Dear Member,

This is formal notice advising you of the above meeting. The Agenda is set out below. Supplementary Items will only be added if the Chair considers them urgent.

Martin Esom
CHIEF EXECUTIVE

MEMBERSHIP:

Chair: Councillor Peter Barnett
Vice Chair: Councillor Jenny Gray
Councillors: A. Mahmood, E. Northover, E. Phillips, A. Siggers and E. Vincent

AGENDA

Access information (Page 1)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTE MEMBERS

2. DECLARATIONS OF INTEREST

Members are asked to declare any personal/or prejudicial interest they may have in any matter which is to be considered at the meeting.

3. MINUTES OF THE MEETING HELD ON 6TH MARCH 2012 (Pages 2 - 5)
4. DEVELOPMENT MANAGEMENT (Pages 6 - 22)

To NOTE the Chair has agreed to the submission of the Update Report of the Head of Development Management and Building Control at the meeting in accordance with the urgency provisions of Section 100 B (4) of the Local Government Act 1972 to ensure that Members have before them all the relevant facts and information about the planning applications set out on the agenda.

To RESOLVE that, in the event of recommendations being amended at Committee in the light of debate, other representations made by Members of the public, applicants or their agents, the task of formalising the wording of condition(s) and/or reasons for refusal be delegated to the Head of Development Management and Building Control along the broad lines indicated at the meeting.

4.1 Application 2012/0278: Car Park opposite Dog Stadium, 457 Chingford Road, Chingford, E4 (Pages 23 - 37)

4.2 Application 2011/1630: 22 South Avenue, Chingford, E4 (Pages 38 - 53)

4.3 Application 2012/0058: 88 Chestnut Avenue South, Walthamstow, E17 (Pages 54 - 59)

4.4 Application 2012/0120/LA: Highway Land, Railway Terrace, rear of Thorpe Hall Primary School, 123 Hale End Road, Walthamstow, E17 (Pages 60 - 67)

4.5 Application 2012/0044/LA: Coppermill Primary School, Edward Road, Walthamstow, E17 (Pages 68 - 73)

4.6 Application 2012/0186/LB: Waltham Forest Town Hall, 701 Forest Road, Walthamstow, E17 (Pages 74 - 77)

4.7 Application 2012/0165/LA: Marsh Lane Playing Fields, Marsh Lane, Leyton, E10 (Pages 78 - 92)

4.8 Application 2012/0272: Marsh Lane Playing Fields, Marsh Lane, Leyton, E10 (Pages 93 - 105)

4.9 Application 2012/0192/LA: Leyton Mills, Marshall Road, Leyton, E10 (Pages 106 - 111)

4.10 Application 2012/0188/LA: Leyton Mills, Marshall Road, Leyton, E10 (Pages 112 - 117)

PLEASE NOTE THAT THE AGENDA IS AVAILABLE IN ELECTRONIC FORMAT ON THE COUNCIL’S WEBSITE VIA THE FOLLOWING LINK:
http://www1.walthamforest.gov.uk/moderngov/ieListMeetings.asp?XXR=0&Year=2010&CId=287

IF YOU REQUIRE A HARD COPY OF ANY OF THE ABOVE REPORTS, CONTACT OLIVER CRAXTON ON 020 8496 4380 OR E-MAIL HIM at:
oliver.craxon@walthamforest.gov.uk
Waltham Forest Council and Committee Meetings

All Council/Committee Meetings are held in public unless the business is exempt in accordance with the requirements of the Local Government Act 1972.

Most meetings are held at Waltham Forest Town Hall which is an accessible venue located in Forest Road E17 between Waltham Forest Magistrates Court and Waltham Forest College. The nearest underground and railway station is Walthamstow Central which is approximately 15 minutes walk away from the Town Hall. Buses on routes 275 and 123 stop outside the building.

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- 2 hours: £2.60
- 3 hours: £3.80
- 4 hours: £5.10
- 24 hours: £6.50

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Contact officers listed on the agenda will be able to provide further information about the meeting and deal with any requests for special facilities.

Contact details for report authors are shown on individual reports. Report authors should be contacted prior to the meeting if further information on specific reports is needed or if background documents are required.
PRESENT:
Chair  Councillor Peter Barnett
Vice-Chair  Councillor Jenny Gray
Councillors  A. Mahmood, E. Phillips, A. Siggers, E. Vincent and L. Braham

48. APOLOGIES FOR ABSENCE AND SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Edwin Northover.

The following substitute member arrangement was in place: Councillor Laurie Braham for Councillor Edwin Northover.

49. DECLARATIONS OF INTEREST

Councillor Asim Mahmood declared a prejudicial interest in agenda item 4.4, Application 2012/0163: 109 Church Hill, Walthamstow, E17, for the reason that he was related to the applicant, and he left the room during consideration of the item.

Councillor Alan Siggers declared a prejudicial interest in agenda item 4.6, Application 2012/0077: 265 Chingford Mount Road, Chingford, E4, for the reason that he had lobbied the Council on behalf of local residents, and did not take part in the voting thereon.

50. MINUTES OF THE MEETING HELD ON 7TH FEBRUARY 2012

The minutes of the meeting held on Tuesday 7th February 2012 were confirmed as a correct record and signed by the Chair.

51. DEVELOPMENT MANAGEMENT

The Committee considered applications for planning permission received by the Head of Development Management and Building Control, under the Town and Country Planning Act 1990, and took into account the oral representations made by members of the public and applicants and their agents.
The Committee noted that its Chair had agreed to the submission of the Update Report of the Head of Development Management and Building Control at the meeting in accordance with the urgency provisions of Section 100 (B) (4) of the Local Government Act 1972 to ensure that Members had before them all the relevant facts and information about the planning applications set out on the agenda.

The Committee resolved that, in the event of officer recommendations on the planning applications being amended at Committee in the light of debate and other representations made, the task of formalising the wording of conditions and/or reasons for refusal be delegated to the Head of Development Management and Building Control along the broad lines indicated at the meeting. Details of the applications and the Committee’s decisions are set out in these minutes.

51.1 Application 2011/0956: 214 Langthorne Road, Leytonstone, E11

Subject to the applicant entering into a Legal Agreement with the Council for the purposes set out below, planning permission granted, subject to commencement of the proposed development by 15th January 2013, for Application 2011/0956, in line with the recommendation, conditions, reasons and informatives set out in the report for the extension of the time limit for implementation of planning permission 2008/0076, involving the erection of a three storey building comprising of a nursery, conference hall and a one bedroom flat, and erection of a covered link walk way to church building.

Section 106 Legal Agreement

A contribution of £320 for 2 street trees to be planted on Elmore Road, adjacent to the application site.

51.2 Application 2011/1478: 1 College Place, Walthamstow, E17

Planning permission granted for Application 2011/1478 in line with the conditions, reasons and informative set out in the report for part two storey rear and first floor side extensions.

51.3 Application 2011/1411: 1 College Place, Walthamstow, E17

Planning permission granted for Application 2011/1411 in line with the conditions, reasons and informative set out in the report for new planning permission to replace extant permission reference 2008/1730 - erection of two storey rear and first floor side extensions.

51.4 Application 2012/0163: 109 Church Hill, Walthamstow, E17

Councillor Asim Mahmood left the room during consideration of this item.

Planning permission granted for Application 2012/0163 in line with
the conditions, reasons and informative set out in the report for the erection of a single storey rear extension.

51.5 Application 2012/0121/LA: Gwen Jones School, 217 Hainault Road, Leytonstone, E11

Planning permission granted for Application 2012/0121/LA in line with the recommendation, conditions, reasons and informative set out in the main report, and the update report, for single storey extension to existing primary school including new canopies, fences and landscaping of some external areas.

51.6 Application 2012/0077: 265 Chingford Mount Road, Chingford, E4

Councillor Alan Siggers did not take part in the voting on this item.

Planning permission granted for Application 2012/0077 in line with the recommendation, conditions and reasons set out in the report for use of building as community library with ancillary facilities.

51.7 Application 2011/1378: Chingford Church of England Infants School, 20 Kings Road, Chingford, E4

Planning permission granted for Application 2011/1378 in line with the recommendation, conditions and reasons set out in the report for the erection of canopy in front playground.

51.8 Application 2011/1257/LB: Waltham Forest Town Hall, 701 Forest Road, Walthamstow, E17

Planning permission granted, subject to approval by the Department of Communities and Local Government, for Application 2011/1257/LB in line with the recommendation, conditions, reasons and informative set out in the main report, and the update report, for internal alterations at second floor to provide new toilets, demolition of partitions and repartitioning to provide staff room and meeting rooms.

52. PUBLIC SPEAKERS

51.1 Application 2011/0956
214 Langthorne Road,
Leytonstone, E11
Mr Sid Shaw
Mr Shaukat Ali
Mr R Muhammad

51.2 Application 2011/1478
1 College Place,
Walthamstow, E17
Mrs Crpenter
Mr Albright
Councillor Angie Bean

51.3 Application 2011/1411
1 College Place,
Walthamstow, E17
Mrs Crpenter
Mr Albright
Councillor Angie Bean
51.4 Application 2012/0163

Mr Fayehan

109 Church Hill,
Walthamstow, E17

Chair……………………………

Date……………………………
1 FURTHER INFORMATION

1.1 Members are advised that all letters of representation received concerning the items on this part of the agenda are available for inspection at the meeting.

1.2 Members are advised that further letters of representation and other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the meeting in a Development Management Update Report.

1.3 This document is also available in large print. Please contact Zainab Esmail for copies. Either phone on (020) 8496 6725 or email at Zainab.Esmail@walthamforest.gov.uk
2 REPORT AUTHORS

4.1 2011/0278) Car Park opposite Dog Stadium, 457 Chingford Road, Chingford E4  Mahnaz Chowdhery

4.2 2011/1630 22 South Avenue, Chingford E4 Kelvin Bathie

4.3 2012/0058 88 Chestnut Avenue South, Walthamstow E17 Rachel Jagger

4.4 2012/0120/LA Highway Land, Railway Terrace, rear of Thorpe Hall Primary School, 123 Hale End Road, Walthamstow E17 Caron Sanders

4.5 2012/0044/LA Coppermill Primary School, Edward Road, Walthamstow E17 Kelvin Bathie

4.6 2012/0186/LB Waltham Forest Town Hall, 701 Forest Road, Walthamstow E17 Angela Stewart

4.7 2012/0165/LA Marsh Lane Playing Fields, Marsh Lane, Leyton E10 Caron Sanders

4.8 2012/0272 Marsh Lane Playing Fields, Marsh Lane, Leyton E10 Caron Sanders

4.9 2012/0192 Leyton Mills, Marshall Road, Leyton E10 Caron Sanders

4.10 2012/0188/LA Leyton Mills, Marshall Road, Leyton E10 Caron Sanders

3 RESOLUTIONS

3.1 To NOTE that, our Chair has agreed to the submission of the Update Report of the Assistant Director of Development at our meeting in accordance with the urgency provisions of Section 100B(4) of the Local Government Act 1972 to ensure that Members have before them all the relevant facts and information about the planning applications set out in the agenda.

3.2 To RESOLVE that, in the event of recommendations being amended at Committee in the light of our debate, other representations made by Members of the public, applicants or their agents, the task of formalising the wording of condition(s) and/or reasons for refusal be delegated to the Assistant Director
of Development along the broad lines indicated by us at our meeting.

4 DEFERRED ITEMS

4.1 There are no deferred items from previous meetings of the planning committee.

4.2 If it is possible to continue consideration of any of the other applications, details will be provided in the Update Report that will be presented to the Committee at the meeting.

5 BACKGROUND INFORMATION

5.1 Unless stated to the contrary at the end of any individual report, the background papers for the applications reported in this agenda are the relevant application files for each application, any related history files quoted under “RELEVANT SITE HISTORY” and the following published documents:


5.2 These documents are available for inspection Monday to Fridays between 9am and 5pm at Sycamore House, Town Hall, Forest Road, E17 4JF.
Policy CS1- Location and Management of Growth

In planning for growth, the Council will seek to achieve an appropriate balance between physical, social and economic development and environmental protection. Growth will be distributed and managed by:

A) focusing regeneration activities in the key growth areas of Blackhorse Lane, Northern Olympic Fringe, Walthamstow Town Centre and Wood Street. In these areas, the Council will seek to accommodate growth primarily in housing and jobs, especially for local people. The Council will seek to provide growth in these areas as follows:

- Blackhorse Lane - up to 2500 new homes, about 1000 new jobs,
- Northern Olympic Fringe - up to 2500 new homes,
- Walthamstow Town Centre - up to 2000 new homes,
- Wood Street - up to 1000 homes;

(see policies CS2, CS8 and CS10 in particular).

B) directing additional growth in main town centre uses in the designated town centres (subject to available capacity in individual centres) and maximising residential opportunities. These centres are shown on the key diagram and include the designated centres in and outside the key growth areas (see policies CS8, CS10, CS11 and CS14 in particular);

C) encouraging that will benefit the wider community including housing, employment, leisure and community uses at sites including Walthamstow Dogs Stadium, Chingford Municipal Offices and underused land at Whipps Cross Hospital. Sites to be taken forward will be selected from the Site Opportunity Locations shown on Figure 8 by Area Action Plan and Site Specific Allocations DPDs. Precise boundaries and details of the proposals planned will be set out in those DPDs;

D) outside the identified growth areas and within the Borough generally, protecting and improving character areas, ensuring that proposals contribute positively to urban quality (see policies CS2, CS5, CS11, CS12, CS13, CS15 and CS16 in particular);

E) accommodating growth on previously developed land by:
   i) using land more efficiently (see Policies CS2 and CS8 in particular);
   ii) protecting designated sites and areas (Green Belt, Metropolitan Open Land, Special Protection Areas, Ramsar sites, Conservation Areas and Listed Buildings) (see policies CS5, CS12 and CS15 in particular);
iii) safeguarding land for housing and employment use (see Policies CS2 and CS8 in particular);
iv) using redevelopment opportunities to improve the quality of the public realm (see policies CS5, CS7, CS13, CS15 and CS16 in particular);

F) tackling climate change (see policies CS4, CS6 and CS7 in particular);

G) ensuring the timely delivery of essential infrastructure to support growth (See Policies CS3, CS7, CS9 and CS10 in particular);

H) applying a comprehensive set of actions to implement the plan strategy including:

• resisting any proposed development that will prejudice the future development of a neighbouring site and or prohibit the comprehensive development of a larger site,
• cross borough working to promote and maximise funding opportunities available to the Council and its partners through planning obligations, a tariff charging schedule, bidding and funding regimes, establishment of Business Improvements Districts and
• where necessary, use of compulsory purchase powers to tackle land issues which inhibit regeneration.

Policy CS2 - Improving Housing Quality and Choice

Housing Growth

The Council will facilitate sustainable housing growth by:

A) maximising the number of quality homes in the Borough by:

i. resisting the unjustified net loss of residential accommodation;
ii. prioritising development on previously developed land, particularly unused or underused land;
iii. focusing the delivery of new homes in Waltham Forest’s key growth areas of Walthamstow Town Centre, Blackhorse Lane, the Northern Olympic Fringe, Wood Street and other key sites in the Borough to meet or exceed a housing target of 10,320 new homes over the plan period;
iv. where appropriate, incorporating new homes into mixed use development;
v. making effective and efficient use of land by seeking to optimise housing densities;
vi. supporting initiatives to bring 1035 empty properties back into use over the plan period; and
vii. working with housing partners to support the programme of housing estate renewal.

Affordable Housing

B) maximising the number of quality affordable homes in the Borough by:
i) maximising the number of quality affordable homes in the Borough by aiming to provide at least 50% (5,700 homes) of homes as affordable over the plan period. A balance of tenures between social rented, affordable rent and intermediate housing should be provided;

ii) assessing the level of affordable housing on a site by site basis. In order to deliver the maximum amount of affordable housing, developments proposing less than 50% will need to demonstrate a viability case, in the form of a viability assessment. Where a viability case is used to justify an affordable housing offer below policy requirements, the Council will require the shortfall to be treated as a deferred contribution. The Council will then require a subsequent viability assessment to be undertaken when the scheme is completed and largely occupied and should viability have improved, the Council will seek a further payment up to a maximum of the deferred sum.

Mixed and Balanced Communities

C) creating an economically mixed and balanced community by seeking a range of home sizes and tenures in new development. The Council will prioritise the need for larger homes (3 bedroom or more) in new developments and resist the loss of any existing larger homes. Support will be given to the re-establishment of Houses in Multiple Occupation (HMO) into single family sized houses.

Housing Design and Accessibility

D) creating successful communities by requiring high quality design from all new housing development to ensure it makes a positive contribution to improving the urban environment in the Borough. New homes should be accessible to all members of the community and be able to adapt to the changing needs of residents throughout their lives.

Housing for Older and Vulnerable People

E) creating a mixed and inclusive community by enabling a variety of housing types to meet the identified local needs of older and vulnerable people.

Gypsies and Travellers Provision

F) creating an inclusive community by seeking to protect existing provision and consider the future needs and requirements of Gypsies and Travellers.

Policy CS3 - Providing Infrastructure

The Council will ensure that while encouraging housing and economic growth in the Borough, appropriate infrastructure is provided to cater for the needs of existing and future populations, by:

A) promoting the enhancement of existing social infrastructure and, except where justified by other Core Strategy policies, resisting its unsubstituted loss
where population growth and change requires its provision; where population change reduces demand, managing its loss by reference to the quality of community facility provided, its ability to meet modern requirements (such as soundproofing, disabled access and external smoking areas) and other criteria set out in the Development Management Policies DPD, such as the incidence of recorded crime associated with the premises;

B) maximising opportunities to deliver additional facilities as part of new developments, particularly on surplus employment land in line with Policy CS8;

C) encouraging multi-purpose facilities that provide a range of services;

D) ensuring that new facilities are located to cater to the communities they serve and are accessible by walking and cycling;

E) requiring new developments to contribute towards the provision of social and other necessary infrastructure with contributions being either on-site, or through planning contributions, or through any applicable Community Infrastructure Levy; and

F) ensuring that physical and utility infrastructure is provided where it is required by new development.

Policy CS4 - Minimising and Adapting to Climate Change

The Council will tackle climate change locally and promote resource efficiency and high environmental development standards during design, construction, and occupation of new developments by

Reduction of Carbon Emission

A) requiring new developments to minimise on site carbon emissions across their lifetime in accordance with the energy hierarchy by using less energy through responsive design, supplying energy efficiently and using on-site renewable energy;

B) requiring developments to meet high environmental standards of building design and construction, including targets based on standards such as BREEAM and Code for Sustainable Homes;

C) encouraging and where appropriate requiring retrofitting of the existing building stock to become more energy efficient by utilising existing and future programmes to co-ordinate and drive activity;

D) ‘leading by example’ and seeking to exemplify high sustainability standards and reduced carbon footprint on the Council’s and its partner’s own development areas and buildings and leading on awareness raising campaigns;
Energy Efficient Supply

E) working with partners and developers to promote and facilitate the delivery of local decentralised energy capacity and networks that are flexible and adaptable, especially district heating systems in appropriate areas of the Borough, in particular in the key growth areas;

F) requiring developers to investigate opportunities for establishing or linking into existing or proposed decentralised energy networks through tools such as the London Heat Map;

G) promoting innovative energy technologies that reduce carbon emissions and use of fossil fuels, such as hydrogen and energy from waste sources;

Adaptation, Water Efficiency and Flood Risk

H) requiring developments to be designed in a manner that minimises the use of water, protects the water environment and minimises the potential for flooding and the urban heat island effect;

I) directing development away from areas at high risk from flooding as indicated in Figure 15 and aiming to achieve an overall reduction in flood risk; requiring sequential and exception test and flood risk assessments (FRAs) in accordance with requirements set out in PPS25; and

J) improving the sustainability of buildings against flood risk, water stress and overheating, in order to not put people or property at unacceptable risk.

