned towards the rear of the site. To facilitate these parking spaces, 27.9sqm of the existing communal amenity space would be lost. Section 9C confirms that the communal amenity space for the total development would exceed policy requirements.
- 9.76 The Council's Highway department has recommended the removal of all proposed parking on site. This has been recommended in interpretation of the Councils Draft Local Plan Policy 68.
- 9.77 Whilst the recommendation of the Council's Highway officers is noted, as is Local and Regional Planning Policy which seek to ultimately reduce car dependency, the provision of off-street parking in this context is accepted.
- 9.78 With the site not falling within a CPZ, and the timing of any future implementation of a CPZ unknown at this time and in all respects given the context unlikely to have a CPZ implemented, removing the car parking would not necessarily reduce car dependency of future occupiers of the site. In the event of off-street parking not being available, residents could seek to park in the surrounding area.
- 9.79 The proposed units are smaller units which are unlikely to result in more than the use of one vehicle per dwelling. Given the relatively poor

PTAL of the surrounding area, future occupiers are likely in this instance to be dependent on car ownership.

- 9.80 With no mechanism to restrict future occupiers of the site from parking in the surrounding area, the development would increase on street parking pressures albeit to a relatively limited degree given the modest scale of the development. Notwithstanding the limited additional pressure, it is considered appropriate that where off-street parking can be incorporated that this be made available to mitigate any harmful impact.
- 9.81 Table 10.3 of Policy T6.1 (Residential Parking) sets out the maximum parking standards for residential development. For an Outer London PTAL 0-1, up to 1.5 spaces per dwelling can be provided for a 1- or 2-bedroom dwelling. The proposed development would comfortably fall within these standards which are not set out as the minimum, rather the maximum. By not exceeding the standards the proposal would satisfy the parking standards set out in Policy T6 of the London Plan (2021).
- 9.82 Electric charging points would be secured by planning condition ensuring all new parking spaces have access to electric charging points.
- 9.83 Where the ratio of parking spaces to the proposed units would fall below, it is not considered that the overspill of one vehicle is likely to result in any significant additional parking stress.
- 9.84 It is noted that the site benefits from areas which provide informal parking spaces which the existing occupiers utilise. Objections have raised concerns that these spaces would be prejudiced as a result of the proposed parking spaces and refuse/recycling stores.
- 9.85 With the nature of the spaces being informal, it is difficult to ascertain the level of parking provision impeded as a result of the proposals. The officer estimates that one space would be lost towards the rear of the site to provide the two formalised spaces. This would result in the net gain of one parking space relative to the creation of three self-contained units.
- 9.86 Again, whilst noting the ratio falls against the provision of parking, the level of overspill would not be considered significant to warrant a reason for refusal, or be considered equitable to significant harm to the highway network. Where parking stress in the surrounding area is noted, the overall benefit of the proposal outweighs any perceived harm to the highway and noting the lack of a CPZ, it would not be

considered reasonable to refuse the application on the limited increase to parking stress to this area.

- 9.87 The officer noted on the visit to the site that the position of the formal refuse/recycling stores is unlikely to prejudice the existing parking provision, with the existing bins being sited to a similar position, and the scale of the formal stores would not be so significant to prejudice the informal parking provision to this location.
- 9.88 Furthermore, the applicant has agreed to the requested contribution of £3000 towards improving sustainable modes of transport in the area. This would be considered a planning benefit of the proposal that would go towards improving the provisions of the local surrounding area.
- 9.89 Any permission would be subject to a condition to ensure electric charging points are installed to encourage use of electrical vehicles.
- 9.90 As such, in the absence of a CPZ and noting the poor PTAL context, it is considered that the provision of off-street parking in this instance is considered acceptable.

