

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 7 th September 2021
Application reference:	202405
Applicant:	Thompson (NPLH Midland Limited)
Location:	639 and 643-649 High Road Leyton, London, E10 6RF
Proposed development:	Demolition of all existing buildings and construction of buildings ranging at two, four and five storeys in height across two sites (Sites A & B) to the north and south of the existing railway viaduct comprising 422sqm flexible commercial floorspace (Class E) at ground floor level, 25 residential units at ground and upper floor levels (11 x 1-bed, 9 x 2-bed, 5 x 3-bed); and associated with disabled parking spaces, cycle stores, refuse stores and landscaping.
Wards affected:	Leyton, Forest and Grove Green
Appendices:	Appendix A: Planning Committee Report and Update Report (dated 19 th July 2021) Appendix B: BPS Addendum Report (dated 2 nd August 2021) and Construction Cost Review.

- The application was deferred from the Planning Committee of 19th July 2021, due to the viability of the proposed scheme and lack of affordable housing contribution. It was instructed by Committee Members to undertake a further review of the construction costs (which was higher than the expectation) and provide a comparison of the build costs with other similar developments.
- There is no change to the sections of the Committee Report and Update Report (**Appendix A**) with the exception of Sections 1 (Recommendation), 10.D (Affordable Housing) and 13 (Recommendation).
- For BPS Addendum (dated 2nd August 2021) and Construction Cost Review, please refer to **Appendix B** of this report.

1 RECOMMENDATION

- 1.1 Recommendation to GRANT planning permission under reference subject to conditions, informatives and completion of a Legal Agreement with the following Heads of Terms:

Affordable Housing:

- Contribution of £50,000 towards off-site affordable housing provision.

- A full outturn review of viability within the S106 agreement to ensure that any improvements in viability are captured at a later stage. Late review is triggered once 75% homes are sold/let.

Highways:

- S278 works will be required upon completion of the works relating to the development prior to occupation. Works will include but are not limited to:
 - o Renewal of the footway on both frontages of the site on High Road Leyton and Coopers Lane
 - o Removal/Renewal of the existing crossovers on Coopers Lane and High Road Leyton as appropriate
 - o Construction of a blended crossing at the junction at Coopers Lane/High Road Leyton
 - o Possible small dropped kerb for bin collection purposes on Coopers Lane
 - o Any necessary road layout changes to facilitate vehicles exiting Tilbury Road via Skeltons Lane
 - o Possible amendments to the waiting and loading restrictions
 - o Renewal of road markings on both frontages.

The highways department will need to be contacted for an application form for developer highway works. The application will need to accompany a plan to be submitted for approval and estimate. Works will be carried out by the Council and funded by the developer.

- A S106 contribution of £25,000 is required towards mitigating pedestrian accessibility and safety between the development site and Leyton Midland Station and local bus stops. Currently pedestrian crossing facilities are not located on the desire lines for new residents, meaning people will cross away from them, therefore the interchange between bus stops and the station could be improved. This would directly improve and benefit the safety of pedestrians of the new development.
- Car Free Development - With the exception of Blue Badge holders, the development is to be classified as car-free and new residents will not be eligible for parking permits.
- The developer would have to sign an in perpetuity legally binding document with the Council that the developer and any future managing agents of Site A are solely responsible for the collection and disposal of all communally stored household waste and any other household waste generated. As the material generated from this development cannot be collected in conformity with the Council's policies for waste collection such that this constitutes adequate arrangements and that the Council is not liable for its collection under Section 45 of the Environmental Protection Act 1990.
- The requirement for the developer to arrange for the relocation of the telegraph pole on Coopers lane, prior to the commencement of any works on site.

- The developer would be required to carry out a condition survey of the carriageway and footways fronting the site prior to the commencement of any works. The condition survey report would need to be submitted to the Council's Highways team for records including a site location plan highlighting the location of the photographs. Any damage to the highways as a result of the construction works would be reinstated by the Council and funded by the developer.