Policy CS5 - Enhancing Green Infrastructure and Biodiversity

The Council will endeavour to protect and enhance green infrastructure and biodiversity and to maximise access to open spaces across the Borough by:

A) protecting Green Belt and Metropolitan Open Land (MOL) and improving access where appropriate. Development and regeneration activity should be delivered principally through the use of brownfield land and buildings;

B) enhancing the green infrastructure network through better connectivity and the creation of new open spaces whilst also conserving their historic value;

C) establishing and extending the Borough’s Greenways, Green Corridors; and, providing landscaping along transport routes where possible;

D) improving the quality of, and access to, open spaces especially in areas of deficiency;

E) ensuring the adequate provision and efficient use of allotments and other spaces on which to grow food and plants;

F) improving and increasing the provision of burial space;
G) protecting, promoting and enhancing the Lee Valley Regional Park and Epping Forest;

H) safeguarding and improving the quality, character, access and ecology of waterways in the Borough, and supporting the aims of the London Rivers Action Plan (LRAP);

Protecting and Improving Biodiversity and Nature Conservation

I) seeking to protect and enhance biodiversity, especially where habitats, species and sites are recognised at the international, national, regional and local levels and as outlined in the Waltham Forest, London and UK Biodiversity Action Plans (BAPs);

J) creating and capturing opportunities for increasing the area and number of priority and locally important habitats;

K) promoting public access and improved contact with nature;

L) Local Nature Reserves should be maintained; and further reserves should be designated as documented in the Waltham Forest Biodiversity Action Plan;

M) protecting existing healthy trees and encouraging the planting of new trees as informed by the Waltham Forest Tree Strategy;

Encouraging Active Lifestyles and Providing Recreational Facilities:

N) ensuring the adequate provision and quality of play and recreational spaces, outdoor sports facilities and parks, for all sections and age groups of the community. Where new open spaces are provided they will be designated as appropriate; and

O) protecting and enhancing the existing level of provision of playing pitches with any future review undertaken in accordance with the Playing Pitch Strategy (2011).

Policy CS6 - Promoting Sustainable Waste Management and Recycling

The Council will work in partnership with the North London Waste Authority (NLWA) partner boroughs in order to manage its waste to meet the London Plan apportionments and recycling targets in a sustainable manner by:

A) promoting the prevention and reduction of waste produced in the Borough, increasing the reuse of materials wherever possible, and seeking to increase recycling and composting of waste;
B) ensuring that new development including change of use provides accessible, adequate and well designed internal and external storage facilities for residual waste and recycling;

C) ensuring that waste is minimised during construction of new developments, encourage the use of sustainably sourced materials and requiring developments to make on-site provision for the recycling and re-use of construction and demolition waste;

D) ensuring there is sufficient land for waste management purposes and establishing appropriate policies for waste applications to maximise self-sufficiency in waste management, through the Joint North London Waste Plan and applying its policies to waste development. Additionally the Council will safeguard existing waste management sites within Waltham Forest; and

E) encouraging waste to be treated as close to the source as possible and encouraging sustainable movement of waste, maximising the potential use of rail and water transport where waste is not treated at its source.

Policy CS7 - Developing a Sustainable Transport

The Council will facilitate growth and regeneration in a sustainable manner and promote sustainable travel by:

Coordination of Land Use and Transport

A) working with TfL, Network Rail and other partners to facilitate the delivery of key transport infrastructure improvements in the Borough to support regeneration and growth, in particular the reinstatement of the Chingford – Stratford line;

B) safeguarding land as shown on the proposals map for Crossrail 2 Line;

C) guiding developments to located town centres and to areas that are well accessible by public transport, including our key growth areas and requiring them to be designed to reduce the need to travel and to encourage walking, cycling and access to public transport;

D) requiring Transport Assessments and Travel Plans where appropriate in support of planning applications to determine potential transport impacts and to demonstrate how the development minimises and mitigates the expected impacts and working with and encouraging existing high trip generating organisations to prepare a Travel Plan;

Sustainable Transport Network

E) actively encouraging walking and cycling by providing an attractive public realm and safe, convenient and accessible routes and facilities throughout the Borough;
F) working with partners to improve the accessibility, reliability and quality of the public transport system and its integration with other transport modes;

Managing Private Motorised Transport

G) managing traffic flow and speed and implementing public realm and streetscape improvements, including the reallocation of road space in both cases by reference to: the importance of streets for particular modes (within a road hierarchy and a road user hierarchy to be defined in the Development Management Policies DPD); road safety; locations of high pedestrian demand; the need for pedestrian, cycle and public transport infrastructure; regeneration priorities; design parameters such as the extent of carriageway; funding availability and other criteria to be set out in the Development Management Policies DPD;

H) managing the demand for private car travel by protecting the continued provision of existing and promoting the expansion of cab services, car clubs, pool cars, and low emission motor vehicles, and working with the Mayor of London's to implement the electric car strategy;

I) managing parking requirements effectively across the Borough to minimise the negative impacts of traffic and reducing reliance on car for journeys by requiring car, motorcycle and cycle parking facilities in accordance with the maximum car and minimum cycle parking standards set out in the Development Management Policies DPD, managing on street parking, and promoting car free and car-capped developments; and

Freight

J) promoting the sustainable movement of freight and minimising the impact of freight movement on local amenity, traffic and the environment.

Policy CS8 - Making Efficient Use of Employment Land

The Council will facilitate sustainable economic growth by:

Strategic Industrial Land

A) ensuring the Borough has a healthy supply of land for high quality, sustainable industrial uses by promoting, protecting, and managing the Strategic Industrial Locations (SILs) defined in Figure 20, Figure 21, and Figure 22;

Borough Employment Areas

B) intensifying and upgrading existing employment land in the Borough Employment Areas set out in Table 6 to secure more jobs for local people. Within the key growth areas this could include the provision of jobs as part of a mixed use development. In such cases, priority will be given to education,
health, or social infrastructure before considering other uses such as residential;

**Offices**

C) ensuring Walthamstow town centre is the primary location for significant new office developments (i.e. those employing 50 people or more), whilst also recognising that several Borough Employment Areas identified in Table 6 and other centres or areas well served by public transport, offer scope for continued or enhanced office use. In such locations, office developments should be ancillary to an organisation’s existing or proposed operations or be small in scale and part of a development designed to meet the needs of small businesses;

**Mix of employment uses**

D) encouraging a mix of employment facilities and types, including the provision of employment spaces suitable for small and medium sized enterprises, and creative/cultural industries, particularly in Borough Employment Areas;

**Non designated employment land**

E) taking a pragmatic approach to non-designated employment land and premises that can clearly be demonstrated to be surplus to requirements and no longer fit for purpose, so that it can be released for more productive uses. Priority will be given to mixed use developments, especially those that incorporate social infrastructure;

**New employment uses**

F) supporting proposals for new employment uses outside designated areas where such use would not be contrary to other policies within the plan.

To maximise employment opportunities available to local people, Policy CS10 will also be a key consideration.

**Policy CS9 - Promoting Better Education**

The Council and its partners will ensure that all residents, especially young people in the Borough have access to high quality educational facilities by:

A) providing enough primary, secondary and further education places so that all young residents in the Borough can be educated to a high standard;

B) making sure that facilities are sustainably designed, energy efficient and easily accessible by sustainable transport modes;

C) providing access to play spaces, local playing fields and sporting facilities;
D) requiring new school proposals including extended schools to be developed as community hubs whereby they are accessible to the general public outside school hours; and

E) safeguarding land in the identified key growth areas of Blackhorse Lane, Northern Olympic Fringe, Walthamstow and Wood Street and at other opportunity locations identified in the Site Specific Allocations Document.

Policy CS10 - Creating More Jobs and Reducing Worklessness

The Council will seek to maximise employment opportunities for its residents by:

A) promoting the delivery of additional educational and training facilities, either as new development in town or district centres or within established locations or elsewhere in accordance with the Development Management DPD;

B) ensuring provision is made within new developments to recruit and train local residents to serve its needs, proportionate to its size;

C) supporting infrastructure improvements that enhance residents’ access to employment areas via public transport, foot and bicycle;

Opportunities for the most vulnerable sections of the community will be enhanced through focussing employment growth in the Boroughs key growth areas.

Policy CS12 - Protecting and Enhancing Heritage Assets

In managing growth and change, the Council will promote the conservation, enhancement and enjoyment of the Borough’s heritage assets and their settings such as conservation areas, listed buildings, parks and gardens of local historic interest, archaeological priority zones and other buildings and spaces of local historic value by:

A) keeping under review heritage designations and designating additional areas, buildings and spaces for protection where justified by evidence;

B) carrying out, reviewing and implementing Conservation Area Appraisals and management plans;

C) promoting heritage-led regeneration and seeking appropriate beneficial uses and improvements to historic buildings, spaces and areas;

D) ensuring improved access to historic assets and improved understanding of the Borough’s history.
Policy CS13 - Promoting Health and Well Being

The Council will aim to create and develop healthy and sustainable places and communities by:

A) requiring all new developments to meet appropriate environmental standards that minimise air, water, noise and light pollution and address the risks arising from contaminated land and hazardous substance and ensuring satisfactory amenity is provided for future and surrounding occupiers;

B) requiring new development to consider how it will contribute to improving health and reducing health inequalities. Where adverse impacts are identified, the development will be expected to demonstrate how it will address or mitigate against these impacts;

C) improving both pedestrian and cycle access to green and open spaces, particularly the Olympic Park, Lea Valley Regional Park and Epping Forest;

D) improving access to the Borough's health facilities and services, leisure and sports and recreation facilities whilst ensuring they are accessible by all;

E) promoting higher levels of regular exercise by making the public realm and pedestrian and cycle routes more attractive and safer;

F) reducing the proliferation of any land use which reduces people's ability to be healthy; and

G) maximise the benefits of the Olympic Legacy for the benefit of the Borough's residents.

Policy CS14 - Attractive and Vibrant Town Centres

The Council will promote successful and vibrant centres throughout the Borough to serve the needs of residents, workers, visitors by:

A) ensuring that new proposals for town centre uses including retail, leisure, office, entertainment, hotel, community, cultural and service uses etc are directed to the designated centres through the 'sequential test' (85), whilst also ensuring that the scale of development proposed in a centre is appropriate to the role and character of the centre and its catchment;

B) promoting the dominant position of Walthamstow Town Centre as the main destination for comparison goods shopping in accordance with its role as a Major Centre in the London Plan. The majority of additional growth in retail and other town centre uses will be located in this centre.

C) consolidating the role of the District Centres of North Chingford, South Chingford, Highams Park, Wood Street, Bakers Arms, Leyton and Leytonstone as complimentary centres to Walthamstow Town Centre. Having regard to the level of capacity available in these centres, the provision of main
and bulk convenience food shopping and a reasonable range of comparison shopping facilities and other services will be encouraged in these centres;

D) supporting the role of neighbourhood centres including Sewardstone Road, Chingford Hatch, Chingford Road, Forest Road, Markhouse Corner, Francis Road, Thatched House and Blackhorse Road as local activity hubs for retail and other town centre uses;

E) creating a sustainable pattern/distribution of town centre uses by:

(i) consolidating retail activities within compact retail core areas of the designated centres and local retail parades;

(ii) managing the proliferation of particular uses where their location and or grouping would be contrary to the Council's aspirations and priorities;

(iii) encouraging and managing the development of clusters of complementary evening and night-time economy uses in town centres avoiding concentrations of uses likely to lead to an increase in crime and disorder;

F) creating distinctive town centres by encouraging the development of complimentary roles, differentiation and specialisation between centres with regard to their 'offer' and place setting;

G) encouraging housing in and around town centres as part of mixed use developments on the upper floors of commercial buildings and on sites where a high quality living environment offering good levels of residential amenity, low noise levels, safe streets, personal security etc, can be created without impeding the development of primary town centre uses such as retail and other commercial uses, particularly in the key growth areas of Blackhorse Lane, Northern Olympic Fringe, Walthamstow Town Centre and Wood Street and other site opportunity locations identified in the Site Specific Allocations Document;

H) promoting the rejuvenation of town centre areas through the redevelopment of under used sites and premises; and

I) supporting the establishment and operation of Business Improvement Districts to create an improved environment for business and secure improvements in town centre performance.

Policy CS15 - Well Designed Buildings, Places and Spaces

New development proposals will be expected to:

A) ensure the highest quality architecture and urban design, both in terms of providing attractive and functional developments. New development should respond positively to the local context and character, improve the way places function and promote distinctiveness and sense of place;
B) give strong recognition to local distinctiveness and spatial context within the Borough’s neighbourhoods in Chingford, Walthamstow, Leyton and Leytonstone and the unique characteristics they present as defined by the combination of common elements such as block structure, urban grain, building typology, street pattern and public realm, building density/height, richness, private and public space and the presence of street trees; 

C) address issues of height and scale sensitively. Subject to detailed analysis of their impact on local and historic context and other key criteria set out in the English Heritage/CABE guidance, tall buildings (defined as ten storeys and above (26 metres above natural ground level)) may only be appropriate on specific sites within the key growth areas of Blackhorse Lane, Northern Olympic Fringe, Walthamstow Town Centre and Wood Street. Appropriate sites will be identified as part of the development of the AAPs. Elsewhere within the Borough tall buildings are considered inappropriate. In some limited circumstances, medium rise, taller buildings (defined as between 5-9 storeys (13 - 23 metres above natural ground level)) may be appropriate both within the growth areas and at other key locations outside of the growth areas, subject to meeting the same criteria above. Appropriate locations for medium-rise buildings outside of the growth areas will be identified in the Site Specific Allocations Document, and could include:

- “gateway” sites or key entrance points into the Borough,
- specific locations at key junctions along principal routes,
- central areas or key junctions within shopping centres and,
- in areas fronting large areas of open space, subject to there being no detrimental impact on openness and visual amenity.

D) reinforce and, where appropriate, create new distinctive and legible areas/spaces based on a design-led approach to redevelopment, particularly in the identified key growth areas; and

E) incorporate high quality and inclusive design measures to create an attractive, safe, healthy, accessible and sustainable environment throughout Waltham Forest.

**Policy CS16 - Making Waltham Forest Safer**

The Council will aim to improve community safety and cohesion by working with partners to:

A) minimise opportunities for criminal behaviour by requiring all forms of new development to incorporate principles and practices of 'Designing out Crime' and Secured by Design;

B) co-ordinate land uses to minimise the likelihood of an increase in crime and disorder;
C) promote safer streets and public realm improvements throughout the Borough.
1 RECOMMENDATION

1.1 Conditional planning permission is granted, subject to conditions, referral to the GLA, and the completion of s106 agreement.

2 SUMMARY OF REASONS FOR RECOMMENDATION

2.1 The proposed use of the site as a bus/coach depot is considered to be acceptable, as it would result in the redevelopment of a vacant stadium car park site into land use that would benefit the Borough in terms of its contribution to enhancing and improving public transport services, and providing further employment and training opportunities for the local population. The site is ideally located within a commercial area, adjacent to strategic road network for occupation as a bus/coach depot, and would not unduly compromise or impact upon the local area and adjoining land uses in terms of its physical presence and use.

The proposals have been considered against policies CS1, CS3, CS4, CS5, CS6, CS7, CS8, CS10, CS13, CS15 and CS16 of the Waltham Forest Core Strategy March 2012.

3 REASONS REFERRED TO COMMITTEE

3.1 This application is being reported to Committee because:

- There is significant public interest

4 DETAILS OF PROPOSAL AND SURROUNDINGS

4.1 The proposal relates to part of the car park that previously served the Stadium opposite but which has been unused since the stadium closed in 2008. The car park site adjoins Walthamstow Avenue to the north and East, Chingford Road to the west and The RC Church of Christ the King to the south.
4.2 The application site relates to the western section of the car park, which has a site area of 5,462 sq m. A separate planning application (ref 2011/0275) for a car showroom is currently being considered for the eastern section of the car park which would front Chingford Road.

4.3 The application site falls predominantly within a commercial area with Sainsbury's superstore and the Holiday Inn to the north, and the Walthamstow Dog Stadium to the east. To the south-west is the North Circular, A406, which forms part of the strategic road network in East London. There is a public footpath bridge adjoining the application site to the north, which provides pedestrian access over the A406. The site is located well away from residential properties with the closest dwellings positioned on Chingford Road and Empress Parade, which is located over 70 m away from the application boundary.

4.4 Until the closure of the Stadium in 2008, the site provided parking for the stadium on the evening of Tuesdays, Thursdays and Saturdays between the hours of 1900 and 2300. It was used by a local motorcycle training school for motorcycle training on Saturday mornings.

4.5 The site was purchased by HCT Group, a transport company who operate services on behalf of Transport for London along with providing coach and bus hire for local community services. Permission is sought for use of the site as a coach/bus depot for 64 buses/coaches and 38 Minibuses, together with associated plant storage, fuel and wash facilities, ancillary office, landscaping and access. The use would operate between the hours of 0430 to 0200.

4.6 The proposal comprises of the creation of a large parking area along with the erection of a series of on site buildings creating a built foot print of 538 sq m. The following buildings would be erected on site:

(i) Two storey office building with occupation as administrative office and staff training area. The building would be located on the north east corner of the site, with a footprint of 223 sq m. The building is proposed to comprise of a brick exterior, along with steel roof structure and window/door frames. The building would comprise of a length of 27 m, width of 9.1 m, and a height of 8 m at the ridge and 6.4 m the eaves.

(ii) A fuel tank and bay will be located on the western boundary with foot print of 163 sq m. The associated build structure would have a length 13.3 m, width of 3 m and height of 3.2 m.

(iii) A bus wash facility would be located on the western boundary, just south of the fuel tank and bay, and would comprise of a foot print of 113 sq m. The associated build structure would have a length of 3 m, width of 6 m and height of 6 m.

(v) A plant room, associated to the operation of the bus wash facility would be located on the south-west corner of the site, with foot print of 9 sq m. This would be a small structure, with a width and depth of 3 m, and height of 2.2 m.
(iv) A storage facility will be located along the south-east boundary, comprising of a footprint of 30 sq m. The structure would have a length of 10 m, width of 3 m and height of 3 m.

4.7 The proposal would incorporate the provision of 6 staff parking spaces associated to the office building. One of these spaces would be a dedicated wheelchair parking space. There would also be the provision of 20 cycle parking spaces, located by the office building.

5 RELEVANT SITE HISTORY

5.1 During the submission of this planning application, application ref: 2011/0275 was also submitted to the Council in January 2011 relating to the eastern section of the application site for a vehicle showroom.

5.2 The Council is also considering planning applications reference 2011/0898 and 2011/0907/LB submitted in July 2011 for the mixed residential / leisure redevelopment of the former Walthamstow Dog Stadium site on the east side of Chingford Road opposite the car park.

6 CONSULTATIONS

(A) Public Consultations

6.1 Consultation letters were sent to: 2-42 (even) Empress Parade, Chingford Road; Christ The King Roman Catholic Church and Presbytery, 455 Chingford Road, Walthamstow Dog Stadium, 300 Chingford Road, Express By Holiday Inn, 5 Walthamstow Avenue, and Sainsbury’s 11 Walthamstow Avenue. A press notice was published and site notices displayed around the periphery of the application site.

6.2 Three objections were received from: a former marketing director of Walthamstow Stadium, the Save Our Stow group, and a third party who gives their address as 18 Longwood Gardens, Ilford. The Save our Stow group comprises a group of local residents and businesses who are campaigning retention of the Stadium for racing greyhounds.

6.3 Objections have been raised on the following matters:

(i) The loss of the stadium car park is unacceptable, on the basis that the site forms vital ancillary function in relation to the Greyhound Dog Stadium. On this basis it should be afforded protection, given that the use of the Greyhound Dog Stadium is a viable use, and its need for car parking facility is vital for its operation. Given that the site forms part of main stadium, any future use should be retained within the existing leisure use class. COMMENTS: Please refer to Key Planning Considerations.

(ii) The proposed development would be contrary to planning policies, in terms of change of use from Use Class D2. It is stated that whilst applicants acknowledge in their documentation that Waltham Forest Core Strategy policies should be afforded minimal weight as policy consideration, they rely upon it significantly to support their application in terms of providing further employment within the Borough. It has been stated that greater weight should be afforded Waltham Forest UDP 2006, with particular reference to policies INB3, and TRL17 which
would be in support of retaining the existing leisure use associated to the application site. **COMMENTS:** From 1st March 2012, the Waltham Forest Core Strategy was adopted as the authorities adopted plan, which has superseded the Waltham Forest Unitary Development Plan (2006), with the exception of some saved policies. In particular the issues dealt with in UDP policies INB3 and TRL 17 are now covered by Core Strategy policies CS3 and CS8. With regard to the issues raised here, please refer to Key Planning Considerations.