(ii) Cycle Parking

- 9.91 Local Plan Policy DM16 sets the minimum requirements for cycle parking for new developments at one cycle space/one-bedroom dwellings and two cycle-spaces/two-bedrooms or above. Accordingly, the proposed development would be required to provide four cycle parking spaces.
- 9.92 The proposal provides a secure, sheltered cycle store towards the rear of the site, which would provide twenty cycle spaces for the benefit of existing and proposed occupiers. With there being no requirement for the proposed works to provide the cycle provision for the existing development, this is considered an added planning benefit which accords with the Council's strategic objectives to encourage sustainable modes of transport.
- 9.93 The cycle store is considered appropriately positioned to allow for convenient access, storage, and security for users. Sufficient space is provided for users to turn and store their cycle. The store would benefit from good natural surveillance, is sheltered and is lockable, which is considered acceptable and appropriate.
- 9.94 The proposed development provides the sufficient provision of cycle parking, which is secure, sheltered and appropriately positioned. This is considered acceptable in line with the objectives of adopted Local Plan policy DM16.

(iii) Proposed Highways Works:

9.95 No S278 works are required to facilitate the development.

(iv) Refuse Store and Collection

9.96 Local Plan Policy DM32 states that in managing the impact of new developments on neighbouring amenity, new developments should ensure the provision of facilities for the storage, collection, and disposal of refuse.

9.97 The plans illustrate that a formal refuse/recycle timber store would be constructed towards the front of the site, in place of the existing position of the refuse/recycling stores.

9.98 The proposed refuse store appears to be of a size that can sufficiently accommodate the required volume of bins whilst its position is considered relatively convenient for all users, and access in and out of the store raises no concerns.

9.99 In terms of collection, it is considered the existing arrangement is likely to continue and there does not appear to be any reasonable reason why this would deviate nor has there been any suggestion to. As such, the storage and collection of refuse is considered acceptable.

(v) Delivery, Servicing and Access

9.100 The proposed development would not result in any alteration to the existing servicing and access arrangements to the block. As such, no concerns are raised.

Summary of impact on Highways, Parking and Servicing

9.101 In summary, officers are satisfied that the proposed development would not give rise to any significant transport safety or highway concerns whilst the S106 contributions secured as part of the development will benefit road and pedestrian users in the surrounding area. The proposal sufficiently accords with Policy CS6 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM14, DM16, and DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

G. The Impact on Trees and Nature Conservation

9.102 Local Plan policy CS5 states that the Council would endeavour to protect and enhance green infrastructure and biodiversity and to maximise access to open spaces across the Borough by enhancing the

green infrastructure network through better connectivity and the creation of new open spaces while conserving their historic value.

- 9.103 The proposed development would result in the loss of 27.9sqm green space to accommodate the formal parking provision in addition 17.6sqm to accommodate the cycle parking store. Where the loss of these green spaces is not ideal, these are considered marginal amounts of green space, which provided very limited biodiversity, ecological and SuDS benefit.
- 9.104 The proposed cycle store would be designed with a sedum roof, thus replacing the green space lost, whilst with a greater ecological (albeit limited) value.
- 9.105 In addition, at roof level the proposed development would incorporate a green roof above the extension which would provide 184.7sqm of sedum planting. This provides biodiversity value greater than that of the space lost at ground floor level.
- 9.106 Furthermore, enhancements to the existing communal garden is proposed, introducing pollinator friendly planting and four trees to the site.
- 9.107 Whilst any grant of permission would be subject to further planting detail, the proposed measures appear acceptable and appropriate resulting in the appropriate replacement of any loss of vegetation together with a biodiversity net gain on site. The provision of habitat boxes has been agreed in principle and details of these and their placement would be secured by condition.
- 9.108 As such, the proposal would subject to appropriate conditions for planting details, is considered acceptable in accordance with the requirements of Policy CS5 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM35 of the Development Management Policies (2013).

G. Environment and Sustainability

- 9.109 Policy CS4 of the Waltham Forest Local Plan Core Strategy (2012) seeks to ensure high environmental standards of development and sustainable resource management and efficiency to support the long-term sustainability of our environment and respond to climate change in a practical and effective way.

