LONDON BOROUGH OF WALTHAM FOREST

<table>
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<th>Committee/Date:</th>
<th>Planning- 04 November 2014</th>
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<td>Application reference:</td>
<td>2014/1781/LA</td>
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<td>Applicant:</td>
<td>London Borough of Waltham Forest</td>
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<td>Location:</td>
<td>Summerfield Centre, 99 Leyton Green Road E10 6DB</td>
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<td>Proposed development:</td>
<td>Replacement of fencing with 2.4m high weld mesh green colour fencing and gates.</td>
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<td>Wards affected:</td>
<td>Forest</td>
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<td>Appendices:</td>
<td>None</td>
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1 RECOMMENDATION
1.1 That conditional planning permission is granted.

2 REASONS REFERRED TO COMMITTEE
   - Local Authority is the applicant

3 DETAILS OF PROPOSAL AND SURROUNDINGS
3.1 The Summerfield Centre provides educational psychology services and is located in a long roughly rectangular single storey building set away from the highway and behind a parking area with main entrance at 99 Leyton Green Road E10.

3.2 The existing frontage consists of 1.8m high chain link and close board fencing set up to the pavement in front of mature hedging the length of the Leyton Green Road. There are three significant trees set behind and close to the hedging that assist in providing privacy and softening the visual impact of the large area of hardstanding.

3.3 Directly opposite the site is a six storey block of flats.

3.4 Directly adjoining to the north is Belmont School, which has recently started using part of the building by expanding some skills based teaching.

3.5 Ofsted has advised the existing fencing is inadequate and this scheme is proposed to overcome the problem by providing new 2.4m high green mesh panels with two new pedestrian gates to the south in addition to the vehicle access retained in its existing location.

3.6 An arboricultural method statement has been submitted relating to hedge and tree protection.

4 RELEVANT SITE HISTORY
Most relevant to the application is:
5 PUBLIC CONSULTATIONS
5.1 2, 38-42 (all numbers incl.) Whitehouse, 38 Leyton Green Road, 78-90 (evens only incl.), Cedar Lawn, 92 and 105 Leyton Green Road.

6 DEVELOPMENT PLAN
6.1 Adopted Waltham Forest Core Strategy 2012
6.2 The Waltham Forest Core Strategy (2012) was adopted in March 2012. The Core Strategy contains 16 policies designed to deliver the Council’s vision for the physical, economic, environmental and social development of the Borough. These policies will be used to direct and manage development and regeneration activity for the next 15 years, up to 2026.
6.2.1 The policies considered relevant to this application are as follows:
6.2.2 CS3: Providing Infrastructure
6.2.3 CS5: Green Infrastructure and Bio-Diversity
6.2.4 CS9: Promoting Better Education
6.2.5 CS13: Promoting Health and Well Being
6.2.6 CS15: Well Designed Buildings, Places and Spaces
6.2.7 CS16: Making Waltham Forest Safer
6.3 Waltham Forest Local Plan Development Management Policies 2013
6.4 The Local Plan Development Management Policies Document was adopted in November 2013. This sets out the borough-wide policies that implement the Core Strategy and delivering the long term spatial vision and strategic place shaping objectives. There is an emphasis on collaboration and a positive proactive approach to reaching a balance agreement that solves problems rather than a compromise that fails to meet objectives. The following policies are relevant in this case:
DM17 - Social and Physical Infrastructure
DM23 - Health and Well Being
DM29 - Design Principles, Standards and Local Distinctiveness
DM30 - Inclusive Design and the Built Environment
DM32 - Managing Impact of Development on Occupiers and Neighbours
DM33 – Community Safety
DM35 – Biodiversity
6.5 London Plan 2011
6.6 The London Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social
framework for the development of the capital to 2031. It was adopted in July 2011. The Polices relevant to this application are:
7.1 Building London’s Neighbourhoods and Communities
7.4 Local Character

7 MATERIAL PLANNING CONSIDERATIONS

7.1 NPPF

7.1.1 The National Planning Policy Framework sets out the Government’s planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as “a golden thread running through both plan-making and decision-taking.”

7.1.2 For decision-taking the NPPF states that the presumption means “approving development proposals that accord with the development plan without delay” and where the development plan is “absent, silent or relevant policies are out-of-date, granting permission unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; “

7.1.3 The whole of the NPPF is potentially material to this application, but the specific policy areas considered directly relevant are as follows:

7.1.3.1. Requiring good design
7.1.3.2. Promoting healthy communities

7.2 Other policies

7.2.1 Urban Design Supplementary Planning Document (2010)

7.3 Local Finance Considerations

7.3.1 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).