(iii) It has been stated that insufficient public consultation was carried out with regards to the application, and that many residents living within the locality were unaware of the proposal. **COMMENTS:** The application was subject to public consultation as required by the Town and Country Planning Act 1990, and the Town & Country Planning (Development Management Procedure) (England) Order 2010 (including the Council as local highway authority) incorporated consultation letters to neighbouring properties as listed in paragraph 6.1

(iv) The proposed development would result in significant impact on traffic movement within the locality, particularly in relation to the Billet Roundabout. **COMMENTS:** See Key Planning Considerations.

(v) The Stadium should be retained for greyhound racing and leisure purposes. The Save Our Stow group make the following points:

- The Greyhound Stadium is an iconic and popular leisure facility which should be protected and reinstated
- The site was in profit during operation as a Greyhound Stadium
- A potential investor (Bob Morton) considers that the site could be operated viably under his control

**COMMENT:** See Key Planning Considerations, Members do however have to assess the application on its own merits.

6.4 A letter of support was received from London Travel Watch, who stated that the applicants provided a unique function in London. The provision of garages, stations and bus stands are vital in the operation of companies such as HCT, in order to provide an effective and efficient London Bus Service. There are a limited number of sites that can be occupied for the use proposed as part of this application.

(B) GLA

6.5 The application is referable to the GLA by virtue of Categories 1A, 1B and 2C of the Town and Country Planning (Mayor of London) Order 2008. The GLA were consulted, and broadly accepted the proposal in strategic planning terms, however, it was stated that their were outstanding issues which need to be addressed, as listed below:

(i) Urban Design
It was stated that a more imaginative design approach should be adopted with regards to the design of the Office to add some interest and vitality to the location. It was also considered that high quality landscape scheme should be incorporated in relation to the site boundaries. **Comments:** See Key Planning Consideration

(ii) Inclusive Design

The proposed office failed to provide a full inclusive environment, ensuring access for all. **Comments:** The plans have been amended to ensure that a fully accessible environment is created.

(iii) Climate Change and Mitigation

The proposal failed to incorporate measures to limit carbon dioxide emissions, and provide resilience to climate change. The GLA stated that their was need for a Sustainable Strategy to be submitted as part of the planning application. **Comments:** An Energy and Sustainable Strategy was submitted by the applicants in response to the GLA response and is dealt with under Key Planning Considerations.

(iv) Transport -Sustainable Means of Travel

The applicant was required to demonstrate that sustainable travel approach would be adopted as part of the proposal, and therefore a workplace travel plan was required. **Comments:** The applicants have agreed to a s106 agreement incorporating requirement for Workplace Travel Plan to produced, approved by Local Planning Authority and fully implemented.

(v) Transport – Financial Contribution to TFL

TFL are seeking pooled contributions for improvements to the operation of Walthamstow Avenue/Chingford Road junction and crooked Billet Roundabout signal via SCOOT scheme, for proposals associated to the Former Walthamstow Dog Stadium and the associated car park applications. A pooled contribution has been requested due to the cumulative impact the proposed developments, relating to the main stadium and car park site would have on the local highway infrastructure. A contribution of £47,000 has been requested for this application. **Comments:** Contributions details relating to the proposed development have not been finalised and this matter will be dealt with in planning committee update report.

(vi) Transport – Impact New Entrance Access

It was stated that a swept path analysis for buses leaving and entering the site, along with accidents records for the last 3 years within close proximity of the site should be incorporated into the Transport Assessment. This would allow for consideration to be given on whether a road safety audit is required for the site access arrangements. **Comments:** The information requested has not been provided however, as part of the s106 agreement, improvement works would be taking place along the adjacent highway to improve traffic flows and pedestrian movement.

(vii) Highway Works - Footbridge
The proposed development would be sited adjacent to the footbridge located on the east boundary of the site, whereby there is a need to ensure that any proposed building/construction work on site would not have implications for this footbridge. It was stated that detailed construction works would be required for the proposed development, to be approved by the Local Planning Authority. **Comments:** This matter can be sufficiently be dealt via planning condition.

7 **PLANNING POLICY CONSIDERATIONS**

7.1 **Development Plan**

Waltham Forest Core Strategy (2012)

Relevant policies are:
- CS1: Location and Management Growth
- CS3: Providing Infrastructure
- CS4: Climate Change
- CS5: Enhancing Green Infrastructure and Biodiversity
- CS6: Promoting Sustainable Waste Management and Recycling
- CS7: Developing Sustainable Transport
- CS8: Making Efficient Use of Employment Land
- CS10: Creating More Jobs and Reducing Worklessness
- CS13: Promoting Health and Well Being
- CS15: Well Designed Buildings, Places and Spaces
- CS16: Making Waltham Forest A Safer

These have been appended to this agenda.

7.2 **London Plan (2011)**

The relevant policies are 2.3, 5.2, 5.3, 5.6, 5.7, 5.9, 5.10, 5.12, 5.13, 5.14, 5.15, 5.17, 6.2, 6.3, 6.7, 6.11, 7.1 and 7.2.

8 **Other material planning considerations**

8.1 **Local Development Framework ‘Development Management Policies’ preferred options**

This document comprises of details polices which support Core Strategy. The document is currently being finalised for public consultation.

The relevant policies are DM11, DM12, DM13, DM14, DM15, DM16, DM17, DM21, DM22, DM24, DM25, DM30, DM31, DM33, DM34, DM35 and DM36,

This document has the aim of raising the quality of design within the Borough and to improve local character in all new developments. It also sets spatial standards for new residential units.

8.3 Supplementary Planning Document ‘Planning Obligations’ (2008)

This document seeks to provide a transparent, clear and consistent basis for the negotiation of planning contributions.


This document seeks to ensure that all public buildings provide a fully inclusive environment.

8.5 National Planning Guidance

- PPG13 ‘Transport’
- PPS1 Delivering Sustainable Development
- PPS4 ‘Planning for Sustainable Economic Growth’
- PPS22 ‘Renewable Energy’
- PPS25 ‘Development and Flood Risk’

9 KEY PLANNING CONSIDERATIONS

9.1 The main planning issues as part of planning application are as follows:

a) Principle of Development
b) Urban Design
c) Inclusive Development
d) Environment and Sustainable Design
e) Flooding
f) Traffic Management and Parking
g) Landscaping
i) Impact of Streetscene and Adjoining Land Uses
j) Obligations

a) Principle of Development

9.2 The proposal relates to the change of use of the site from a car park to a bus/coach depot. The principal considerations for the proposal relate to (i) loss of the site as car park, and (ii) the acceptability of the use of the site as a bus/coach depot.

(i) Loss of Car Park

9.3 Although the site was formerly used as a car park supporting the use of the Stadium it is now in separate ownership and subject to separate development proposals. As a separate independent site, there is no over riding planning justification for it to be retained as a car park.
(Item 4.1)

9.4 (ii) Use of Site as Bus/Coach Depot

9.5 The proposed use of the site as bus/coach depot is considered to be acceptable, as it would meet the objectives of the Waltham Forest Core Strategy, London Plan and PPS4, in terms of accommodating and improving public transport service provision in London, and introducing further employment and training opportunities for the local population.

9.6 The site is located within an area adjoining existing commercial uses, and is sited adjacent to the main road network, whereby continued commercial use would be preferred. The application site is identified in policy CS1 of the Local Development Framework ‘Core Strategy’ as a key site for redevelopment which would be to the benefit the wider community.

9.7 HCT is an existing TfL bus route contractor, who also provide community bus services within Waltham Forest. The use of the site as a bus depot, would permit HTC to continue to provide and enhance existing public transport facilities and services. In order for public transport services to be maintained, there is need for expansion and introduction of bus parking, which in turn allows for increase in bus services to be provided in London. The site is ideally positioned within the Borough, adjacent to major local and sub-regional road network.

9.8 The development would bring further employment and training within the locality, with the creation of 270 full time posts to be provided on-site along with training for up to 100 people a year. The development would contribute to the economic regeneration of the local area, in line with the objectives of policy CS3 and CS10 of the Waltham Forest Core Strategy.

b) Urban Design

9.9 The proposed site layout has been determined by the functional requirements of the bus depot. Mini buses would be parked adjacent to the northern boundary of the site, along with coaches/buses parked within the centre of the site. The proposal comprises of provision of an office building in the north-east corner of the site, which would be within reasonable close proximity of the site entrance. Service buildings, relating to the maintenance of the vehicles, are positioned along the western boundary.

9.10 The layout and appearance of the proposed bus depot would be functional, however, extensive perimeter landscape treatment has been proposed as part of the development to screen the bus depot activities. The landscaping proposal has been subject to significant amendments, to increase the soft landscaping element along the periphery of the site. The landscaping scheme would not only screen site activities but would also contribute to enhancing the current setting of the existing street scene which currently has a poor visual amenity value.

9.11 The buildings proposed on-site have been designed for functional purposes rather than architectural quality. With the exception of the office building, most of the build structures proposed on site are small in scale and out of public view.

9.12 The office building, which would be one of the largest buildings on site, would be positioned adjacent to the north-east site boundary. As part of the
original plans, this building would have had a prominent impact on the visual amenity of streetscene, along Walthamstow Avenue. There were concern with regards to poor design approach having been adopted for the office building, which would not contribute to enhancing local environment - an issue that was raised by the GLA. However, the impact of this building on the streetscene will be significantly minimised, given the introduction of enhanced tree planting scheme proposed along the Walthamstow Avenue boundary. The proposed landscaping scheme, which comprises a mix of Hornbeam and Hawthorne trees, would limit clear views of the office building, whereby requiring a build design with enhanced architectural features is considered to be unnecessary. The office building is positioned on a corner location, adjacent to the footbridge whereby there would be little view of the building from the east, and limited views of the top section of building from the north.

9.13 The proposed development is acceptable in terms of site safety and security. The site would primarily be accessed by employees, with limited access by the public and visitors. The site would be secure, given the perimeter treatment relating to provision of existing and proposed new fencing, walls and planting scheme. No details were provided with regards to site entry control, this matter that will be conditioned, along with requirement of full details relating to site boundary enclosures.

c) Inclusive Development

9.14 The proposed development would provide a fully inclusive environment, ensuring access for all. The office/training building has in particular been designed to be fully accessible, with the provision of a disabled parking bay directly adjacent to the entrance ramp. The development would be in compliance with Policy CS15 of the Waltham Forest Core Strategy, and Supplementary Planning Document ‘Inclusive Design for Non Residential Buildings’.

d) Environment and Sustainable Design

9.15 The proposed development has been designed and will incorporate measures to limit carbon dioxide emissions, and provide resilience to climate change.

(i) Energy Efficiency

9.16 An Energy and Sustainability Statement has been submitted for the development, which incorporates measures to be taken on site that would result in a total reduction of emissions for the whole site of 15.6%. In consideration of the various uses performed on site, it is noted that a significant reduction of CO2 is achieved in relation to the office/training building, which would when assessed independently achieve a reduction of 31% via a mixture of energy measures including the application of air source heat pumps and PV panels.

9.17 In terms of use of the site by commercial vehicles, management practices would relate to minimising un-regulated fuel usage.
9.18 Large quantities of water would be required on site for the cleaning and washing of buses, with the site operator’s proposal is to recycle 80% of the wash water, further minimising energy use required in terms of provision of fresh water.

9.19 Whilst, both the Waltham Forest Core Strategy and the London Plan aspire to 20% reduction in CO2 saving, given the nature of the site and its function it is considered that the saving achieved, as demonstrated in the Energy and Sustainability Statement, is the maximum that can realistically be achieved.

(ii) Air Quality

9.20 The site is located within one of the Borough’s poor air quality zones, and therefore the development needs to be assessed in terms of its impact on local air quality.

9.21 The proposal is not considered to have unduly unacceptable impact on local air quality, in context of the former use of the site as a car park which had air quality implications and the measures that will be incorporated as part of the development to minimise air quality.

9.22 To minimise the impact on air quality, the development incorporates energy efficiency measures, as discussed above. A financial contribution will also be provided towards the Council’s Air Quality Management Scheme, in line with the Council’s ‘Planning Obligations’ SPD (2008).

9.23 Further measures to minimise the impact of the development on local air quality, will be achieved via planning conditions, as follows:

- 50% of the buses operating from the site would be fitted with emissions reduction equipment to the exhaust, reducing the output of Nitrogen Oxide.
- Commercial vehicles operating from the site, when leaving the premises would be restricted from turning right into Walthamstow Avenue, unless they have a northbound route whereby they would be turning left into Chingford Road. It is noted that Chingford Road, when heading towards the Billet Roundabout, can become very congested. This condition would ensure that further unnecessary omissions are not introduced within the locality, due to traffic congestion as the commercial vehicles operating from the site would be steered away from a congested section of Chingford Road.

(e) Flooding

9.24 The site falls within national flood risk area, zone 2/3, whereby any forthcoming proposals would need to incorporate flood mitigation measures in order to protect the locality from additional flooding resulting from the new development.

9.25 A Flood Risk Assessment was submitted as part of the planning application, incorporated details of mitigation measures that would be adopted as part of the development proposal. The report has been approved by the Environment Agency subject to conditions being attached to forthcoming approval, relating to (i) full compliance of the approved flood assessment
report and identified mitigation measures, and (ii) a scheme relating to management of foul and surface water to be submitted and approved by the Local Planning Authority.

f) Traffic Management and Parking

9.26 The proposals would incorporate the provision of 102 parking spaces for up to 64 bus/coaches and 38 mini buses, along with the provision of 6 car parking spaces for office staff, one of which would be wheelchair parking space. The site would also incorporate the provision 20 cycle parking spaces.

9.27 The proposed depot would be accessed via Walthamstow Avenue, sited just east of the mini-roundabout that also serves the car park to the nearby Sainsbury store. The site would comprise of a parking layout, which allows for buses to leave the premises in the set order. The vehicles would return during the day for breaks to a waiting area and on return in the evening they would be driven to a fuel bay and wash bay before returning to the parking bay.

9.28 The stadium car park accommodated approximately 400 car parking spaces, with 200 car parking spaces to be estimated to have been occupied within the site area of the application site. It is, therefore, noted that parking of vehicles on site as part of the proposed scheme would be significantly lower than the previous use, although the size and pattern of activity will evidently be different. The frequency of vehicles entering and leaving the site would be greater, given that the bus depot would operate 7 days a week, whilst the car park was only occupied in the evenings of Tuesdays, Thursdays and Saturdays. Whilst, the frequency of use of the bus depot would be greater, the number of vehicles entering and leaving the premises would be dispersed throughout the day between the hours of 0430 to 0200, unlike the former operation of the car park which had an influx of cars entering and leaving the site resulting in significant congestion within the locality.

9.29 As part of the planning submission, a Transport Assessment was submitted which detailed trip generation associated to the proposed development. The report demonstrated that the development would have minimal impact on traffic flows within the locality, given dispersed activities of commercial vehicles entering and leaving the premises. There are expected to be 273 daily bus/coach movement from the site, but only 6 in am peak (8-9am) and 4 in PM peak (5-6pm). Whilst it is accepted that there would not be significant impact on traffic flows as a result of the development, there are concerns with regards to impact additional vehicles would have on existing congestion problems experienced on Chingford Road leading up to the Billet Roundabout. In order to relieve further pressures along this section of Chingford Road, a condition is proposed requiring vehicles leaving the site to use the A406 slip road to access the roundabout with only northbound vehicles being permitted to use Chingford Road.

9.30 Sustainable travel is being promoted for staff with the provision of bus travel passes for HCT employees and on-site cycle parking spaces. Apart from 6 spaces proposed for the office staff, no car parking spaces would be
provided for other HCT employees. Whilst, this sustainable mode of travel is being proposed for employees, there is a need for these measures to be formalised via the adoption of a workplace Travel Plan. The applicant has agreed to adopt a workplace Travel Plan, which shall be secured via s106 agreement.

9.31 A series of off-site highways works will be required in order for the proposed development to be accommodated, which will be carried out by the Council’s Highway Team and paid for by the developer. An update report will provide further details of these works, and the contributions that will be required as part of a s106 agreement.

g) Landscaping

9.32 Given the operational needs of the site, as a bus depot, the site will continue to incorporate large areas of hardstanding for parking of vehicles. As part of the landscaping proposal, soft landscaping would be provided running along the northern, western and southern periphery of the site, which would be significant improvement to current status of site, in terms of its biodiversity value. The site presently comprises of small pockets for soft landscaping around the periphery of the site, with existing planting of little significance.

9.33 The site landscaping scheme has been the subject of revisions, in consultation with the Council’s Tree Preservation and Nature Conservation Officer. The proposal would result in the removal of four hornbeam trees, located adjacent to Walthamstow Avenue. The loss of these trees are considered acceptable, as they are not of such importance whereby they need to be retained, and would be compensated by a significant planting scheme that will be incorporated into the proposed landscape scheme. This particularly relates to the frontage of Walthamstow Avenue which would be aligned with a row of Hornbeams and Hawthorns.

9.34 In order to secure the implementation of an acceptable landscaping scheme, full details shall be required as part of planning condition which would need to incorporate a site planting scheme.

h) Impact of Streetscene and Adjoining Land Uses

9.35 The application site presently provides poor visual amenity value within the locality. It is considered that the development would provide a positive contribution to the visual setting of the site in streetscene, due to the proposed enhanced perimeter landscaping scheme, and the general maintenance that accompanies an occupied site.

9.36 The development would have limited impact on the amenity of the adjoining land uses, in terms of visual impact and use.

9.37 The application site is positioned adjacent to the North Circular (A406) to the east, which has limited view of the site. The A406 is not only positioned on a significantly lower ground level, but views of the site are also obscured by the public footbridge which runs adjacent to the eastern site boundary. The Holiday Inn car park is positioned to the north and the grounds of The RC Church of Christ the King to the south, both of which would have views of the perimeter landscaping, providing visual buffer to actual site use. A
combined fencing and planting scheme is also proposed along the western boundary that would also provide visual buffer for the future occupiers of west section of the car park.

9.38 A Noise Assessment report was submitted as part of the application, which clearly demonstrates that there would be minimal impact upon the amenity of the nearby residents. The site is positioned significantly away from residential properties, by approximately 70 m, with the exception of the Presbytery relating to the RC Church of Christ of England which is located to the south of the application site. In order to protect the amenity of the occupiers of the Presbytery, a planning condition will be attached to any planning permission requiring the height of the southern boundary wall to be increased and enhanced landscaping to be provided along this boundary to create a noise buffer from site activities.

i) Obligations

9.39 The following contributions will form part of a S106 agreement, full details of which shall be provided in an updated planning committee report:

- Financial contribution for Council’s Air Quality Management scheme
- Workplace Travel Plan; and
- Financial contributions relating to highway works required as a result of the development.

10 OTHER MATERIAL CONSIDERATIONS

10.1 Local Finance Considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL).

10.2 There are no grants which have been or will or could be received from central government in relation to this development.

10.3 The Council has not received and does not expect to receive any income from CIL in relation to this development.

10.4 The Council is expecting to receive financial contribution for the Mayoral CIL in relation to this development details of this shall be provided in the Planning Committee update report. The contribution agreed, once received by the Local Authority, would be transferred directly to the GLA.

11 HUMAN RIGHTS

11.1 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.

11.2 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 and listed building consent 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. EQUALITIES

12.1 In making your decision you must also 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.

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

12.3 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 is only one factor that needs to be considered, and may be balance against other relevant factors.

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

13 RECOMMENDATION

13.1 The planning permission would be the subject of s106 legal agreement, relating to. Full details shall be provided within the planning committee update report.

13.2 The Planning Committee will be requested to resolve that planning permission be granted subject to series of planning conditions, these shall be provided within the planning committee update report.
14 BACKGROUND DOCUMENTS

14.1 None.
LONDON BOROUGH OF WALTHAM FOREST

<table>
<thead>
<tr>
<th>Committee/Date:</th>
<th>Planning 27 March 2012</th>
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<tr>
<td>Application reference:</td>
<td>2011/1630</td>
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<td>Applicant:</td>
<td>NF Cooper Homes</td>
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<tr>
<td>Location:</td>
<td>22 South Avenue Chingford E4</td>
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<tr>
<td>Proposed development:</td>
<td>Demolition of existing &amp; erection of 6 x 3 bedroom semi-detached houses.</td>
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1 RECOMMENDATION
1.1 Grant planning permission subject to a section 106 agreement and conditions.