(i) Carbon emissions

9.110 The London Plan sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013. The Waltham Forest Local Plan DM10 requires developers to submit a self-assessment including calculation of the energy demand and carbon dioxide emissions for both regulated and unregulated energy separately at each stage of the energy hierarchy. This requirement applies to all developments over a threshold of one residential unit and therefore would be applicable to this application.

9.111 No information has been submitted detailing sustainable design aspects in relation to the development. Therefore, in order to fully comply with Local Plan Policies CS4 and DM10, a pre-commencement condition requiring the development to submit details of the measures adopted to achieve at least a 35% reduction in carbon emissions over the 2013 Building Regulations together with details of the renewable sources of energy to be incorporated within the development will be required.

(ii) Water Efficiency

9.112 Local Plan policy DM34 states that developments should implement water efficiency measures to achieve usage of less than or equal to 105 litres per person per day for residential use.

9.113 No information has been provided with regards to water efficiency; however, it is considered acceptable to condition any permission to demonstrate how this target would be achieved.

(iii) Air Quality

9.114 The development management policies of the Local Plan 2013 indicate the following policy in relation to air quality policy DM24 which states that new developments should neither contribute to, nor suffer from unacceptable levels of air pollution, measured having regard to DEFRA's Local Air Management Technical Guidance and London Council's Air Quality and Planning Guidance or successor documents. The application is not considered a major application and therefore did not require an air quality assessment to be submitted.

9.115 No demolition is proposed as part of the development and given the scale of development it is not considered that any financial contribution would be reasonably required to facilitate it. No further information would be required in regard to Air Quality and Dust Management.

(iv) Surface Water Drainage and Flooding

- 9.116 All new schemes need to be designed to ensure redevelopment will be safe without increasing flood risk and designed to sufficiently manage water run-off as directed by Local Plan Policies CS4 and DM34 and London Plan Policy S1 13.
- 9.117 The site falls within a Flood Zone 1, which is considered to have a low risk of flooding. The proposed development is not considered to result in any unacceptable increase in flood risk to the site or elsewhere. No objections have been raised by the Council's flood risk officers.
- 9.118 With the net gain of overall green space (green roof to cycle store and extension), and increase to the level of planting on site, the proposed development would have an enhanced resilience towards flooding with increased SuDS on site.
- 9.119 A drainage maintenance schedule would be secured by condition in the event of a grant of permission.
- 9.120 As such, the proposed development would be considered acceptable in respect of surface water drainage and flood risk in line with Local Plan Policies CS4 and DM34 and London Plan Policy S1 13. This would represent an enhancement of the existing site.

Summary

- 9.121 Considering all the points above, the proposal would achieve an acceptable level of sustainable measures for carbon emission reduction, energy and water efficiency and surface water drainage in line with The London Plan and Local Plan policies DM7, DM10, DM11, DM34 and DM35.

I. Planning Obligations

- 9.122 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:
- (i) Necessary to make the development acceptable in planning terms;
 - (ii) Directly related to the development; and
 - (iii) Fairly and reasonably related in scale and kind to the development.
- 9.123 In terms of the s106 Agreement, the required Heads of Terms, having regard to planning policy, the Waltham Forest Local Plan Revised Planning Obligations SPD (2017) and the Waltham Forest Local Plan

Affordable Housing and Viability SPD (2018), for this development relate to:

- £3,000 requested toward improving sustainable modes of transport including walking and cycling in the sites vicinity which will directly benefit new residents in this development.