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

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

8 REPRESENTATIONS

8.1 No comments or objections received.
9 ASSESSMENT

9.1 The main issues for consideration are the principle of development, appearance and design, impact on adjoining occupiers and wider area and biodiversity.

9.2 The main issues relating to the development are:

9.3 **Principle**

9.4 The principle of the proposal is to ensure good security and privacy is provided and standards required by Ofsted are met to enable the provision of teaching space for Belmont School to be located on site.

9.5 It is essential for schools to be able to provide infrastructure that appropriately accommodates pupils and staff with secure facilities that meet central government guidelines. In this way, the principle of the development is sound.

9.6 **Design/Appearance**

9.7 The materials, design and colour proposed would be sympathetic to the existing character of the building and the arboricultural method statement would ensure no adverse impact on existing hedging or trees that would continue to soften and screen the parking area and provide a good visual impact.

9.8 Taking these issues into consideration, the proposal is considered to be acceptable in terms of design and appearance.

9.9 **Impact on adjoining properties**

9.10 There would be little impact to residential amenity arising from the proposed works. The fencing would increase in height by 0.6m and the hedging and trees would continue to soften and screen the site from the high rise flats opposite. Therefore it is not expected that the proposed fencing would adversely affect residential amenity.

9.11 There would be no impact to residential amenity to the flats set on the opposite side of the road arising from the proposed works. The proposed works are considered to be of a scale and design appropriate to the setting, would not adversely affect the character of the area and would provide new security for the property to enable it to meet Ofsted requirements.

9.12 **Bio-diversity**

9.13 The arboricultural method statement is proposed to be conditioned to ensure no damage to root protection areas close to trees and hedging and that biodiversity is not adversely affected and wildlife is not disturbed.

10 CONCLUSION

10.1 The assessment of the proposed scheme has considered the principle of the development, the design and appearance, impact on the street
scene and on biodiversity and it is concluded that subject to conditions, the scheme accords with the relevant policies in the Development Plan.

10.2 The proposed siting, scale and design are considered acceptable and would not detract from the street scene nor would the scheme result in detrimental amenity impacts for neighbouring occupiers or on biodiversity.

10.3 Taking into account the general accordance of the scheme with the Local Plan and weighing this against all material considerations, the proposal is considered to be acceptable in planning policy terms.

11 ADDITIONAL CONSIDERATIONS

11.1 Public Sector Equality Duty

11.1.1 In making your decision you must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

11.1.3 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.

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

11.2 Human Rights

11.2.1 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.
11.2.2 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 in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

12 RECOMMENDATION

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 amended plan number 14SCH046-1 rev 002 as received 15/10/2014 and Design & Access Statement received 22/08/2014.

3. The Arboricultural Method Statement as produced by Arboricultural Solutions as received 22/08/2014 shall be fully complied with in all aspects and shall be implemented in accordance with British Standards 5837.

4. Prior to commencement of works the Local Planning Authority shall be notified of a suitably qualified arboriculturalist appointed by the applicant to ensure that the arboricultural method statement is adhered to, to supervise works and to carry out any necessary root pruning works.

12.2 Reasons:

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

2. For the avoidance of doubt, and in the interest of proper planning.

3. To ensure a good visual appearance, to ensure continued privacy and screening from nearby residential properties and ensure works do not result in an adverse impact on biodiversity in accordance with policies CS5, CS13 and CS15 of the Waltham Forest Local Plan Core Strategy, DM17, DM29, DM32 and DM35 of the ...

4. To ensure a good visual appearance, to ensure continued privacy and screening from nearby residential properties and ensure works do not result in an adverse impact on biodiversity in accordance with policies CS5, CS13 and CS15 of the Waltham Forest Local Plan Core Strategy, DM17, DM29, DM32 and DM35 of the Waltham Forest Local Plan Development Management Policies and Supplementary Planning Document – Urban Design (2010).

12.3 Informatives:

1. To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council’s website and which offers a pre planning application advice service.

2. The applicant is reminded of the requirement to comply with all aspects of the the Wildlife & Countryside Act 1981 particularly in relation to the mature hedge. It is recommended to avoid the nesting season (1st March 31st July inclusive) but if for any good reason works are unavoidable at this time a due diligence check shall be taken by a suitably qualified person. Assuming no ‘active’ nests are found, the assessment must continue during works at least daily and recorded in the site specific risk assessment. If nests are found work must stop until the young have fledged.

13 BACKGROUND DOCUMENTS

13.1 The background information for this application is the relevant application file, the application and any related history files, together with relevant planning policy/policies at National, London and Local level.

13.2 These documents are available for inspection Monday to Fridays between 9am and 5pm at Sycamore House, Town Hall, Forest Road, E17 4JF.