2 SUMMARY OF REASONS FOR RECOMMENDATION
2.1 This application has been considered in relation to relevant policies in the adopted Waltham Forest Core Strategy (2012) in particular policies CS1, CS2, CS4, CS5, CS7, CS13, CS15 and CS16 and guidance in the Urban Design Supplementary Planning Document (February 2010). The main issues in considering the application were the principle of a residential development of the site, the level/intensity of the development, the impact on the adjoining SSSI and trees, the design and appearance of the development and its impact on the street scene, its impact on residential amenity, the standard of accommodation provided and car parking. The proposals are considered to be acceptable in relation to these issues and it is not considered that there are any other material planning considerations in this case that would warrant a refusal of planning permission.

3 REASONS REFERRED TO COMMITTEE
3.1 This application is being referred to committee for decision because:
   - There is significant public interest.

4 DETAILS OF PROPOSAL AND SURROUNDINGS
4.1 The site comprises a large 1920’s built detached house with detached garage and tennis court located on a large plot to the eastern corner of South Avenue. The site is located at the end of a row of semi-detached interwar era bungalows and faces two pairs of semi-detached post-war built two storey houses located where South Avenue bends to the north.
4.2 The site is bounded by Epping Forest land administered / managed by Epping Forest / City of London Corporation along its eastern boundary and by a large detached property to the rear on Holly Drive. The site rises sharply to the east on the approach to the Epping Forest boundary and the front boundary of the property is fronted by a deep Council-owned verge extending from the front gate of the existing property eastward to the boundary of the Epping Forest land.

4.3 The proposal is to demolish the existing house and erect 6 x 3 bedroom semi-detached houses with integral garages and 6 off-road parking spaces. Amenity space to the front and rear is included. The buildings are all two storey and each pair of houses is designed with a slight variation in form and materials on the front elevation. Each pair steps down to reflect the change in levels on the site.

5 RELEVANT SITE HISTORY

5.1 None.

6 PUBLIC CONSULTATIONS

6.1 The occupiers of 2-20 South Avenue (evens); 1-23 South Avenue (odds) and 25-27 Holly Drive were consulted on the application.

6.2 A total of six responses have been received as a result of public consultation from neighbouring residents.

6.3 Objections to the scheme include:

- Adequacy of the planned living accommodation. Objectors make particular reference to the potential for the future use of the study room and garage for living accommodation. COMMENT: This will be dealt with under the Main issues section of this report.

- Parking and road safety. Objectors note the location of the properties adjacent to the bend where the road leads north, and the impact that the development will have on neighbouring properties who park in the street. COMMENT: This will be dealt with under the Main issues section of this report.

- Access to Epping Forest and to the properties. The issue of the ownership of the verge to the front of the existing property rising to the forest access has been raised by objectors. Currently access to the forest may be either via the steps located further up the road bend, beyond the exist property or by walking up the verge from the pavement that passes the front of the existing house. One objection suggests that the proposal will result in the existinguishment of a right of way. COMMENT: The Highways section has been consulted and has not confirmed that the access to the forest via the verge forms a right of way. As such the use of the verge to access the forest is considered to be informal. In addition it is noted that the applicant has served the appropriate Notice on the Council as owner of the verge.

- Sewage and drainage. Objectors refer to the impact of the development both in terms of the existing foul sewage network and
in terms of surface water run-off and the impact on local flooding. **COMMENT:** This will be dealt with under the Main issues section of this report.

- **Refuse storage.** The objectors refer to the inadequacy of refuse storage as shown in the plans. **COMMENT:** This will be dealt with under the Main issues section of this report.

- **Damage to trees and the highway.** Objectors refer to the impact of the development on existing road surfaces and street trees. **COMMENT:** In the event that permission is granted conditions will be attached to reduce the impact of the development in this regard. In addition the impact of development would be mitigated through a planning obligation to fund the improvement of the highway.

- **Impact of the proposal on nature conservation.** **COMMENT:** This will be dealt with under the Main issues section of this report.

- **The appearance and design of the proposal in relation to local context and the existing streetscene.** **COMMENT:** This will be dealt with under the Main Issues section of this report.

- **Objectors have referred to the accuracy of the submitted plans and the density of the development.** **COMMENT:** The responsibility for the accuracy of the plans lies with the developer. Comments from objectors have referred to the accuracy of the location plan which appeared to suggest that South Avenue is a cul de sac, although an amended plan has be now been submitted. Density is considered under the Main issues section of this report.

- **Covenants precluding development.** One objector has raised the issues of restrictive covenants in relation to the application site precluding development. **COMMENT:** Covenant issues are matters of contract law which fall outside of the remit of planning controls.

**Other Consultations**

6.4 The City of London Corporation have been consulted and have not objected, noting the recommendations in the developer’s Extended Phase 1 Habitat Survey.

6.5 The Estates and Valuations Team of the Council have objected to the proposal on the grounds that no agreement has been concluded with the Council in relation to the verge to the front of the proposal site. **COMMENT:** This ground of objection does not affect the planning merits of the application and is an implementation matter. Any further comment arising in this respect will be dealt with as an update report.

**7 PLANNING POLICY CONSIDERATIONS**

7.1 **Development Plan**

7.2 **Waltham Forest Core Strategy (2012)**

The site has no specific designation on the Proposals Map. The following policies are relevant to this application and are appended to this agenda: CS1, CS2, CS4, CS5, CS7, CS13, CS15 and CS16.
7.3 London Plan (2011)

The Plan recognises that there is a pressing need for more housing, particularly affordable housing. Various policies are relevant to this case including: 3.3: Increasing Housing Supply, 3.4: Optimising Housing Potential and 3.5: Quality and Design of Housing Developments.

Other Material Policy Considerations

7.4 Urban Design Supplementary Planning Document (February 2010)

This detailed guidance sets out a range of design principles with the objective of raising the quality of design within the Borough and ensuring that all new developments make a positive contribution to local character. The document stresses the contribution of good design in adding economic, social and environmental value, helping to deliver places accessible to all and contributing to delivering sustainable communities.

7.5 Planning Obligations Supplementary Planning Document (2008)

This document sets out a broad range of obligations that may or will be required in association with proposed developments in order to mitigate the impact of such development on the wider community.

7.6 Inclusive Housing Design Supplementary Planning Document (2011)

This SPD supplements existing policies with in the Council’s adopted Local Development Framework Core Strategy (2006) and offers detailed guidance on the Council’s commitment to inclusive design.

7.7 National Policies

PPS1 – Delivering Sustainable Development
PPS3 – Housing

7.8 Emerging LDF Development Management Policies Preferred Options (2011): DM policies are due to be published for consultation shortly and the Preferred Options document can be regarded as a material consideration. Relevant policies are DM5, DM7, DM8, DM11, DM17, DM31, DM33, DM35, DM36 and DM37,

8 KEY PLANNING CONSIDERATIONS

8.1 The key planning considerations arising from this scheme are the principle and level of residential development of the site, the impact on the adjoining Epping Forest land and its special designations, the design and appearance of the development and its impact on the street scene, its impact on residential amenity, the standard of accommodation provided and car parking.
1. The principle and the level of residential development of the site

8.2 The site is previously developed and includes a privately owned residential house, garage and a tennis court within the curtilage and is situated in a residential area. Para 41 of PPS3 states that “The national annual target is that at least 60 per cent of new housing should be provided on previously developed land. This includes land that is currently in use but which has potential for re-development. When identifying previously-developed land for housing development, Local Planning Authorities and Regional Planning Bodies will, in particular, need to consider sustainability issues as some sites will not necessarily be suitable for housing.” Consequently it is concluded that there is no objection in principle to the redevelopment of the existing site, given its previously-developed and under-used nature.

8.3 The site area measures approximately 0.162 ha. The proposal would result in a development with a density of approximately 222 habitable rooms per hectare (hrph) According to the Urban Design SPD matrix, a suburban location such as this with a low PTAL rating (1b) would be expected to be developed within the range of 150-200 hrph. Whilst this is above the the appropriate range in the density matrix within the London Plan, it should be noted that the level 1b PTAL lies between the ranges of 150-200hrph for 0-1 PTAL and 150-250hrph for 2-3 PTAL given in the matrix. Regard should also be had to the commentary in para 3.28 of the London Plan (2011) which states that it is not appropriate to apply such standards mechanistically and that this measure is contextualised by other factors such as design, local context and transport capacity. As such, given that there is some flexibility in the standard, the proposal is considered to be appropriate.

2. Design, appearance and impact on the street scene

8.4 The houses will be set back from the street to incorporate front garden space and off-street parking. As such the general appearance of the development is considered to be appropriate in the streetscene as the properties take design cues from interwar era housing: noting that the houses are semi-detached with hipped roofs presenting a varied roofline to take account of the local topography.

8.5 The materials to be employed are considered to be appropriate and overall the houses have been well-designed and are acceptable in the local context.

3. Impact on residential amenity

8.6 The main impact of the proposals would be on the adjoining occupiers, no 20 South Avenue, to the west of the site, 27 Holly Drive to the rear of the site and to 16-23 South Avenue facing the site.

8.7 The front elevations of the new two storey dwellings will directly face 15-23 South Avenue. Most of the fenestration in the front elevation of the proposal is a first floor level. There is a separation distance of approximately 18m between the nearest part of the proposal to those opposite. This is not considered to result in unacceptable impacts in terms of overlooking or loss of privacy as the impact is mitigated both
by distance and by the inclusion in the scheme of tree planting to the front gardens of the properties.

8.8 In relation to 20 South Avenue, the flank elevation of Plot 1 will be set back from the boundary by approximately 1.5m parallel to (although set back from) the flank elevation of the existing side extension at 20 South Avenue. The property will not extend beyond this side addition and it is considered that the proposal in this regard will not result in overshadowing or loss of light to the neighbouring property. Although a first floor side window at Plot 1 is indicated, it serves a bathroom and would be expected to be obscure glazed. Privacy is therefore not considered to be an issue in relation to the neighbouring property in this instance.

8.9 27 Holly Drive is positioned to the rear of the development to the southern aspect. The new houses will be situated approximately 10m from the boundary with some tree screening to the rear fence. First floor rear windows will be set 2m further back. Given the depth of the rear garden and the screening afforded by landscaping, this is considered acceptable in terms of preserving privacy.

4. Standard of accommodation

8.10 The proposal is for 6 x 3-bed (5 person) houses. The accommodation would comprise living rooms and kitchen/diners on the ground floor, 3 bedrooms, a study and a bathroom on the first floor. In terms of dwelling and room sizes, the proposed houses are in accordance with guidance in the SPD. Objectors have commented on the potential for the study to be used as a bedroom. The overall floorspace offered by this room is 6.8 sq. m, which would be below the SPD standard for a single bedroom. It is not thought that the space offered by this room would be viable for use as a bedroom. Similarly objectors have referred to the potential for the garage space to be converted into a habitable room. However whilst this remains a possibility, there is no indication in the application that would indicate that the developer would promote the conditions for this to take place.

8.11 Objectors have referred to the lack of bin storage indicated on the plans originally submitted. This has been rectified through the submission of updated plans which show the location of bin storage to the rear of the properties, where refuse can be transferred to the streetfront for collection without traverse through the houses. In itself this is considered to be an acceptable arrangement.

8.12 Overall it is considered that these houses would provide a very good standard of accommodation for larger families in accordance with the aims of policy CS2 of the adopted Waltham Forest Core Strategy (2012).

5. Amenity space

8.13 With regard to private amenity open space, the Urban Design SPD stipulates a minimum of 60m² for properties of this size. The smallest gardens are located between Plots 2 and 5, where the minimum garden size will be 70.4 sq. m. Owing to the shape of the application
site, the properties at either end will benefit from much larger gardens. Given the constraints of the site, it is considered that the provision of private amenity space within the development is acceptable.

6. Car parking/Cycle Storage

8.14 Two off-street car parking spaces would be provided for each dwelling, which is considered to be an appropriate level of provision given that the area falls outside a Controlled Parking Zone. Objectors have referred to the impact of the development in terms of generating a demand for on-street parking, however it is considered that the level of parking provided on site is adequate to reduce this potential impact.

8.15 There is no specific cycle storage indicated on site. However it is considered that the integral garages offer adequate provision for cycle storage and that this would not be a reason for refusal in and of itself.

7. Highways Impacts

8.16 Objectors have referred to highway safety as a ground for objection to the proposal. The sightlines in relation to the proposed crossovers are clear and in view of this, with particular reference to Plots 5 and 6 which exit onto the highway adjacent to the bend, it is not thought that the proposal will result in undue impacts on highway safety.

8.17 It is noted that there is a lack of off street parking associated with the properties across the street at 17-23 South Avenue and that the occupiers of these properties often rely on street parking outside their houses. Objectors have referred to the manoeuvring of vehicles entering and exiting the site as a potential threat to road safety. Whilst there is the potential for congestion in the event of heavy street parking, this is not considered to arise from the development itself given the off-street nature of the parking.

8.18 Objectors have also referred to the impact of the development on the existing road surface which they characterise as being in a poor state. In the event that approval is granted, a legal agreement will be put in place to ensure that the impacts on the condition of the highway is mitigated through appropriate s106 and s278 mechanisms.

8.19 Objectors have referred to the potential for the development to impact on local drainage and to result in flooding through excess surface water runoff. It is noted that the site lies outside of any floodzone as shown in figure 13 of the adopted Waltham Forest LDF Core Strategy (2012). It is considered that the appropriate means of investigation and mitigation can be conditioned and that the development is acceptable in this regard.

6. Trees/Nature Conservation

8.20 The site lies adjacent to Epping Forest land, which has several conservation and nature conservation designations in the Core Strategy, although the site itself is undesignated. The site is presently characterised by a large number of Cypress/Leylandii trees and the eastern boundary is marked by some large oak trees forming part of
Epping Forest land. It is noted that there are no trees on site covered by any preservation order.

8.21 The development includes a scheme of landscaping which includes the removal of a number of trees and their replacement with a smaller number of ornamental pear trees to the frontages and hornbeam and hawthorn hedging to the rear. The Council’s Nature Conservation officer is generally satisfied that the scheme provides adequate protection for the Epping Forest trees and that the methodology for the removal of existing trees from site is appropriate. It is thought in that in relation to trees that the proposal is acceptable.

8.22 The submitted scheme includes a number of measures to maintain and enhance the biodiversity of the site. The City of London Corporation has been consulted and is satisfied that the proposal will not result in unacceptable impacts to Epping Forest land. It is considered that subject to appropriate conditions to ensure that grassland habitat is maintained, and that suitable measures are taken to protect wildlife and preserve biodiversity, the development is acceptable in this regard.

9 HUMAN RIGHTS

9.1 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.

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.

10 EQUALITIES

10.1 In making your decision you must also 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.

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

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

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

11 LOCAL FINANCE CONSIDERATIONS

11.1 Local finance considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL)

11.2 In terms of this report:

11.3 There are no grants which have been or will or could be received from central government in relation to this development

11.4 The Council has not received and does not expect to receive any income from CIL in relation to this development.

11.5 The Council has not received and does not expect to receive any income from Mayoral CIL in relation to this development.

12 RECOMMENDATION

SUBJECT TO THE APPLICANT ENTERING INTO A LEGAL AGREEMENT WITH THE COUNCIL TO ENSURE

(a) A contribution of £35,824 towards primary and secondary education provision.

(b) A contribution of £11,045 towards health care provision.

(c) A contribution of £10,000 towards highway improvements in the area.

(d) A contribution of £2,250 towards tree planting.

(e) A charge of 5% of the above amount as an administration fee for monitoring of the agreement
(Item 4.2)

(f) That the developer enters into an appropriate agreement with the Council as Local Highway Authority to meet the cost of all highways works associated with the development.

The Planning Committee is requested to resolve that planning permission be granted subject to the following conditions:

12.1 Conditions:

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

2. The development shall be carried out in accordance with plan numbers 680/02A, 680/03A, 680/04A, 680/05A, 680/06D, 680/Loc B and 680/Block B received on 9th March 2012.

3. Samples and a schedule of materials to be used in the elevations of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. This condition shall apply notwithstanding any indications to these matters that have been given in the application. The development shall thereafter be constructed in accordance with the approved details.

4. Details of the siting and design of all walls, fences, gates and other means of enclosure, including all walls and fences to be retained or remodelled, shall be submitted to and approved by the Local Planning Authority in writing before any work is commenced on the site. Such walls, fences and gates as may be approved shall be erected or altered before the initial occupation of any of the houses hereby permitted unless the prior written approval of the Local Planning Authority has been obtained to any variation.

5. Prior to the commencement of the development hereby permitted samples and/or a specification of all finishing materials to be used in any hard surfacing of the application site shall be submitted to and approved in writing by the Local Planning Authority. The hard surfacing shall thereafter be carried out solely in accordance with the approved details prior to the initial occupation of any of the dwellings hereby permitted.

6. Notwithstanding any indications on the submitted drawings, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping for the site. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from planting die, are removed or become seriously damaged or diseased shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
7. Prior to the commencement of the development, full details of facilities for refuse and recycling storage shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be provided in accordance with the approved details prior to the initial occupation of any of the dwellings or flats hereby permitted and thereafter permanently so maintained.

8. Prior to the commencement of the development, details of external lighting within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details prior to the first occupation of any of the dwellings hereby approved.

9. Prior to the first occupation of any of the dwellings hereby approved, the car parking spaces shown on the approved drawings shall be laid out in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and those areas shall thereafter be permanently retained without obstruction for car parking purposes for the sole use of the occupiers of the dwellings.

10. Prior to the commencement of development an arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall clearly identify the locations all trees to be retained on the site. The statement shall conform to the standard of BS 5837 2005 (Trees in Relation to Construction Recommendations) and shall detail the means by which the retained trees shall be protected during the construction of the development hereby permitted and thereafter any works carried out shall be in accordance with the approval given.

11. Prior to the commencement of any work on site including demolition or ground clearance, the trees overhanging from the adjoining Epping Forest land shall be fenced in accordance with British Standard 5837:2005 – Trees in Relation to Construction Sites. The fencing shall be retained in place at all times during construction and during this period no work shall be carried out or materials stored within the fenced area.

12. Prior to the commencement of the development hereby permitted, details of the disposal of surface water from the development to include soil porosity tests to the standard of BS1377 shall be submitted and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.

13. No works shall be carried out until a suitable scheme of habitat preservation measures has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall incorporate all of the recommendations contained in the Extended
Phase 1 Habitat Survey Reference DFC1136 received by the Council on 25th November 2011.

14. Wheel washing facilities for vehicles leaving the site during demolition and construction works shall be installed on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The facilities shall be installed prior to the commencement of any work on site and shall be maintained for the duration of the construction works.

15. The development shall comply in all respects with the Council’s adopted access guidelines ‘Access For All’ and the dwellings shall be built to Lifetime Homes standards. The entrance doors to the dwellings shall have a minimum clear opening width of 900mm, a level threshold and a level area of 1200mm depth immediately in front of the door. All ramps required to achieve this shall have a maximum gradient of 1:20 with level landings at either end of 1.5m x 1.5m.

16. No further windows shall be inserted in the flank elevations of the dwellings hereby approved without planning permission having first been obtained via the submission of a planning application to the Local Planning Authority.

17. The first floor windows in the flank elevations of the houses hereby permitted shall be fitted and permanently maintained with obscure glass and shall be non-opening below transom level.

18. Notwithstanding the provisions of Article 3 and Classes A, B, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order), no enlargement, improvement or other alteration of, or to, any dwellinghouse the subject of this permission shall be carried out without planning permission having first been obtained via the submission of a planning application to the Local Planning Authority; nor shall any building or enclosure required for a purpose incidental to the enjoyment of any said dwellinghouse as such be constructed or placed on any part of the land covered by this permission without such planning permission having been obtained.