9.124 Legal Fees: Payment of the Council's legal fees for the preparation and completion of the Legal Agreement.

10 CONCLUSION

- 10.1 The introduction of housing is supported within the development site.
- 10.2 The proposed development would offer an acceptable housing mix, which would make a contribution towards housing targets within the borough.
- 10.3 The standard of residential accommodation within the proposed development would be of a good quality.
- 10.4 The proposed building would have proper regard to scale, height and massing. The design and appearance of the resulting building would be of good quality and would complement the locality, as it would provide a satisfactory residential environment for prospective occupiers of the site and its surroundings.
- 10.5 The proposed development would have limited harm on the residential or visual amenity of adjoining residential developments.
- 10.6 The proposed development would have an acceptable impact on highway safety and includes adequate cycle parking.
- 10.7 The development would incorporate the high environmental standards and would be sustainable relative to the existing context, in that it would deliver acceptable energy and water reduction measures.
- 10.8 The development would improve the resilience of the site to deal with flood risk and surface water drainage.
- 10.9 The development would provide acceptable bin storage facilities that would be conveniently collected.
- 10.10 The development would provide an acceptable landscaping plan that would seek to enhance the green infrastructure of the site and its surroundings.
- 10.11 The conditions set out in the S106 Heads of Terms agreed would ensure that any adverse impact of the scheme is mitigated against and the positive aspects of the proposal advanced by the applicant are carried out through the implementation.

10.12 All material planning considerations have been taken into account, including responses to consultation, and it is considered that there are no material planning considerations in this case that would warrant a refusal of the planning application.

10.13 Due to the above considerations and taking into account the merits of the scheme and the consistency of the development when assessed against the Development Plan, the proposed development is considered acceptable in planning policy terms.

11 ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

11.1 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.

11.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

11.3 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 which is only one factor that needs to be considered and may be balanced against other relevant factors.

11.4 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

11.5 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.

- 11.6 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.

12 RECOMMENDATION

- 12.1 The Planning Committee is recommended to grant planning permission subject to the conditions and informatives below and the prior completion of a S106 legal agreement with the agreed Heads of Terms, as set out in the table below:

CATEGORY	TERMS
Highways	£3,000 requested toward improving sustainable modes of transport including walking and cycling in the sites vicinity which will directly benefit new residents in this development.
LBWF Fees	Payment of the Council's legal fees for the preparation and completion of the Legal Agreement.

- 12.2 That authority to be given to the Assistant Director of Development Management and Building Control in consultation with the Council's Legal Services for the sealing of the Section 106 Agreement and to agree any minor amendments to the conditions or the Section 106 Agreement on the terms set out above.
- 12.3 In the event that the Section 106 Agreement is not completed within 12 weeks following the date of Planning Committee, the Assistant Director of Development Management and Building Control is hereby authorised to refuse the application, if appropriate. In the absence of this Section 106 Agreement, the proposed development would not be

able to deliver the residential development on the site. The implication of this happening is that the opportunity for securing the provision of affordable housing would be lost. Additionally, financial, and non-financial contributions would be lost towards the transport related matters which must be secured by the Section 106 Agreement.

12.3 **CONDITIONS:**

1. The development hereby permitted shall begin not 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).

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

Plan Drawings:

SE 1608 - 01/P1, SE 1608 - 02/P1, SE 1608 - 03/P1, SE 1608 - 04/P1, SE 1608 - 05/P1, SE 1608 - 06/P1, SE 1608 - 08/P1, SE 1608 - 09/P1, SE 1608 - 11/P1, SE 1608 - 12/P1, SE 1608 - 13/P1, SE 1608 - 14/P1 and SE 1608 - 15/P1 dated May 2021 and SE 1608 - 07/P1 Rev A, SE 1608 - 10/P1 Rev A, dated 02/10/21.

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

Design

3. Prior to the commencement of the development, notwithstanding site clearance and investigation works, demolition and construction to slab level, updated samples and/or an updated full schedule of materials to be used in the construction of the external surfaces of the development, including details of the balcony treatment, hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out solely in accordance with the approved details and thereafter retained as such.