19. The garages within the dwellings hereby approved shall be not be used for the purposes of habitable accommodation without planning permission having first been obtained via the submission of a planning application to the Local Planning Authority.
12.2 Reasons

1. To comply with the provisions of Section 91 of the Town and Country planning Act 1990) as amended).

2. To ensure the development is completed in accordance with the approved details.

3. To ensure a satisfactory appearance in the interest of character and visual amenities in the area, in accordance with policy CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

4. To ensure a satisfactory resultant appearance and standard of amenity of the site, and to protect the amenities of the occupiers of neighbouring properties, in accordance with policy CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

5. To ensure that the appearance of the development is satisfactory in the interests of the character and amenities of the area, in accordance with policy CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

6. To ensure that the site is appropriately landscaped in the interest of the character and amenity of the area, and to comply with policy CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

7. To ensure that adequate arrangements are made for the storage of refuse and recycling materials in the interests of the character and amenities of the area, in accordance with policy CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

8. In the interests of personal safety and to minimise opportunities for crime, so as to comply with policy CS16 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

9. To ensure that on-site parking is provided and retained, to ensure a satisfactory appearance, and to comply with policy CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

10. To maintain the visual amenities of the area in accordance with policies CS5 and CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

11. To maintain the visual amenities of the area in accordance with policies CS5 and CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).
12. To maintain the amenities of the area and to reduce the impact of surface water runoff to the highway in accordance with policies CS4 and CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

13. To maintain the amenities of the area and to reduce the impact of development on biodiversity in the area in accordance with policies CS5 and CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).


15. In order to provide proper access for persons with disabilities in accordance with policy CS2 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).


18. To safeguard the visual amenities of the area, in accordance with policy CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).


12.3 Informatives:

1. A legal agreement has been entered into with the London Borough of Waltham Forest in conjunction with the grant of planning permission in respect of contributions of £335,824 towards primary and secondary education provision, a contribution of £11,045 towards health care provision, a contribution of £10,000 towards highway improvements in the area, a contribution of £2,250 towards tree planting, a charge of 5% of the total of the above contributions as an administration fee for the monitoring of this agreement and that the developer enters into an appropriate
agreement with the Council as Local Highways Authority to meet the cost of all highways works associated with the development.

2. Without prejudice to the requirements of Condition 12 above, with regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

3. The applicant is advised that on commencement of the works the developer liable to be served with a Notice under the Control of Pollution Act, Section 60, which will limit the hours of working, may specify noise levels at the nearest residential accommodation and will require all equipment to be silenced and maintained.

4. Prior to the commencement of development hereby approved a Code of Construction Conduct should be submitted to and approved in writing by the Local Planning Authority. Construction shall only take place in accordance with the agreed code of conduct, which shall include:
   a. A demolition method statement.
   b. Hours of working.
   c. Dust mitigation and suppression measures to control the spread of dust from demolition, disposal and construction.
   d. Measures to minimise the impact of construction activities.
   e. Details of construction lighting together with measures to minimise light pollution.
   f. Method of access and parking of construction vehicles.
   g. Measures to prevent deposition of mud on the highway.
   h. Identification of areas intended for the placing of contractor’s accommodation, open storage and employee vehicle parking.
   i. Agreement to avoid any burning or bonfires on site
5. The developer shall submit a programme of works with the start date and duration of works. If any construction is to take place during the Olympic games, detailed plans should be submitted to demonstrate how work would be carried out to avoid disruption to the highway network.

Construction work that may affect the operation of the highway network during the Olympic games includes; construction deliveries, licensing, service connections, site hoardings, scaffolding, security, temporary traffic arrangements, movement of site vehicles, wheel washing facilities etc.

The appearance of the site in the build up to and during the games is important. Temporary site hoardings may be required for the duration of the Olympics depending on the stage of works and condition of the site.

Highways will be required to approve details of the above prior to commencement of construction.

6. The applicant is advised of the provisions of the Wildlife and Countryside Act 1981 which make it an offence to disturb nesting birds during the period 1st March - 31st July, and should therefore take steps to ensure that works are carried out outside the nesting season.

13 BACKGROUND DOCUMENTS

13.1 None.
LONDON BOROUGH OF WALTHAM FOREST

<table>
<thead>
<tr>
<th>Committee/Date:</th>
<th>Planning 27 March 2012</th>
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</thead>
<tbody>
<tr>
<td>Application reference:</td>
<td>2012/0058</td>
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<tr>
<td>Applicant:</td>
<td>Ms R Ward</td>
</tr>
<tr>
<td>Location:</td>
<td>88 Chestnut Avenue South, Walthamstow, E17</td>
</tr>
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<td>Proposed development:</td>
<td>Replacement rear conservatory.</td>
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<td>Wards affected:</td>
<td>Wood Street</td>
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<td>Appendices:</td>
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1 **RECOMMENDATION**

1.1 Approval subject to conditions.

2 **SUMMARY OF REASONS FOR RECOMMENDATION**

2.1 The proposals have been considered in respect of impact upon adjoining occupiers and appearance and design. It has been concluded that the proposals would have an acceptable impact upon the amenity of adjoining occupiers and would be of an acceptable appearance and design. The proposals have been considered against policies CS15, CS13 & CS2 of the adopted Waltham Forest Local Development Framework Core Strategy 2012 and adopted Residential Extensions and Alterations Supplementary Planning Document 2010.

3 **REASONS REFERRED TO COMMITTEE**

- There is significant public interest.

4 **DETAILS OF PROPOSAL AND SURROUNDINGS**

4.1 88 Chestnut Avenue South is a two storey end of terrace dwelling located on the corner of Chestnut Avenue South and Oliver Road. The dwelling is of a traditional ‘tunnel-back’ design and there is an existing conservatory located within the tunnel back and up to the boundary with No. 86 Chestnut Avenue South to a depth of 3m. This conservatory is in a poor state of repair and it is proposed to demolish the existing structure and to replace it with a new conservatory to a depth of 3m.

4.2 The main differences between the two structures is that the proposed conservatory would be the same depth at 3m however would have a veranda style roof projecting a further 1.15m beyond the depth of the conservatory. The projecting roof would be open at the sides and supported by a single corner post.

4.3 The existing conservatory has a solid wall to the boundary with No 86 to a height of 3.8m where it adjoins the rear wall and then the wall slopes down to 2.5m at the end of the conservatory. The proposals
would involve the construction of a new solid wall along the boundary with No. 86 to a maximum height of 3.6m where it adjoins the rear wall and sloping down to 2.9m at the end of the conservatory and 2.5m at the end of the canopy.

5 RELEVANT SITE HISTORY

5.1 2011/1341 – Erection of a single storey rear conservatory. Refused. The plans had been unclear about the nature of the canopy element and officers were not satisfied that this would have an open side.

5.2 2006/1516 – Erection of a rear conservatory. Refused.

6 PUBLIC CONSULTATIONS

6.1 The occupiers of 86 Chestnut Avenue South and 31 Oliver Road have been consulted. In response objections have been received from both consultees. Objections are as follows:


6.3 Loss of privacy. Comment – See Main Issues.

6.4 If the canopy projection is filled in at a later date the impact of the proposals would be greater. Comment – This can be controlled by condition.

7 PLANNING POLICY CONSIDERATIONS

7.1 Development Plan

7.2 Waltham Forest Core Strategy 2012

7.3 The text of all policies listed below is appended to this agenda: CS2, CS13 & CS15.

7.4 Other material policy considerations

7.5 Adopted Residential Extensions and Alterations Supplementary Planning Document 2010.


7.7 Development Management policies are due to be published for consultation shortly and the Preferred Options document can be regarded as a material consideration. Relevant policies are: DM4, DM30 & DM33.

8 KEY PLANNING CONSIDERATIONS

8.1 The main issues are impact upon adjoining occupiers and appearance and design.

8.2 Impact Upon Adjoining Occupiers

8.3 The proposed conservatory would replace an existing structure which has similar dimensions to a depth of 3m. Although the proposals involve a projecting veranda roof to an additional 1.15m in depth
beyond the actual conservatory this projection would be open to the side facing towards No. 86 and would be open to the rear. It would therefore have a limited impact upon No. 86 above and beyond the proposed extension.

8.4 No. 86 Chestnut Avenue South has windows serving habitable rooms both in the rear wall at the head of the tunnel back and in the side elevation facing onto No. 88 Chestnut Avenue South. The window in the head of the tunnel back serves a living room and the two windows in the side elevation serve a dining room and kitchen. The existing conservatory results in some reduction in natural light and outlook to rooms in the rear of this property however it is not considered that the proposed conservatory would result in any significant additional loss of natural light nor outlook.

8.5 The impact upon No. 31 Oliver Road would be less than the impact upon No. 86 Chestnut Avenue South as this two storey dwelling faces towards the rear of No. 88 Chestnut Avenue South at a distance of approximately 4m to the rear boundary of No. 88 and approximately 12m to the rear of the proposed conservatory. The boundary between the two properties is marked by a higher than average close boarded fence which affords a high level of privacy between the two dwellings.

8.6 Overall it is considered that the proposals would have an acceptable impact upon the amenities of adjoining occupiers.

8.7 Appearance and Design

8.8 Although published guidance in relation to domestic extensions advises that extensions within the ‘tunnel back’ area of L-shaped dwellings can often appear overbearing it should be noted that in this case there is an existing single storey conservatory to the same depth and location and of a similar height. This conservatory is long established and the proposals merely seek to replace it with minor changes the most significant being the inclusion of the projecting veranda roof. As the actual conservatory would be limited to no more than 3m in depth it is considered that it would be compliant with published guidance as contained within adopted Residential Extensions and Extensions Supplementary Planning Document 2010.

9 OTHER MATERIAL PLANNING CONSIDERATIONS

9.1 LOCAL FINANCE CONSIDERATIONS

9.2 Local finance considerations are a material consideration in the determination of all planning applications. Local finance considerations can include either a grant that has been or would be given to the council from central government or money that the council has received or will or could receive in terms of community infrastructure levy (cil)

9.3 In terms of this report:

- There are no grants which have been or will or could be received from central government in relation to this development.
The Council has not received and does not expect to receive any income from CIL in relation to this development.

The Council has not received and does not expect to receive any income from Mayoral CIL in relation to this development.

10 HUMAN RIGHTS

10.1 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.

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.

11 EQUALITIES

11.1 In making your decision you must also 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,
is only one factor that needs to be considered, and may be balanced against other relevant factors.

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

12 RECOMMENDATION

The Planning Committee is requested to resolve that planning permission be granted subject to the following conditions:

12.1 Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.

2. The development shall be carried out in accordance with drawings numbered 4903/01, 02 & 03 received on 21st December 2011 and illustrative drawings received 21st December 2012.

3. The materials to be used for the external surfaces of the development hereby permitted shall match those of the existing building. All new works and works of making good to the retained fabric shall be finished to match the adjacent work with regards to the methods used and to material, colour, texture and profile, unless the prior written approval of the Local Planning Authority is obtained to any variation, or except where otherwise stated on the approved drawings.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no window(s)/door(s) shall be inserted in the flank walls of the development hereby permitted without planning permission having first been obtained via the submission of a planning application to the Local Planning Authority.

5. The overhanging roof at the rear of the building hereby approved shall be permanently retained as an open area and at no point shall the open side and rear be infilled or enclosed by any material whatsoever.

12.2 Reasons

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

2. To ensure that the development is completed in accordance with the approved plans and to comply with policy CS15 of the adopted Waltham Forest Local Development Framework Core Strategy 2012.
3. To safeguard the visual amenities of the area, in accordance with policies CS15 and CS2 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

4. To preserve the character of the area and the privacy and amenities of the adjacent property occupiers, in accordance with policies CS15 and CS13 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

5. To protect the amenity of adjoining occupiers and to comply with policy CS13 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

12.3 Informatives:
None.

13 BACKGROUND DOCUMENTS

13.1 None.
1  RECOMMENDATION
1.1 Grant planning permission subject to conditions.

2  SUMMARY OF REASONS FOR RECOMMENDATION
2.1 The application has been considered in relation to relevant policies in the adopted Waltham Forest Local Development Framework Core Strategy (2012), in particular Policies CS3, CS5, CS13, CS15 and CS16, Regional Policy Guidance in the London Plan (2011), in particular Policies 3.19, 7.2, 7.3, 7.4, 7.5, 7.18, 7.19 and 7.21 and National Planning Policy Guidance PPS1, PPS9, PPS12, PPG17. The main issues when considering this application were the principle of the change of use of the land, the design of the fencing and relaid footpath, the potential impact on amenity, landscape and ecology. The proposals are considered to be acceptable in relation to these issues and it is not considered that there is any other material planning considerations in this case that would warrant a refusal of the application.

3  REASONS REFERRED TO COMMITTEE
   - The Council is the applicant

4  DETAILS OF THE SITE AND PROPOSAL
4.1 Railway Terrace is located to west of Hale End Road in Walthamstow, beyond the rear of Thorpe Hall Primary School and separates the school from the Chingford to London Liverpool Street railway line. The site is an area of land that is Council maintained public highway and
provides a cut through between Cobham Road and Thorpe Hall Road. The site has a hard surfaced pathway and vegetation. The area has in recent years Railway Terrace been subject to fly tipping.

4.2 The surrounding built environment is predominantly residential in character with both Cobham Road and Thorpe Hall Road made up of two storey terrace dwelling houses. The property adjoining the application site at no. 1 Railway Terrace consists of a two storey building in commercial use.

4.3 The proposal seeks to change the use of part of the public highway and incorporate the land into the grounds of Thorpe Hall Primary School to be used as part of the existing playground in the form of grassed playing field. Vegetation will be cleared and a 3-metre wide footpath would be laid out for pedestrian access only.

4.4 The proposal seeks to erect a 3.6 metre high Green Polyester Coated Primary Weldmesh fence to enclose the rear school boundary/ playing field.

4.8 New lighting would also be provided to the public footpath in the form of Urbis Evolo 2 Lanterns.

5. RELEVANT SITE HISTORY

5.1 2010/0296/LA - An application was submitted for 1) Conversion of highway land into school playing field. 2) Installation of 3.6m high, green polyester coated, ball court, weld mesh fence. The application was later withdrawn pending further negotiations.

6 CONSULTATIONS:

6.1 Letters were sent to 50 surrounding properties including all addresses at nos.1 -29 (odds) Thorpe Hall Road, 1-23 (odds) Cobham Road, 117-135 (odds) Hale End Road and 1 Railway Terrace. A site notice was also erected. The consultation period expires on 16th March 2012 and any representations received prior to the committee meeting will be reported in an update report.

6.2 At the time of finalising this report two objections had been received, the issues raised were as follows;

- The proposal represents an encroachment of the school playing field onto unmade informal and valuable amenity space, enjoyed by a cross section of the community whereby young people would benefit.

- The proposal would be detrimental to the character of the area.
• The pathway proposed is oppressive, restrictive, out of character and would threaten public safety, as this area has no natural surveillance from surrounding properties.

• The school fields had a dual use which has been stopped up; there is need for local children play space.

7 PLANNING POLICY CONSIDERATIONS

7.1 Development Pan

Waltham Forest Core Strategy (2012):
The text of all policies listed below is appended to this agenda: CS3, CS5, CS13, CS15 and CS16.

7.2 London Plan (July 2011)
Policy 7.2 An Inclusive Environment
Policy 7.3 Designing Out Crime
Policy 7.4 Local Character
Policy 7.5 Public Realm
Policy 7.19 Biodiversity and Access to Nature
Policy 7.21 Trees and Woodland
Policy 3.19 Sports Facilities

7.3 National Policies
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 9: Biodiversity and Geological Conservation
Planning Policy Statement 12: Local Spatial Planning
Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation

7.4 Other material policy consideration
- Inclusive Design and Accessible Buildings (SPD 2011)
- Urban Design (SPD 2010)

8 KEY PLANNING CONSIDERATIONS

8.1 The main issues to be considered in relation to this scheme are the principle of the development, the appearance and design of the proposal, the impact of the proposal upon neighbouring occupiers,
trees and biodiversity and community safety considerations. These will be considered in turn.

8.2 Principle of the development

8.3 There are no planning land use designations in place affecting the subject site. It is noted that whilst the Council’s Unitary Development Plan proposals map has been superseded in the adoption of the Core Strategy, there are no new land use designations affecting the application site, as such in planning terms there would be no objections to the change of use to school playing field. The land on Railway Terrace has a hard surfaced wide pathway with trees, wildflower and shrubs along its borders. The construction of the new footpath will remove existing vegetation (such as brambles etc) and level differences in order to make a consistently flat footpath. A 3-metre wide footpath would be retained for public use.

8.4 An objection has been received noting that the school site had previously had a dual use providing for local use as well as school playing field. The existing boundary treatment includes gates within Railway Terrace; however these were locked up at the time of the site visit and are believed to no longer be in use. Whilst this issue needs to be addressed from a legal perspective, in planning terms the change of use of the highway land known as Railway Terrace does not form playing field land and given its current state (it’s been subjected to fly tipping), it does not provide for an meaningful, inviting, open space.

8.5 Policy CS5 of the adopted Waltham Forest Local Development Framework Core Strategy (2012) relates to enhancing green infrastructure and biodiversity, and seeks to protect and enhance the network of green spaces and other environmental features, covering the green belt, open spaces etc. The proposal would enlarge and improve upon the existing playing field provision within Thorpe Hall School and provide for improved maintenance of the open space, therefore in planning terms there are no objections raised to the change of use.

8.6 Design and Access

8.7 Policy CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012) seeks a highest quality of architecture and design in the borough, while ensuring that the characteristics of local areas or their distinctiveness are retained.

8.8 The proposed 3.6 metre high weldmesh fence would be similar in appear to the existing fencing and that commonly used in school sites. The fencing would have a mesh appearance with narrow apertures and would be colour coated in green. In this case, given the context of the site and the style of fencing, it is considered that the fencing would integrate well within the school site and would not detract from the surrounding pattern of development or the character of the area.
8.9 As part of the proposed works, new lighting columns would be erected along the public footpath in the form of Urbis Evolo 2 lanterns. These are modern lighting columns; they are quite standard in form and would not appear overly conspicuous when viewed in context.

8.10 Given that there would be loss of greenery from within the site, albeit overgrown in parts, it would be appropriate to secure some soft landscaping, and a condition to that effect is recommended.

8.11 In this case, it is considered the proposals would be an acceptable form of development in design terms. The change of use of the highway land would benefit the school use as well as ensuring better maintenance of the land. Whilst the retained 3-metre wide pathway would still enable the public to use the cut through and the type of fencing would be lightweight and still maintain a level of openness within the area. The works would appear visually harmonious within the local setting and would not adversely affect the character of the area and would therefore accord with Policy CS15 of the adopted Core Strategy.

8.12 **Impact on surrounding occupiers**

8.13 It is not considered that the proposed works would create an unreasonable impact upon the residential amenity of nearby occupiers. The nearest adjoining property is situated on Railway Terrace and this property is not in residential use. The neighbouring properties on Cobham Road and Thorpe Hall Road have their rear gardens backing onto the School site, however all are over 20 metres from the proposed fencing. The proposed fencing is relatively lightweight in appearance and quite standard within the context of a school development. As such, it is concluded that the proposed works would not create an unreasonable impact upon the residential amenity of near by occupiers.

8.14 **Impact on Trees**

8.15 Most of the land would be retained as grassed playing field. However, greenery along the borders of the existing pathway would be cleared to enable the repositioning and resurfacing of the 3 metre wide public footpath. It is acknowledged that some trees (not mature) would be removed as a result of these proposals and as such it would be appropriate to secure some new soft landscaping along the pathway to act as a buffer between the pathway and the railway line and re-establish a green screen.

8.16 **Community Safety/Designing Out Crime**

8.17 Policy CS16 of the adopted Core Strategy relates to making Waltham Forest safer and seeks to design out crime.

8.18 The proposed fencing would secure the school site and given the height and materials of the fencing would reduce opportunities for crime within the school site. An objection has been received citing that the pathway would be oppressive and has no natural surveillance. In
response, it is noted that the natural surveillance is quite poor and this will not change as a result of this application, however the pathway proposed of 3 metres is considered a reasonable width, the fencing would be a mesh type and thus would not further conceal the space. Furthermore the scheme would introduce some lighting columns into the pathway. The introduction of lighting columns would make the footpath more accessible and provide better lit conditions for the users of the footpath.

8.19 In summary the proposal appears to have considered designing out crime and on balance it is considered that the proposal would not conflict with the aspirations of policy CS16 of the adopted Waltham Forest Local Development Framework Core Strategy (2012) which seeks to design out crime.

9 OTHER MATERIAL CONSIDERATIONS

9.1 Local finance considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL)

9.2 In terms of this report:

9.3 There are no grants which have been or will or could be received from central government in relation to this development

9.4 The Council has not received and does not expect to receive any income from CIL in relation to this development.

9.5 The Council has not received and does not expect to receive any income from Mayoral CIL in relation to this development.

10 HUMAN RIGHTS

10.1 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.

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.

11 EQUALITIES

11.1 In making your decision you must also 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, is only one factor that needs to be considered, and may be balanced against other relevant factors.

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

12 RECOMMENDATION

The Planning Committee is requested to resolve that planning permission be granted subject to the following conditions:

12.1 Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.
2. Except as required by condition 3 below, the development shall be carried out in accordance with plan numbers 001, 002, 003 and 004 received on 13 January 2012.

3. A landscaping scheme to include the planting of new trees along the linear boundary of Railway Terrace shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and shall be completed in accordance with the agreed details prior to the first use of the newly assigned playing field.

4. All new street lighting should be designed and installed to the current British Standard European Norm (BSEN).

12.2 Reasons:

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

2. To ensure the development is completed in accordance with the approved details.

3. To safeguard and enhance the visual amenities of the locality in accordance with policies CS13 and CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

4. To safeguard and enhance the visual amenities of the locality, in accordance with policies CS13 and CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

13 BACKGROUND DOCUMENTS

13.1 None.
1  RECOMMENDATION
1.1 That conditional planning permission is granted.

2  SUMMARY OF REASONS FOR RECOMMENDATION
2.1 The proposed extension is considered to be of a scale and design appropriate to the school buildings, would improve security and safety within the school and would not adversely affect the character of the area. The proposal has been considered against Policies CS9 and CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012) and there are no grounds on which to withhold planning permission.

3  REASONS REFERRED TO COMMITTEE
3.1 This application is being referred to committee for decision because:
   ▪ The Council is the applicant

4  DETAILS OF PROPOSAL AND SURROUNDINGS
4.1 Coppermill Primary School is located within a substantial plot of land bordered by the Coppermill Park play area and Coppermill Lane to the south and Edward Road to the eastern side, onto which the frontage and entrance of the school faces. The site is occupied by a large 1980’s built single storey school which backs onto the Douglas Eyre Playing Fields to the western aspect, with residential housing in Edward Road lying to the north and east of the site. The character of the area is predominantly residential.

4.2 The proposal seeks to erect a single storey front extension to the eastern frontage of the southern flank of the school. The extension will form new classroom space, toilets, an enlarged reception area and an additional office. The extension will infill the existing walkway to the main entrance, and will measure 30.7m in length and 3m in depth from
the existing front elevation of the school. The proposed extension will have a flat roof which maintains the height of the existing at approximately 4m at the front elevation of the school. The materials to be employed will match the existing.

5 RELEVANT SITE HISTORY


5.3 2009/0118/LA: Erection of replacement boundary fencing to North, East and West elevations. Application was withdrawn 25th February 2009.

5.4 2008/1731/LA: Erection of glazed conservatory/activity room, for use by children, as an activity room and shelter within school grounds, fronting Forest Road. Refused 3rd March 2009.

5.5 2006/0277/LA: Erection of a single storey front extension and formation of external staircase and ramp access. Approved with conditions informatives 5th April 2006.

5.6 2003/1656/LA: Replacement of part of boundary wall on Melville Road frontage. Approved with conditions informatives on 11th May 2004.


5.8 2002/1034/LA: Erection of two storey replacement building comprising 4 classrooms, staff room and ancillary facilities. Approved with conditions informatives 13th December 2002.


5.10 1999/0900/LA: Erection of security fencing to boundary walls to increase height including gates. Approved conditionally 21st October 1999.

5.11 1983/36/BC: Alterations to form new nursery unit including erection of a) extension to form toy store. b) canopy to cover play area. c) alterations to boundary wall. Approved conditionally 6th March 1984.


6 PUBLIC CONSULTATIONS

6.1 27 properties including houses and flats at 2-26 (evens) Edward Road and 114 Coppermill Lane were consulted. In addition site notices were posted in Edward Road and Coppermill Lane. No comments/objections have been received.

7 PLANNING POLICY CONSIDERATIONS

7.1 Development Plan

7.2 Waltham Forest Core Strategy (2012)

The text of all policies listed below is appended to this agenda: CS9 and CS15.

7.2 London Plan (2011)

The proposal is considered to accord with policies 3.16 “Protection and enhancement of social infrastructure” and 3.18 “Education Facilities” which sets out the requirement for the expansion of existing community and educational facilities.

7.3 Other Material Policy Considerations


8 KEY PLANNING CONSIDERATIONS

8.1 The main issues to be considered in relation to this scheme is the principle of the development, the impact on the surrounding area and access for all. These will be considered in turn.

1. Principle of the Development

8.2 The proposed extension is intended to provide additional space for new classrooms and a reception area of the school and includes the provision of space for storage of school equipment. As such, the creation of the additional space within the school satisfies the requirements of policy CS9 of the adopted Waltham Forest LDF Local Development Framework Core Strategy (2012)

2. Appearance and Design

8.3 The proposed extension maintains the conventions and general appearance of the existing school through the use of matching materials. The height of the addition maintains the height of the existing structure, and as such, it is considered that the materials, scale and bulk of the structure are considered to be acceptable and that the extension retains the character of the existing frontage. The proposal is therefore considered to satisfy the requirements of policy CS15 of the adopted Waltham Forest LDF Local Development Framework Core Strategy (2012)
3. Impact on the surrounding area

8.4 The proposed extension is a relatively modest addition to the main frontage facing Edward Road on the eastern side of the site, within an open area not readily visible from outside the school as it is screened by shrubbery. Being of low height and of no great depth, it is not considered that there will be amenity impacts for either surrounding residential occupiers or users of the school.

8.5 The extension would enclose an area of approximately 93m² which forms part of the patio area outside the hall. Given that there is ample provision for play space within the school grounds the proposal is not thought to result in reduced play space.

8.6 The proposal is considered to be acceptable as it would not result in loss of visual amenity to users of the school or neighbouring occupiers, and would not cause adverse amenity impacts in the form of overlooking or loss of privacy or of overshadowing or loss of light. As such the proposal satisfies the requirements of policies CS15 of the adopted Waltham Forest LDF Local Development Framework Core Strategy (2012).

4. Accessibility

8.7 Level access is indicated and corridor widths are acceptable. The proposal meets the Council’s requirements in relation to minimum door widths of 900mm clear opening width.

8.8 The proposal involves the enlargement of an existing toilet area within the existing school. The applicant has advised that disabled accessible toilets are available on site and the current proposal does not involve the creation of any further such toilets. The proposal in this regard extends existing facilities and as such is considered acceptable.

9 HUMAN RIGHTS

9.1 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.

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 for application 2012/0044 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.
10 EQUALITIES

10.1 In making your decision you must also 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.

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

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

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

11 LOCAL FINANCE CONSIDERATIONS

11.1 Local finance considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL)

11.2 In terms of this report:

11.3 There are no grants which have been or will or could be received from central government in relation to this development

11.4 The Council has not received and does not expect to receive any income from CIL in relation to this development.

11.5 The Council has not received and does not expect to receive any income from Mayoral CIL in relation to this development.
12 RECOMMENDATION

The Planning Committee is requested to resolve that planning permission be granted subject to the following conditions:

12.1 Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.

2. The development shall be carried out in accordance with plans numbered 03 and 04 received on 14th March 2012.

3. The materials to be used in the construction of the extension hereby approved shall match as closely in type colour and texture the materials on the existing building.

4. The development shall conform to the Council's adopted Access Guidelines including regard to level or ramped thresholds, clear opening widths of doors and the design of both internal and external door sets.

12.2 Reasons:

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

2. To ensure the development is completed in accordance with the approved details.

3. In order to maintain visual amenity in the area in accordance with policy CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012)

4. To ensure an inclusive environment and to comply with policy CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012)

13 BACKGROUND DOCUMENTS

13.1 None
## LONDON BOROUGH OF WALTHAM FOREST

<table>
<thead>
<tr>
<th>Committee/Date:</th>
<th>Planning 27 March 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application reference:</td>
<td>2012/0186/LB</td>
</tr>
<tr>
<td>Applicant:</td>
<td>London Borough of Waltham Forest</td>
</tr>
<tr>
<td>Location:</td>
<td>Waltham Forest Town Hall 701 Forest Road, Walthamstow, E17 4JF</td>
</tr>
<tr>
<td>Proposed development:</td>
<td>Refurbishment of reception area including demolition of existing partitions, formation of new reception desk and meeting rooms, relocation of doors to side corridors and new internal main entrance doors.</td>
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<tr>
<td>Wards affected:</td>
<td>Chapel End Ward</td>
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<tr>
<td>Appendices:</td>
<td>None</td>
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</tbody>
</table>

### 1 RECOMMENDATION
1.1 That conditional listed building consent is granted subject to approval by the Department of Communities and Local Government.

### 2 SUMMARY OF REASONS FOR RECOMMENDATION
2.1 The proposal has been considered in terms of the impact on the character of the listed building. It has been concluded that the works can be justified, and that they would not detract from the character of the listed building. The proposal has been considered against Policies CS12, CS15, CS16 of the Waltham Forest Local Development Framework Core Strategy (2012)

### 3 REASONS REFERRED TO COMMITTEE
- The Council is the applicant

### 4 DETAILS OF PROPOSAL AND SURROUNDINGS
4.1 The Town Hall is a Grade II listed building.
4.2 The proposal would involve the internal refurbishment of the reception area and adjacent rear office comprising removal of a partition wall, provision of a new reception desk with installation of automatic gates to control access, subdivision of the enlarged space to form 8 meeting and interview rooms. Relocation of the existing timber doors accessing the east and west wing corridors and the removal of the existing internal double set of main entrance doors and their replacement with automatic glazed doors.

### 5 RELEVANT SITE HISTORY
5.1 None is relevant to this proposal
6 PUBLIC CONSULTATIONS
6.1 Site and press notices have been posted and no objections or other comments have been received.
6.2 English Heritage has been consulted and has raised no objections.

7 PLANNING POLICY CONSIDERATIONS
7.1 Waltham Forest Local Development Framework Core Strategy (2012)
   The text of all policies listed below is appended to this agenda:
   CS12, CS15, CS16

8 KEY PLANNING CONSIDERATIONS
8.1 The main issue in this case is the potential impact on the character of the listed building.
8.2 The proposed works are required to provide additional meeting rooms and to improve both accessibility and security to the town hall.
8.3 The wall proposed for removal is a partition wall and not an original or structural element. The new partition walls would be located behind the existing pillars and cornicing so as to minimise any affect on the fabric of the building. The general design in opening up the area and in particular the removal of the current partition wall behind the reception area is considered a more preferable general layout than that of the existing and would be more fitting with the original general shape of the area.
8.4 The proposed entrance doors are required to improve accessibility to the building whilst the proposed glazed security gates are required to improve security. The use of glazing would minimise as far as practical the visual impact resulting from the installation of these features.
8.5 It is considered that the proposed works would not detract from the character or appearance of the listed building.

9 OTHER MATERIAL CONSIDERATIONS
9.1 Local Finance Considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL)
9.2 There are no grants which have been or will or could be received from central government in relation to this development
9.3 The Council has not received and does not expect to receive any income from CIL in relation to this development
9.4 The Council has not received and does not expect to receive any income from Mayoral CIL in relation to this development
10 HUMAN RIGHTS

10.1 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.

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.

11 EQUALITIES

11.1 In making your decision you must also 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, is only one factor that needs to be considered, and may be balanced against other relevant factors.

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

The Planning Committee is requested to resolve that the Department of Communities and Local Government be advised that it is minded to grant listed building consent subject to the following conditions:

12.1 Conditions

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date of this decision notice.

2. The development shall be carried out in accordance with drawing number 002 received 08 February 2012 and 001 Revision B received 13 March 2012.

3. All new works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to methods used and to material, colour, texture and profile, unless otherwise approved in writing by the Local Planning Authority.

4. Any new joinery work shall match the existing adjacent joinery in respect of materials, dimensions and profiles, unless otherwise agreed in writing by the Local Planning Authority.

12.2 Reasons

1. To comply with the requirements of Section 18(1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. To ensure the development is completed in accordance with the approved details.

3. In order to safeguard the special architectural or historic interest of this listed building in accordance with policy CS12 of the Waltham Forest Local Development Framework Core Strategy (2012).

4. In order to safeguard the special architectural or historic interest of this listed building in accordance with policy CS12 of the Waltham Forest Local Development Framework Core Strategy (2012).

12.3 Informatives:

1. The proposed internal alterations at ground floor to provide new meeting and interview rooms, the demolition and construction of partition walls and the relocation and replacement of doors would not detract from the character or appearance of the listed building and therefore satisfies policies CS12, CS15 and CS16 of the Waltham Forest Local Development Framework Core Strategy (2012).

13 BACKGROUND DOCUMENTS

13.1 None
1 RECOMMENDATION
1.1 Grant permission subject to conditions.

2 SUMMARY OF REASONS FOR RECOMMENDATION
2.1 The Minor Material Amendment to the planning approval ref. 2011/1250/LA involves the creation of two new stepped access points into the site. The need to provide the access, in addition to the adequacy of the mitigating and reinstating works, are considered to comprise material considerations justifying the approval of the development. The proposal has been otherwise considered against Policies CS5, CS15 and CS16 of the adopted Waltham Forest Local Development Framework Core Strategy (2012). London Plan Policies 3.19, 4.6, 7.2, 7.3, 7.4, 7.5, 7.17, 7.19, and 7.21 and National Planning Policy Guidance PPS1 and PPG17 and there are no grounds on which to withhold planning permission.

3 REASONS REFERRED TO COMMITTEE
- The Council is the applicant

4 DETAILS OF THE SITE AND SURROUNDINGS
4.1 The site comprises land, a pavilion building and children’s play area at Marsh Lane, which is identified as Metropolitan Open Land (MOL). The site lies within the eastern corner of the borough, to the south of Lea Bridge Road and to the west of Orient Way. The site is located to the north of the Olympic Park and to the east of Hackney Marsh and within
the Marsh Lane/ Church Road Character Area of the Northern Olympic Fringe Area Action Plan.

4.2 With regards to the surrounding environment, Marsh Lane is located in a predominantly residential area and is bordered by a number of industrial estates as well Lammas School.

4.3 There are three existing main entrances to Marsh Lane playing fields; Seymour Road (north) entrance, Marsh Lane (east) entrance and Orient Way Entrance (to the west).

4.4 A new stepped access is proposed from Lammas School in the north-eastern corner of the site leading into the area of the new car park. The second access point is proposed at the Marsh Lane entrance within the eastern edge of the site, adjacent to the existing ramp entrance.

5 DETAILS OF THE PROPOSAL

5.1 The proposal relates to a minor material amendment to provide two new stepped access points into the site.

5.2 One of the stepped access points is from Lammas School on Seymour Road and would be located between two of the existing poplar trees along the north eastern edge of the site boundary. The new stepped access would provide a secondary entrance to the school along this walking route. The use of the entrance gate would be controlled by Lammas School. The proposed steps will be precast concrete and consist of a flight of 5 steps. A galvanised steel handrail is proposed along the edge of the steps. To accommodate the new stepped access the layout of the proposed car park was amended, the amendment includes the creation of an informal, approximately 2 metre wide pathway between the stepped access and the pavilion, along the edge of the car park. This has resulted in the edge of the car park having been moved and straightened, as well as slight alterations to the line of the swale and line of bollards to accommodate the car parking changes. It is also proposed to plant the edge of the car park with wildflower instead of shrubs to create clear sight lines to and form the new steps from the pavilion. A new apple tree will be planted along the new path to replace the loss of an existing tree.

5.3 The other new stepped access is proposed at the Marsh Lane entrance along the eastern boundary of the site and adjacent to the existing ramp. Improvements to the existing ramp, which include resurfacing and re-grading, were approved as part of the original application. The steps will be a precast concrete flight of 5 steps with a brush hammered finish to provide slip resistance. A handrail would be provided along the edge of the steps.
6 RELEVANT SITE HISTORY

6.1 2011/1250/LA – Planning permission was sought for the proposed redevelopment of Leyton Marshes including the construction of a new pavilion building comprising changing rooms and community facilities following the demolition of existing pavilion, the marking out and relaying of playing pitches, resurfacing of and the installation of flood lighting to the existing basketball court, the relocation and remodelling of existing play space, the introduction of an additional play area, the provision of a new car park accessed from Seymour Road, footpath resurfacing and additional lighting along primary routes with associated alterations. The application was APPROVED on 5th December 2011.

6.2 2007/0582 – Planning permission was sought for the temporary provision of an allotment site on lower plateau at the western end of Marsh Lane playing fields and to the South of Marsh Lane. Involving:- Remediation: Removal of up to 880mm existing soil, installation of marker layer and importation of 880mm replacement soil. Allotments: Provision of 64 allotment plots, communal area and storage area. Boundary Treatments: Provision of 2.4m high palisade fencing and defensive planting up to 2.4m high. Sheds: Provision of 64 individual sheds and one communal hut. Access: Provision of entrance on Marsh Lane for access to allotments and resurfacing of car-parking. Temporary Construction Access from existing pedestrian access on Orient Way, Landscape Improvements: Removal of invasive species, new planting, new seating, resurfacing of Marsh Lane and existing car park, new steps, and signage. The application was APPROVED on 12th June 2007.

7 CONSULTATIONS:

7.1 Publicity & Neighbouring Notification

7.2 3 site notices was erected within the site within the location of the proposed works on 17th February 2012.

7.3 No responses have been received at the time of finalising this report. Any responses received up to the date of the Planning Committee will be reported in an update report.

8 PLANNING POLICY CONSIDERATIONS

8.1 Development Plan

Waltham Forest Core Strategy (2012):
CS5, CS15 and CS16. The text of all policies listed below is appended to this agenda.
8.2 London Plan (2011)
 Policies are relevant to this application, though are less specific to the site or development proposed (than the UDP policies above) and are not referred to in detail here. Those Policies include: 3.19, 4.6, 7.2, 7.3, 7.4, 7.5, 7.17, 7.19, and 7.21.

8.3 National Planning Policies:
PPS1 and PPG17.

8.4 Other material policy considerations
- Inclusive Design and Accessible Buildings (SPD 2011)
- Urban Design (SPD 2010)
- Development Management Policies Document (Preferred option November 2011)

9 KEY PLANNING CONSIDERATIONS

9.1 The main issues to be considered in relation to this scheme are:
- Principle, design and impact on local character
- Access
- Impact on neighbouring amenity
- Community safety

9.2 Design & Impact on Local Character

9.3 The proposed stepped access leading from Lammas School linking between the school and the new pavilion building within the northern area of the site would be a discrete set of steps and in principle would appear acceptable. To accommodate the new stepped access the layout of the approved car park has been amended to create a separate pathway between the stepped access and the pavilion along the edge of the car park. This has resulted in the car park being moved and straightened. It is proposed to plant the edge of the car park with wildflower instead of shrubs to create clear sight lines to and form the new steps to the pavilion. A new apple tree is proposed along the new path to replace the loss if an existing tree. The overall appearance of this development would appear satisfactory and would not detract from the openness or character of the area.
9.4 The new stepped access proposed at the Marsh Lane entrance along the eastern boundary of the site and adjacent to the existing ramp is considered sympathetic to its contextual setting. Improvements to the existing ramp, which include resurfacing and re-grading, were approved as part of the original application. The steps will be a precast concrete flight of 5 steps with a brush hammered finish to provide slip resistance. A handrail would be provided along the edge of the steps. On balance it is considered that the proposed works would not detract from the openness or character of the area.

9.5 On balance, it is considered that the proposed steps are acceptable in terms of their siting and scale and would not detract from the landscape of the area and the appearance of the open space.