Reason: In order to preserve and enhance the character of the area in accordance with policies CS12 and CS15 of the Adopted Waltham Forest Local Plan – Core Strategy (2012) and policies DM28 and DM29 of the Adopted Waltham Forest Local Plan – Development Management Policies (2013).

4. All window reveals on the external faces 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 of the design of the building, in accordance with Policy CS15 of the Waltham Forest Local Plan – Core Strategy (2012) and Policy DM29 of the Waltham Forest Local Plan – Development Management Policies (2013).

5. The balconies of the proposed development hereby approved shall not to be used for storage and no materials or makeshift screening shall be installed or erected on the inside by any future occupant.

Reason: In the interest of visual amenity of the design of the building, in accordance with Policy CS15 of the Waltham Forest Local Plan – Core Strategy (2012) and Policies DM28 and DM29 of the Waltham Forest Local Plan – Development Management Policies (2013).

6. All areas of proposed hardstanding shall be made permeable, implemented prior to the first occupation of the development hereby approved and thereafter maintained for the lifetime of the development.

Reason: To prevent the increased risk of flooding, both on- and off-site ensure that adequate drainage facilities are provided in accordance with Policies CS4 and CS15 of the adopted Waltham Forest Local Plan - Core Strategy (2012) and Policy DM34 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

Landscaping & Ecology:

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

Reason: To ensure the well-being of the trees and in the interest of biodiversity, in accordance with Policies CS5 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM29 and DM35 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

8. Prior to the commencement of the development on site, notwithstanding site investigation and clearance works, demolition and construction to slab level, a detailed soft landscaping and planting plan shall be submitted to and approved in writing by the Local Planning Authority. The approved 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 CS5 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM29 and DM35 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

Highways:

9. No development shall take place on site whatsoever, until a detailed Construction Logistics Plan has been submitted to and approved by the local planning authority. The logistics plan shall include details of site access, journey planning, access routes, hours of delivery, temporary traffic arrangements or restrictions, site operation times, loading and unloading locations and material storage. This document should include all stage of construction including all demolition and site clearance. This would need to be submitted using the TfL template and guidance found here: www.constructionlogistics.org.uk.

All works shall be carried out in accordance with the approved details 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 CS7 and CS13 of the adopted Waltham Forest Core Strategy (2012) and Policies DM14 DM15, DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

10. Prior to the commencement of development on site, notwithstanding site investigation work, clearance and demolition, a SUDS (Sustainable Urban Drainage System) to deal with all surface water drainage from the site, including details of proposed rainwater harvesting systems, green roofs and proposed soakaway designs together with infiltration test results, recommended soakage rates, and maintenance schedule shall be submitted to and approved by the Local Planning Authority.

The approved SUDS shall be fully implemented prior to first occupation of any building and thereafter maintained in accordance with the agreed details for the lifetime of the development.

Reason: To prevent the increased risk of flooding, both on- and off-site ensure that adequate drainage facilities are provided in accordance with Policies CS4 and CS15 of the adopted Waltham Forest Local Plan - Core Strategy (2012) and Policy DM34 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

11. Prior to the commencement of the development on site, notwithstanding site investigation and clearance works, demolition and construction to slab level, details of how the development would incorporate green/blue/brown roof systems to the roof level 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 prior to the first occupation of the development hereby approved and thereafter shall be fully retained and maintained as such for the lifetime of the development.

Reason: In the interests of SuDS and energy efficiency, in accordance with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM24 and DM35 of the of the Development Management Policies (2013).

12. Works of demolition and construction shall be carried out during normal working hours, i.e. 08:00 to 18:00 hours Monday to Friday, and 08:00 to 13:00 hours on Saturdays, with no noisy working audible at the site boundary being permitted on Sundays or Bank Holidays.