9.6 Access

9.7 In the case of the new access point at Lammas School, the proposal will consist of a precast concrete flight of 5 steps (riser 169mm and tread 350mm) and a handrail would extend past the first and last step. At the Marsh Lane entrance the new steps would be situated alongside a ramp granted as part of the original consent and would thus provide an alternative access route. The steps will consist of a flight of 5 precast concrete steps (risers 155m and tread 390mm). Both sets of steps would consist of concrete steps which would contrast with the adjacent surface finishes at the top and bottom of the flights of steps. The change in colour and texture between these surfaces will act as a warning to the visually impaired. Similarly a textured aluminium noising is proposed on each of the steps to contrast the concrete steps and a brush hammered finish would provide slip resistance. A galvanised steel handrail will extend past the first and last step.

9.8 The Council’s SPD ‘Inclusive Design for Non-Residential Buildings’ seeks steps that combine a modest rider and a deep tread as this will mean users are less likely to overstep. A continuous handrail is required to both sides of the flight of steps and across landings. Notwithstanding the submitted plans, should planning permission be forthcoming, details of the handrails could be approved by condition.

9.9 Level access into the site would be provided by alternative routes alongside the steps, as such; on balance the proposed new access points would provide sufficient access and subject to conditions the overall form and detailing of the new access points would appear consistent with theintentions of the SPD for Non-Residential Buildings.

9.10 Impact on Neighbouring Amenity

9.11 All the proposed works would be well contained within the application site and as such there would be no general material amenity impact in terms of loss of light, outlook or privacy to residential occupiers surrounding the application site. The existing site is designated as playing field and the proposed minor material amendment would not
result in a material change to nature of the use of the site. On balance, it is considered that the proposal would not prejudicial amenity impacts to neighbouring occupiers.

9.12 Impact on Highways Network

9.13 There would be minor alterations to the car parking area, however the approved number of parking bays (19) would remain unchanged and the distances between the bays for maneuvering would achieve the minimum standards, as approved. In summary, the proposed works would not materially alter the approved scheme and are considered to be acceptable.

9.14 Community Safety

9.15 The gate within the school providing access into the application site will be lockable and controlled by Lammas School to ensure the school's secure boundary is maintained.

9.16 The creation of a new 2 metre wide informal pathway to the eastern edge of the car park will encourage pedestrian access to the eastern boundary of the site along side the pavilion rather than informally crossing the car park which would comprise bollards and fencing along its boundary.

9.17 The stepped access from Marsh Lane would not materially alter this area and have no harmful impact on community safety in this area of the site.

9.18 On balance, it is considered that, given the stepped access from Lammas School will be controlled by a lockable gate; the use of this access could be adequately controlled and would not be detrimental to community safety as noted in Policy CS16 of the Adopted Waltham Forest Core Strategy.

10 OTHER MATERIAL CONSIDERATIONS

10.1 Local finance considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL).

10.2 In terms of this report:

10.3 There are no grants which have been or will or could be received from central government in relation to this development

10.4 The Council has not received and does not expect to receive any income from CIL in relation to this development.

10.5 The Council has not received and does not expect to receive any income from Mayoral CIL in relation to this development.
11 HUMAN RIGHTS

11.1 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.

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 EQUALITIES

12.1 In making your decision you must also 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.

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

12.3 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, is only one factor that needs to be considered, and may be balanced against other relevant factors.
12.4 It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

13 RECOMMENDATION

The Planning Committee is requested to resolve that planning permission be granted subject to the following conditions:

13.1 Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.

2. The development shall be carried out in accordance with plan numbers 793B_010, 030, 202, 204, 300, 301, 302, 304, 1102_03_PG_010, 020, 100, 110, 120, 200, 300 received on 7th October 2011 and 793B 040, 050, 060, 070, 080, 090, 095 received on 20th October 2011, 793B SK011 Rev C received on 21st November 2011 and revised drawing numbers 793B 015 Rev A, 100 Rev A, 203 Rev A, 205 Rev A and 303 Rev A received on 28th November 2011 and drawing numbers 739B_200 Rev B and 739_201 Rev B received on 23 January 2012.

3. The materials to be used in the development of the pavilion building shall hereby accord with the details as agreed by letter dated 17th February 2012 and this condition shall apply notwithstanding any indications as to these matters which have been given in the application. The development shall thereafter be carried out solely in accordance with the approved details.

4. All parking shall be provided prior to first use of the pavilion and shall be maintained in accordance with the approved plans thereafter.

5. Notwithstanding, details of a bollards and highways layout on Marsh Lane a revised layout agreed with the local highway authority, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall be implemented in accordance with the agreed details.

6. The Sustainable Urban Drainage System shall be designed to deal with all surface water drainage from hard surface areas, details of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of building works (other than demolition and groundworks). The works as agreed shall be fully implemented prior to any building being first brought into use and thereafter maintained in accordance with the agreed details.
7 Notwithstanding condition no.2 above, a revised lighting scheme and statement, to include, in the absence of other mitigation, a revised lighting scheme along Marsh Lane and security lighting to the pavilion shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall thereafter be implemented in accordance with the approved details.

8 The basketball flood lighting on the site associated with the basketball court use shall be installed so that the main beams are directed downwards with the beam angles below 70 degrees the vertical, and shall not lead to light spill levels above those levels as set out in the approved drawings. The design and construction of the lights shall be in accordance with The Institution of Lighting Engineers (ILE) Guidance Notes 2005 and the lights shall only be operational when the court is in use. The flood lighting as approved as only be operational when the court is in use and shall not be in use after 8.30pm on any day.

9 There shall be no amplified sound, speech or music that is audible outside of the pavilion area emanating from within the extended pavilion building hereby approved.

10 If, during development, any species protected under the Wildlife & Countryside Act 1981 (and associated legislation) such as bats or stag beetles are identified to be found present within the site of works then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the applicant has submitted to, and obtained written approval from the Local Planning Authority for, a management strategy detailing how the safeguarding of the protected species shall be dealt with. The strategy shall be implemented in accordance with the approved details.

11 A revised landscaping scheme, to include the planting of additional trees, relating to the buffer at the northern edge of the proposed floodlit basketball court shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall thereafter be implemented in accordance with the agreed details.

12 Details of fencing or means of enclosure around the perimeter of the 0-7 year old play area shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the shall thereafter be implemented in accordance with the agreed details.
13 During the course of the construction and carrying out of the
development approved, access shall be provided to Council officers
and their agents to ensure that any unforeseen contamination or
hazardous problems are recognised and any such contamination or
hazard shall be treated by remedial action specified by the Council
or their agent or as agreed in writing.

14 The developer shall provide certification on completion of
remediation works from the specialist contractor that the works
were completed wholly in accordance with the agreed details.

15 Any fill material bought onto the site will be inert and not
contaminated or prejudicial to the restored outdoor sports use of the
site.

16 Prior to the commencement of development (or such other stage in
development as may be agreed in writing with the Local Planning
Authority), the following components of a scheme to deal with the
risks associated with contamination of the site shall each be
submitted to and approved in writing by the Local Planning
Authority:
   1) A preliminary risk assessment which has identified:
      * all previous uses;
      * potential contaminants associated with those uses;
      * a conceptual model of the site indicating sources, pathways and
        receptors;
      * potentially unacceptable risks arising from contamination at the
        site.

   2) A site investigation scheme, based on (1) to provide information
      for a detailed assessment of the risk to all receptors that may be
      affected, including those off site.

   3) The results of the site investigation and detailed risk assessment
      referred to in (2) and, based on these, an options appraisal and
      remediation strategy giving full details of the remediation measures
      required and how they are to be undertaken.

   4) A verification plan providing details of the data that will be
      collected in order to demonstrate that the works set out in the
      remediation strategy in (3) are complete and identifying any
      requirements for longer-term monitoring of pollutant linkages,
      maintenance and arrangements for contingency action.

Any changes to these components require the express consent of
the Local Planning Authority. The scheme shall be implemented as
in accordance with the approved details.
17 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented in accordance with the approved details.

18 Prior to the commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy, and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan required under Condition 17 to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. The long-term monitoring and maintenance plan shall be implemented as approved.

19 Reports on ground contamination remediation monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in the plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

20 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

21 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
22 The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA).

23 Notwithstanding details on the approved plans, the internal layout of the pavilion shall be revised in accordance with Sport England Design Guidance Notes and the proposal shall thereafter be carried out in accordance with the agreed details.

24 Notwithstanding details shown on the approved plans, prior to the commencement of the development a detailed plan showing the proposed handrail detail alongside the steps shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be carried out in accordance with the agreed details.

13.2 Reason

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

2. To ensure the development is completed in accordance with the approved details.

3. To safeguard and enhance the visual amenities of the locality, in accordance with policies CS13 and CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

4. In order to ensure that sufficient parking is provided in accordance with policy CS7 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

5. In order to safeguard users of the highway in the interest of highway safety and to accord with policy CS7 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

6. To protect the quality of groundwater and surface water generated from the site in accordance with policy CS13 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).
7. To ensure the safeguarding of protected species in accordance with policy CS5 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

8. To safeguard habitats and protect neighbouring amenities in accordance with policies CS5 and CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

9. In order to protect the amenities of occupiers of the development in accordance with policies CS13 and CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

10. To ensure the safeguarding of protected species in accordance with policy CS5 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

11. In order to minimise light spill associated with the floodlights, safeguard habitats and protect neighbouring amenities in accordance with policies CS5 and CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

12. In the interest of public safety and in accordance with policy CS16 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

13. In the interests of the future health of occupiers of and visitors to the development, to prevent pollution of ground water and to comply with Policy CS13 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).


15. To ensure development proceeds in accordance with Policies CS4 and CS5 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).
16. To protect the quality of the water environment from pollution in accordance with Policies CS4 and CS13 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

17. To protect the quality of the water environment by ensuring that any unsuspected contamination is properly addressed in accordance with Policies CS4 and CS13 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

18. To protect the quality of the water environment by ensuring that any remedial works required by Conditions are undertaken and demonstrated successful in accordance with Policies CS4 and CS13 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

19. To protect the quality of the water environment by ensuring that any long-term monitoring required by Condition 20 is carried in accordance with Policies CS4 and CS13 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

20. To ensure that surface water runoff does not result in polluting substances finding their way into controlled waters in accordance with Policy CS4 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

21. To protect the quality of the water environment, in particular the deep aquifer that is used for public water supply, and to ensure that intrusive works do not introduce pollutants or create new pathways that could pollute controlled waters in accordance with Policies CS4 and CS13 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

22. To prevent flooding by ensuring the satisfactory disposal of surface water from the site and by ensuring that compensatory storage of flood water is provided in accordance with Policies CS4 and CS5 of the of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

23. To ensure that the design and internal layout of the pavilion facilities are fit for purpose in accordance with Policy CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).
24. To ensure the development is of a satisfactory finished appearance and meets the access guidelines contained within the Council’s Adopted Supplementary Planning Document – Inclusive Design in Non Residential Buildings (Adopted May 2011), in accordance with policy CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

14 INFORMATIVE

14.1 The proposed changes to the originally approved application reference 2011/1250/LA have been considered under Section 73 of the Town and Country Planning Act as part of the Minor Material Amendment Application procedure. The proposed changes relating to the inclusion of a new access points into the site from Lammas School and Marsh Lane are considered to be acceptable in appearance, access and amenity terms and no adverse impact to residential amenity would result from the proposed changes. The proposals are considered to be consistent with policies CS5, CS15 and CS16 of the adopted Waltham Forest Local Development Framework Core Strategy (2012) and Urban Design Supplementary Planning Document (February 2010).

15 BACKGROUND DOCUMENTS

15.1 Planning application file ref. 2011/1250/LA.
LONDON BOROUGH OF WALTHAM FOREST

Committee/Date: Planning 27 March 2012
Application reference: 2012/0272
Applicant: Leon Welford, London Borough of Waltham Forest, Environment & Regeneration, Fir Tree House, Town Hall Complex, Forest Road, E17 4JF
Location: Marsh Lane Playing Fields, Marsh Lane, Leyton, E10
Proposed development: Minor material amendment to planning permission 2011/1250/LA. Alteration to siting and form of solar panels on roof of the pavilion.
Wards affected: Leyton
Appendices: None

1 RECOMMENDATION

1.1 Grant planning permission subject to conditions.

2 SUMMARY OF REASONS FOR RECOMMENDATION

2.1 The Minor Material Amendment application involves the change to the siting and form of the solar panels on the roof of the approved pavilion building is considered, subject to conditions, to be acceptable and would adequately contribute towards the site meeting the target for use of renewable energy. The proposal has been otherwise considered against Policies CS4 and CS15 the adopted Waltham Forest Core Strategy (2012). London Plan Policies 4.6, 5.2, 5.3, 5.7, 7.4, 7.5, and National Planning Policy Guidance PPS1, PPS22 and there are no grounds on which to withhold planning permission.

3 REASONS REFERRED TO COMMITTEE

- The Council is the applicant

4 DETAILS OF THE SITE AND SURROUNDINGS

4.1 The site Marsh Lane playing fields comprises land, a pavilion building and children’s play area at Marsh Lane. The site is identified as Metropolitan Open Land (MOL). The site lies to the south of Lea Bridge Road and to the west of Orient Way. The site is located within the Marsh Lane/ Church Road Character Area of the Northern Olympic Fringe Area Action Plan.

4.2 With regards to the wider surrounding environment, Marsh Lane is located in a predominantly residential area and is bordered by a number of industrial estates as well as a local school.
4.3 The proposed pavilion building is to be located within the northern area of the site close to the Seymour Road entrance and Lammas Secondary School. A residential lodge lies within this area just beyond the site boundary and its closest point would be approximately 15 metres from the new pavilion building.

4.4 The application seeks a minor material amendment to the permission granted in November 2011 detailed below involving the alteration to the type and siting of the solar panels. The approved scheme and in particular approved drawing number 1102_03_PG_110, illustrating the roof plan, did not show the location of solar panels, this being reserved by condition. The amended proposal seeks to install 27.6 sq. metres of solar thermal panels. The solar panel would be sited at an angle of inclination of approximately 25-degrees with the roof, siting on the central eastern roofslope, westerly facing. The solar panels to be used are Vitosol 200 F horizontal type with absorber area of approximately 2.30m sq.metres and gross area of approximately 2.51 sq.metres.

5 RELEVANT SITE HISTORY

5.1 2011/1250/LA – Planning permission was sought for the proposed redevelopment of Leyton Marshes including the construction of a new pavilion building comprising changing rooms and community facilities following the demolition of existing pavilion, the marking out and relaying of playing pitches, resurfacing of and the installation of flood lighting to the existing basketball court, the relocation and remodelling of existing play space, the introduction of an additional play area, the provision of a new car park accessed from Seymour Road, footpath resurfacing and additional lighting along primary routes with associated alterations. The application was APPROVED by Planning Committee on 29th November 2011.

5.2 2007/0582 – Planning permission was sought for the temporary provision of an allotment site on lower plateau at the western end of Marsh Lane playing fields and to the South of Marsh Lane. Involving:- Remediation: Removal of up to 880mm existing soil, installation of marker layer and importation of 880mm replacement soil. Allotments: Provision of 64 allotment plots, communal area and storage area. Boundary Treatments: Provision of 2.4m high palisade fencing and defensive planting up to 2.4m high. Sheds: Provision of 64 individual sheds and one communal hut. Access: Provision of entrance on Marsh Lane for access to allotments and resurfacing of car-parking. Temporary Construction Access from existing pedestrian access on Orient Way, Landscape Improvements: Removal of invasive species, new planting, new seating, resurfacing of Marsh Lane and existing car park, new steps, and signage. The application was APPROVED on 12th June 2007.
6 CONSULTATIONS:

6.1 Publicity & Neighbouring Notification

6.2 2 site notices were erected within the site within the location of the proposed works on 6th March 2012.

6.3 No responses have been received at the time of finalising this report. The consultation period will not expire until 27th March 2011 and any responses received up to and including the date of the Planning Committee will be reported in a later, update report.

7 PLANNING POLICY CONSIDERATIONS

7.1 Development Plan

Waltham Forest Core Strategy (2012):

The text of all policies listed below is appended to this agenda: CS4 and CS15

7.2 London Plan (2011) Policies are relevant to this application, though are less specific to the site or development proposed (than the UDP policies above) and are not referred to in detail here. Those Policies include: 4.6, 5.2, 5.3, 5.7, 7.4 and 7.5.

7.3 National Planning Policies:

- PPS1 – Delivering Sustainable Development
- PPS22 – Renewable Energy

7.4 Other material policy considerations

- Urban Design (SPD 2010)

8 KEY PLANNING CONSIDERATIONS

8.1 The main issues to be considered in relation to this scheme are:

- Principle of the development
- Design and impact on local character
- Impact on neighbouring amenity

8.2 The Principle of the development:

8.3 The principle of using solar power was noted within the applicants Energy Statement submitted with the original scheme; however the siting of the panels was not shown on the approved roof plan. The minor material amendment accords with the Council’s aspirations in terms of responding to climate change as set out in the Sustainable Community Strategy (2008).
8.4 Design & Impact on Local Character

8.5 “A minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved.”

8.6 A total of 12 Vitosol 200 F horizontal type solar panels are proposed located in two separate blocks of 6 panels on A-stands on the east section of roof slope and positioned westerly facing at an angle of inclination of approximately 25-degrees with the roof.

8.7 The solar panels would alter the roof line of the building and add additional bulk to the roof form. The approved materials which include a pitched metal standing seam roof constructed in a EuroClad Vieo aluminium roofing material in a natural zinc finish. Given the backdrop of the approved roofing materials, it is considered that the installation of the solar panels would be compatible with the contemporary style of the pavilion building which uses a contrasting palette of textured materials.

8.8 On balance, the proposed alteration to the siting and type of solar panels would go some way to meeting the Council’s aspirations of providing renewable energy within the scheme and would not, given the contemporary style of the approved pavilion, appear visually obtrusive or cause harm to the visual amenity of the area.

8.9 Impact on Neighbouring Amenity

8.10 In the assessment of the of the pavilion at the planning application stage, consideration was given to the potential impact on neighbouring properties and in particular the closest adjoining property being an existing lodge in residential use adjacent to the Seymour Road entrance, directly adjoining the application site. It was noted that the existing pavilion at its nearest point would be approximately 15 metres to the south-east/front elevation of the lodge. This residential property has screening to its front boundary including an approximately 1.8m high fencing and foliage. A condition has been imposed on the planning consent ref. 2011/1250/LA requiring screening along the northern edge of the basketball court, to the rear/side boundary of this residential property, this would also in part obscure some of the views from this residential property of the pavilion. Given the positioning of the solar panels, it is considered that they would not result in loss of light or outlook, beyond that agreed to be acceptable in the extant consent and the panels would integrate acceptably within the zinc aluminium roof, thus would not harmful detract from the visual amenity of the area.
8.11 With regards to the wider amenity impact, all the proposed works would be well contained within the application site and as such there would be no general material amenity impact in terms of loss of light, outlook or privacy to residential occupiers surrounding the application site. The existing site is designated as playing field and the proposed minor material amendment would not result in a material change to nature of the use of the site. On balance, it is considered that the proposal would not result in prejudicial amenity impacts to neighbouring occupiers.

9 OTHER MATERIAL CONSIDERATIONS

9.1 Local finance considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL)

9.2 In terms of this report:

9.3 There are no grants which have been or will or could be received from central government in relation to this development

9.4 The Council has not received and does not expect to receive any income from CIL in relation to this development.

9.5 The Council has not received and does not expect to receive any income from Mayoral CIL in relation to this development.

10 HUMAN RIGHTS

11.1 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.

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.
11 EQUALITIES

11.1 In making your decision you must also 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, is only one factor that needs to be considered, and may be balanced against other relevant factors.

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

12 RECOMMENDATION

The Planning Committee is requested to resolve that planning permission be granted subject to the following conditions:

12.1 Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.

2. The development shall be carried out in accordance with plan numbers 793B_010, 030, 100, 201, 202, 203, 204, 300, 301, 302, 303, 304, 1102_03_PG_010, 020, 100, 120, 200, 300 received on 7th October 2011 and 793B 040, 050, 060, 070, 080, 090, 095, 205, 015 received on 20 October 2011 and 1102_03_PG_010110 Revision B, 1102_03_PG_305, 1102_03_PG_315, 0192/CS/102 Rev. C and 01920/CS/100 Rev.C received on 21st February 2012.
3 The materials to be used in the development of the pavilion building shall hereby accord with the details as agreed by letter dated 17th February 2012 and this condition shall apply notwithstanding any indications as to these matters which have been given in the application. The development shall thereafter be carried out solely in accordance with the approved details.

4 All parking shall be provided prior to first use of the pavilion and shall be maintained in accordance with the approved plans thereafter.

5 Notwithstanding, details of a bollards and highways layout on Marsh Lane a revised layout agreed with the local highway authority, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall be implemented in accordance with the agreed details.

6 The Sustainable Urban Drainage System shall be designed to deal with all surface water drainage from hard surface areas, details of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of building works (other than demolition and groundworks). The works as agreed shall be fully implemented prior to any building being first bought into use and thereafter maintained in accordance with the agreed details.

7 Notwithstanding condition no.2 above, a revised lighting scheme and statement, to include, in the absence of other mitigation, a revised lighting scheme along Marsh Lane and security lighting to the pavilion shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall thereafter be implemented in accordance with the approved details.

8 The basketball flood lighting on the site associated with the basketball court use shall be installed so that the main beams are directed downwards with the beam angles below 70 degrees the vertical, and shall not lead to light spill levels above those levels as set out in the approved drawings. The design and construction of the lights shall be in accordance with The Institution of Lighting Engineers (ILE) Guidance Notes 2005 and the lights shall only be operational when the court is in use. The flood lighting as approved as only be operational when the court is in use and shall not be in use after 8.30pm on any day.

9 There shall be no amplified sound, speech or music that is audible outside of the pavilion area emanating from within the extended pavilion building hereby approved.
10 If, during development, any species protected under the Wildlife & Countryside Act 1981 (and associated legislation) such as bats or stag beetles are identified to be found present within the site of works then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the applicant has submitted to, and obtained written approval from the Local Planning Authority for, a management strategy detailing how the safeguarding of the protected species shall be dealt with. The strategy shall be implemented in accordance with the approved details.

11 A revised landscaping scheme, to include the planting of additional trees, relating to the buffer at the northern edge of the proposed floodlit basketball court shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall thereafter be implemented in accordance with the agreed details.

12 Details of fencing or means of enclosure around the perimeter of the 0-7 year old play area shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the shall thereafter be implemented in accordance with the agreed details.

13 During the course of the construction and carrying out of the development approved, access shall be provided to Council officers and their agents to ensure that any unforeseen contamination or hazardous problems are recognised and any such contamination or hazard shall be treated by remedial action specified by the Council or their agent or as agreed in writing.

14 The developer shall provide certification on completion of remediation works from the specialist contractor that the works were completed wholly in accordance with the agreed details.

15 Any fill material bought onto the site will be inert and not contaminated or prejudicial to the restored outdoor sports use of the site.

16 Prior to the commencement of development (or such other stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1) A preliminary risk assessment which has identified:
* all previous uses;
* potential contaminants associated with those uses;
* a conceptual model of the site indicating sources, pathways and receptors;
* potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as in accordance with the approved details.

17 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented in accordance with the approved details.

18 Prior to the commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy, and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan required under Condition 16 to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. The long-term
monitoring and maintenance plan shall be implemented as approved.

19 Reports on ground contamination remediation monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in the plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

20 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

21 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

22 The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA).

23 Notwithstanding details on the approved plans, the internal layout of the pavilion shall be revised in accordance with Sport England Design Guidance Notes and the proposal shall thereafter be carried out in accordance with the agreed details.

13.2 Reason

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

2. To ensure the development is completed in accordance with the approved details.

3. To safeguard and enhance the visual amenities of the locality, in accordance with policies CS13 and CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).
4. In order to ensure that sufficient parking is provided in accordance with policy CS7 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

5. In order to safeguard users of the highway in the interest of highway safety and to accord with policy CS7 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

6. To protect the quality of groundwater and surface water generated from the site in accordance with policy CS13 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

7. To ensure the safeguarding of protected species in accordance with policy CS5 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

8. To safeguard habitats and protect neighbouring amenities in accordance with policies CS5 and CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

9. In order to protect the amenities of occupiers of the development in accordance with policies CS13 and CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

10. To ensure the safeguarding of protected species in accordance with policy CS5 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

11. In order to minimise light spill associated with the floodlights, safeguard habitats and protect neighbouring amenities in accordance with policies CS5 and CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

12. In the interest of public safety and in accordance with policy CS16 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).
13. In the interests of the future health of occupiers of and visitors to the development, to prevent pollution of ground water and to comply with Policy CS13 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).


15. To ensure development proceeds in accordance with Policies CS4 and CS5 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

16. To protect the quality of the water environment from pollution in accordance with Policies CS4 and CS13 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

17. To protect the quality of the water environment by ensuring that any unsuspected contamination is properly addressed in accordance with Policies CS4 and CS13 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

18. To protect the quality of the water environment by ensuring that any remedial works required by Conditions are undertaken and demonstrated successful in accordance with Policies CS4 and CS13 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

19. To protect the quality of the water environment by ensuring that any long-term monitoring required by Condition 20 is carried in accordance with Policies CS4 and CS13 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

20. To ensure that surface water runoff does not result in polluting substances finding their way into controlled waters in accordance with Policy CS4 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).
21. To protect the quality of the water environment, in particular the deep aquifer that is used for public water supply, and to ensure that intrusive works do not introduce pollutants or create new pathways that could pollute controlled waters in accordance with Policies CS4 and CS13 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

22. To prevent flooding by ensuring the satisfactory disposal of surface water from the site and by ensuring that compensatory storage of flood water is provided in accordance with Policies CS4 and CS5 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

23. To ensure that the design and internal layout of the pavilion facilities are fit for purpose in accordance with Policy CS15 of the adopted Waltham Forest Local Development Framework Core Strategy (2012).

13 INFORMATIVE

13.1 The proposed changes to the originally approved application reference 2011/1250/LA have been considered under Section 73 of the Town and Country Planning Act as part of the Minor Material Amendment Application procedure. The proposed changes relating to the form and siting of the solar panels are considered to be acceptable in their siting and appearance and no adverse impact to residential amenity would result from the proposed changes. The proposals are considered to be consistent with policies CS4 and CS15 of the adopted Waltham Forest Unitary Core Strategy (2012) and Urban Design Supplementary Planning Document (February 2010).

14 BACKGROUND DOCUMENTS

14.1 Planning application file ref. 2011/1250/LA.
LONDON BOROUGH OF WALTHAM FOREST

Committee/Date: Planning 27 March 2012
Application reference: 2012/0192/LA
Applicant: Leon Welford, London Borough of Waltham Forest, Environment & Regeneration, Fir Tree House, Town Hall Complex, Forest Road, E17 4JF
Location: Leyton Mills, Marshall Road, E10
Proposed development: Removal of condition 5 (stipulating that the retaining wall shall be constructed in brickwork) and condition 6 (omission of drinking fountain) attached to planning permission 2011/0985.
Wards affected: Leyton
Appendices: None

1 RECOMMENDATION
1.1 Grant planning permission subject to conditions.

2 SUMMARY OF REASONS FOR RECOMMENDATION
2.1 The application has been considered in relation to relevant policies in the adopted Waltham Forest Unitary Core Strategy (2012), in particular policies CS14 and CS15. Regional Policy Guidance in the London Plan (2011), in particular Policies 7.2, 7.3, 7.4 and 7.5 and National Planning Policy Guidance PPS1, PPS12 and Department for Transport (DFT) Inclusive Mobility. The main issue when considering this application was the design and appearance of the changes within the street scene. The proposals are considered to be acceptable in relation to the design and appearance and there are no other material planning considerations in this case that would warrant a refusal of the application.

3 REASONS REFERRED TO COMMITTEE
- The Council is the applicant.

4 DETAILS OF PROPOSAL AND SURROUNDINGS
4.1 The proposal relates to the approved scheme involving alterations of the public realm access arrangements into Leyton Mills Retail Park from High Road Leyton (north east of the site). The proposal seeks to remove planning condition 5 (which requires materials for a retaining wall to be brickwork) and condition 6 (relating to the installation of a water fountain).
4.2 The site area falls within the Leyton Character Area of the Northern Olympic Fringe Area Action Plan and is designated as site 4- Leyton Mills/Asda Site. The measures proposed around the entrance to Leyton Mills is one of the special schemes, and an important part of the pedestrian link towards the Olympic Park from Leyton.

4.3 There are significant changes in ground level within the site with the High Road situated on a higher ground level and the retail park at the lower level. This relationship provides for a retaining wall most visually prominent when viewed from within the approach to the High Road from the retail park. Details of the finish of the retaining wall were not provided in the original application. The fountain was to be located at the base of the lower ramp.

5 RELEVANT SITE HISTORY

5.1 2011/0985 – Planning permission was granted (subject to conditions) for the formation of raised ramp and stepped access from High Road Leyton into Leyton Mills Shopping Centre. Approved by Planning Committee, decision dated 7th September 2011.

5.2 2010/1184 – planning permission was granted for the steel coping and stainless steel and mesh cladding to existing vehicle impact railings on High Road Leyton Bridge over A12. Replacement palisade fence around verge to south of Leyton underground station. At the site address; Bridge - Leyton Station, High Road Leyton.

6 CONSULTATIONS:

6.1 Publicity & Neighbouring Notification

6.2 A site notice was erected at the location of the proposed works on 15th February 2012.

6.3 External consultees:

6.4 None

6.5 Internal consultees:

6.6 Urban Design: no objections raised on the revised scheme.

7 PLANNING POLICY CONSIDERATIONS

7.1 Development Plan

Waltham Forest Unitary Core Strategy (2012)

The text of all policies listed below is appended to this agenda: CS14 and CS15
7.2 **London Plan (July 2011)**
Policy 7.4 Local Character
Policy 7.5 Public Realm

7.3 **National Policies**
Policy PPS1 – focuses on sustainable development and recognises the needs of everyone

7.4 **Other material policy considerations**
- Urban Design (SPD 2010)

8 **KEY PLANNING CONSIDERATIONS**

8.1 The main issues to be considered in relation to this scheme are the appearance and design of the proposal, the impact of the proposal upon neighbouring occupiers, accessibility and community safety considerations. These will be considered in turn.

8.2 **Design and visual impact**

8.3 The approved scheme [ref. 2011/0985] was sought as part of local realm improvement works to provide good access to Leyton Mills and beyond towards the Olympic Legacy facilities for local communities. The scheme included a configuration of ramps and steps, providing access between Leyton Mills and the High Road. The existing curved system would be removed altogether and replaced with straight ramps and stepped sections. By removing the curve and straightening the ramps, more footway space is created at the upper level near the existing bus stops.

8.4 Condition 5 imposed on the planning consent sought that the retaining wall be constructed in brickwork as this was considered an appropriate finish for the development. The applicants have applied to remove the condition and for the material of the retaining wall to be agreed as part of the approval of materials stipulated under condition 3. The applicant has submitted details of a mixed 10mm exposed concrete aggregate wall. The proposed textured finish of the retaining wall would appear to be of a sufficient quality that would integrate well with the paving treatment and overall collective palette of materials. On balance, it would be acceptable for condition 5 to be removed and the finish of the development controlled by condition 3.
8.5 Condition 6 of the planning approval ref. 2011/0985 sought “A detailed drawing illustrating at a scale of 1:20 the position and design of the water fountain shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The development shall thereafter be carried out solely in accordance with the approved details”. The condition was stipulated as there was concern that the positioning of the fountain could impede the safe use of the lower ramp. Following the approval, it has been agreed that the inclusion of the fountain was not ideal and no longer required. This application seeks to remove the condition and there are no objections raised to the loss of this feature. The removal of the fountain from the lower ramp area would reduce the potential for congestion within this area and thus would improve pedestrian flow and access.

8.6 In this case, the removal of conditions 5 and 6 of planning approval 2011/0985 is considered acceptable and would continue to preserve and enhance the character of the area and accord with Policy CS15 of the adopted Waltham Forest Core Strategy (2012).

8.7 Impact on surrounding occupiers

8.8 It is considered that given the scale and nature of the proposed development, it would not have any adverse implications for the amenities enjoyed at residential properties to the north of the site on Maud Road. Accordingly the proposal meets the requirements of policy CS15 of the adopted Waltham Forest Core Strategy (2012).

9 OTHER MATERIAL CONSIDERATIONS

9.1 Local finance considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL)

9.2 In terms of this report:

9.3 There are no grants which have been or will or could be received from central government in relation to this development

9.4 The Council has not received and does not expect to receive any income from CIL in relation to this development.

9.5 The Council has not received and does not expect to receive any income from Mayoral CIL in relation to this development.
10 HUMAN RIGHTS

10.1 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.

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.

11 EQUALITIES

11.1 In making your decision you must also 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, is only one factor that needs to be considered, and may be balanced against other relevant factors.
11.4 It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

12 RECOMMENDATION

The Planning Committee is requested to resolve that planning permission be granted.

13 Informative

Summary of the reasons for approving the application:

The application is approved because there are insufficient grounds to withhold consent on the basis of the development plan. The proposal accords with Policy CS15 of the adopted Waltham Forest Unitary Core Strategy (2012).

14 BACKGROUND DOCUMENTS

14.1 Planning application file ref. 2011/0985.
LONDON BOROUGH OF WALTHAM FOREST

Committee/Date: Planning 27 March 2012
Application reference: 2012/0188/LA
Applicant: Leon Welford, London Borough of Waltham Forest, Environment & Regeneration, Fir Tree House, Town Hall Complex, Forest Road, E17 4JF
Location: Leyton Mills, Marshall Road, E10
Proposed development: A non material amendment to planning permission 2011/0985 - Alteration to handrail detail.
Wards affected: Leyton
Appendices: None

1 RECOMMENDATION
1.1 Grant planning permission subject to conditions.

2 SUMMARY OF REASONS FOR RECOMMENDATION
2.1 The application has been considered in relation to relevant policies in the adopted Waltham Forest Core Strategy (2012), in particular policy CS15, Regional Policy Guidance in the London Plan (2011), in particular Policies 7.2, 7.3, 7.4 and 7.5 and National Planning Policy Guidance PPS1, PPS12 and the adopted Supplementary Planning Document ‘Inclusive Design – Non Residential Buildings’. The main issue when considering this non material amendment is the proposed design and appearance of the changes within the street scene and the impact on “access for all”. The proposals are considered to be acceptable and there are no other material planning considerations in this case that would warrant a refusal of the application.

3 REASONS REFERRED TO COMMITTEE
- The Council is the applicant

4 DETAILS OF THE PROPOSAL AND SURROUNDINGS
4.1 The proposal seeks an amendment to the approved scheme which sought alterations involving the formation of raised ramp and stepped access from High Road Leyton into Leyton Mills Retail Park (Northeast of the site). The proposal seeks to alter the handrail detailing.
4.2 The site area falls within the Leyton Character Area of the Northern Olympic Fringe Area Action Plan and is designated as site 4- Leyton Mills/Asda Site. The works proposed around the entrance to Leyton Mills form an important part of the pedestrian link towards the Olympic Park from Leyton.

4.3 The approved scheme ref. 2011/0985 included a flight of steps which descend from the upper levels in the south to a central landing. A long ramp with the gentle gradient of 1:21 and a width of 2 metres is provided from the lower end of the site in the south to the same landing. From the central landing there is a further flight of steps and a series of three short 5m length ramps at 1:15 gradient and width of 2 metres to the lower ground level. The first two flights of ramp are arranged as a dogleg cutting back into the space of the wide 1:21 slope, while the lowest projects into the circular in the direction of travel.

4.4 The proposal seeks to amend the design of the handrail balustrade to reduce the overall thickness of the handrail and increase the upstand part from 60mm to 100mm to allow for easier handgrip. The handrail would be positioned as previously approved.

5 RELEVANT SITE HISTORY

5.1 2011/0985 – Planning permission was granted (subject to conditions) for the formation of raised ramp and stepped access from High Road Leyton into Leyton Mills Shopping Centre. Approved by Planning Committee, decision dated 7th September 2011.

5.2 2010/1184 – planning permission was granted for the steel coping and stainless steel and mesh cladding to existing vehicle impact railings on High Road Leyton Bridge over A12. Replacement palisade fence around verge to south of Leyton underground station. At the site address; Bridge - Leyton Station, High Road Leyton.

6 CONSULTATIONS:

6.1 Publicity & Neighbouring Notification

6.2 No consultations were carried out for this application.

7 PLANNING POLICY CONSIDERATIONS

Development Plan

7.1 Adopted Waltham Forest Unitary Core Strategy (2012)

The text of all policies listed below is appended to this agenda:

CS15

7.2 London Plan (July 2011)

Policy 7.4 Local Character
Policy 7.5 Public Realm

7.3 National Policies

Policy PPS1 – focuses on sustainable development and recognises the needs of everyone

Policy PPS12: – recognises the need to provide policies on design and access in accordance with PPS1 and recommends relevant good practice as set out in documents such as ‘Planning and Access for Disabled People: A Good Practice Guide’.

7.4 Other material policy considerations

- Urban Design (SPD 2010)

8 KEY PLANNING CONSIDERATIONS

8.1 The main issues to be considered in relation to this scheme are the appearance and design of the amended handrail, the impact of the proposal upon neighbouring occupiers, accessibility and community safety considerations. These will be considered in turn.

8.2 Design and visual impact

8.3 The approved scheme [ref. 2011/0985] was sought as part of local realm improvement works to provide good access to Leyton Mills and beyond towards the Olympic Legacy facilities for local communities. The scheme included a configuration of ramps and steps, providing access between Leyton Mills and the High Road.

8.4 The proposal seeks to amend the design of the handrail balustrade to reduce the overall thickness of the handrail and increase the upstand part from 60mm to 100mm to allow for easier handgrip. The handrail would be positioned in the locations as approved. The handrail would have a galvanised steel finish and the proposal would not materially alter the appearance of the scheme and is considered an acceptable amendment that would accord with the principles of Policy CS15 of the adopted Waltham Forest Core Strategy (2012).

8.5 Impact on accessibility

8.6 Policy CS15 of the adopted Waltham Forest Core Strategy (2012) seeks developments that “incorporate high quality and inclusive design measures to create an attractive, safe, healthy, accessible and sustainable environment throughout Waltham Forest”.

8.7 The proposed alteration is sought to improve the accessibility of the scheme and the revised design of the handrail would allow for better grip suit ing different user needs in accordance with the adopted Waltham Forest Supplementary Planning Document – Inclusive Design in Non Residential Buildings (2011).
8.8 Impact on surrounding occupiers

8.9 It is considered that given the scale and nature of the proposed development, it would not have any adverse implications for the amenities enjoyed at residential properties to the north of the site on Maud Road. Accordingly the proposal meets the requirements of policy CS15 of the adopted Waltham Forest Core Strategy (2012).

9 OTHER MATERIAL CONSIDERATIONS

9.1 Local finance considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL).

9.2 In terms of this report:

9.3 There are no grants which have been or will or could be received from central government in relation to this development.

9.4 The Council has not received and does not expect to receive any income from CIL in relation to this development.

9.5 The Council has not received and does not expect to receive any income from Mayoral CIL in relation to this development.

10 HUMAN RIGHTS

10.1 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.

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.

11 EQUALITIES

11.1 In making your decision you must also 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, is only one factor that needs to be considered, and may be balanced against other relevant factors.

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

12 RECOMMENDATION

The Planning Committee is requested to resolve that permission be granted.

12. Informative

12.1 The applicant/developer is advised that the development shall be completed in accordance with drawing number LL07 04.30 received on 6 February 2012. This decision is not a reissue of the original planning permission which still stands and the two documents should be read together.

12.2 The proposed changes to the originally approved application reference 2011/0985 has been considered under Section 96A of the Town and Country Planning Act as part of the Non Material Amendment Application procedure. The proposed change relating to the alteration to the handrail detail is relatively minor and is considered to be acceptable in terms of design, function and access for all guidelines and no adverse impacts or implications would arise from the proposed changes. The proposal is considered to be consistent with policy CS15, of the adopted Waltham Forest Core Strategy (2012) and Supplementary Planning Document – Inclusive Design ‘Non Residential Buildings’ (201).
13 BACKGROUND DOCUMENTS

13.1 Planning application file ref. 2011/0985.