Reason: To ensure considerate construction and to protect the amenities of the nearby residents from excessive noise and dust and to comply with Policies CS7 and CS13 of the adopted Waltham Forest Core Strategy (2012) and Policies DM14, DM15, DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

13. The vehicle parking spaces as shown on plan drawing SE 1608 - 10/P1 Revision A dated 02/10/2021, shall all benefit from access to electric vehicle charging points. The parking spaces and charging points shall be retained as such thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of effective provision of safe and well-designed parking facilities in accordance with Policies CS7, CS15 and CS16 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM16 of the Waltham Forest Local Plan Development Management Policies (2013).

Sustainability:

14. Prior to the commencement of the development on site, notwithstanding site investigation and clearance works, demolition and construction to slab level, details of the specific measures to be adopted to achieve at least a 35% reduction in carbon emissions over the 2013 Building Regulations together with details of the renewable sources of energy to be incorporated within the development, shall be submitted to and approved in writing by the Local Planning Authority. Any subsequent shortfall shall be compensated by payment to the

Council's Carbon Offset Fund. The approved measures shall be incorporated into the development, and thereafter maintained in accordance with the approved details for the lifetime of the development.

Reason: To ensure the development is sustainable and to comply with Policy CS4 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM10, DM11 and DM24 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

15. Prior to the first occupation of the development, 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 ensure the development is sustainable and to comply with Policy CS4 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM10, DM11 and DM24 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

Air Quality:

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

Reason: To ensure that air quality is not adversely affected by the development in line with London Plan (2021) policy SI and Policy CS13 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policy DM23, DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

Noise:

17. Noise from all new building services plant for the lifetime of the development shall be controlled to a level not exceeding 10dB(A) below the typical underlying background noise level (LA90) during the time of plant operation at a position one metre external to the nearest noise sensitive premises. The underlying background LA90 shall be determined in the absence of the new plant noise.

Reason: To protect the amenities of adjoining occupiers and the surrounding area in order to comply with Policy CS13 of the Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM32 of the Waltham Forest Local Plan – Development Management Policies (2013).

Water

18. 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 water infrastructure, and the programme for the works) 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.

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.

Fire Safety

28. The development shall fully accord with Part B5 of the Building Regulations.

Reason: In order to protect the living conditions and safety and security of the occupants in line with London Plan (2021) Policy D12, Adopted Policy CS1 of the Waltham forest Local Plan Core Strategy (2012) and Policy D11 of the London Plan Policies (2021).

12.3 INFORMATIVES:

1. To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which offers a pre planning application advice service. The scheme was submitted in accordance with guidance following pre application discussions and the decision was delivered in a timely manner.

Highways matters

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

3. 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.

Air Quality

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

Community Infrastructure Levy

4. The approved development is liable to pay Mayoral Community Infrastructure Levy (CIL) and Waltham Forest CIL. A 'CIL Form 1 (Assumption of Liability)' must be completed prior to commencement, at which time a Liability Notice, stating the payable amount, will be issued by the Council. A 'CIL Form 6 (Commencement Notice)' must be submitted to the Council prior to commencement of development, at which time a Demand Notice, stating the payment method and deadline, will be issued. You should note that any claims for relief, where they apply, must be submitted, and determined prior to commencement of the development. Failure to submit the necessary forms and follow the CIL payment process may result in penalties. More information on Waltham Forest CIL, including copies of all CIL forms, is available at: - <https://walthamforest.gov.uk/content/community-infrastructure-levy>. The Planning Portal provides general advice about CIL. This is available at: - https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy

Water

5. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

6. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

7. With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water, we will have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

8. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

9. Thames Water would advise that with regard to WASTEWATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

The proposed development is located within 15 metres of our underground wastewater assets and as such we would like the following informative attached to any approval granted. "The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

10. If you are planning on using mains water for construction purposes, it's important 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 thameswater.co.uk/building_water.

Fire Safety

11. The applicant is advised that the London Fire Brigade strongly recommends that sprinkler systems are considered for new development. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers and can reduce the risk to life.

13. BACKGROUND DOCUMENTS

None