Employment and Training:

Requirement	Quantity	Description
Local Labour	35%	30% To notify the council of all opportunities that are generated from the construction phase of the development.
Apprenticeships	3 new 1 existing	Means a post as defined by the National Apprenticeships Service which should combine on the job training and academic instruction to those entering the work force with each apprenticeship post to last a minimum of 52 weeks per apprentice post or as stipulated by the chosen apprenticeship standard.
Placements	1	1 Paid: Secured through the boroughs job brokerage service and local partners, paid at the London Living Wage)
Local Supply	20%	20% To procure a minimum of x Local Suppliers during the Construction, Fit Out and End User Phases of the Development and with a target minimum provision of all suppliers to be local to the London Borough of Waltham Forest
Events	2	To engage in Council-led community engagement events, meet the buyer and meet the builder (ring-fenced to 2 per annum)
Commercial Space	TBC	TBC
End Use	TBC	To use reasonable endeavours to ensure that 50% (fifty percent) of non-technical jobs are taken up by Local People in the End-User Phase of the Development.

- **Default Payments**
- **Local Labour Default**

If the developer is unable to meet Local Labour targets a default payment will be based on the sliding scale indicated below. This is calculated as follows:

Percentage of local labour	35% +	25 - 34%	15 - 24%	Less than 15%
Default Payment	None	2.4% of total build cost	2.7% of total build cost	3% of total build cost

- Apprenticeships

If the developer is unable to meet apprenticeship targets a default payment will be requested for each apprenticeship the developer fails to start and complete. This is calculated as follows:

Minimum Salary of 12 months apprenticeship programme (i.e. at **London Living Wage** of £10.85 per hour x minimum working hours of 30 hours per week x 52 weeks in a year = £16,926) x Number of unfulfilled apprenticeships based on build specification = Contribution due

- Placements

In the event that obligations towards placements or paid placements remain unfulfilled, then the developer will pay a default payment of £3,234 per placement, toward employment training and business

Sustainability – Carbon Offset Fund:

- A financial contribution of £38,070 towards Carbon Offset based on the current proposed emissions.

Air Quality:

- A contribution of £2,500 = £100 per dwelling proposed (towards the cost of delivering the Council's Air Quality Action Plan and the monitoring of air pollution in the borough)

Epping Forest - SAC:

- A contribution of £2,500 = £100 per new dwelling - contribution towards Epping Forest Special Area of Conservation to mitigate impact of the development.

Monitoring and Implementation:

- Payment of 5% of the total amount of contributions towards monitoring, implementation and compliance of the S106 Agreement.

Legal Fees:

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

2 REASONS REFERRED TO COMMITTEE

- 2.1 No change to previously published report

3 SITE AND SURROUNDINGS

- 3.1 No change to previously published report

4 PROPOSED DEVELOPMENT

- 4.1 No change to previously published report

5 RELEVANT SITE HISTORY

- 5.1 No change to previously published report

6 PUBLIC CONSULTATIONS

- 6.1 No change to previously published report

7 OTHER CONSULTATIONS

- 7.1 No change to previously published report

8 DEVELOPMENT PLAN

- 8.1 No change to previously published report

9 MATERIAL PLANNING CONSIDERATIONS

- 9.1 The Government has published an updated National Planning Policy Framework on 20th July 2021, relevant to this application are the amendments to Section 12, 'Achieving well-designed places'.

10 ASSESSMENT

- 10.1 No change to previously published reports with the exception of Section 10D (Affordable Housing).

D. Affordable Housing

- 10.2 Following an independent viability review prepared by BPS Chartered Surveyor dated 18th February 2021 and a rebuttal in an addendum report dated 27th March 2021. It was concluded that the proposed scheme would generate a deficit of - £134,000 on a 100% private tenure basis, (representing 1% of the scheme Gross Development Value).

- 10.3 It was recommended by BPS that the Council include a review mechanism in the S106 agreement to ensure that any improvements to the scheme's viability is captured at a later stage.
- 10.4 Without prejudice to the findings of the viability report, the Applicant agreed to an in-lieu payment of £20,000 towards affordable housing and the recommended review mechanism.
- 10.5 Following Planning Committee on 19th July 2021, BPS were instructed by the Council to undertake a further review of the construction cost as it was considered by Members that the costs were higher than expected. BPS were also instructed to provide a comparison of the build costs with other similar development to test whether they are reasonable.

Comparable Scheme Costs:

- 10.6 In regard to comparable scheme costs, according to the Addendum Report dated 2nd August 2021 (Appendix B) it was advised that each project is bespoke and unfortunately there are no other schemes that can be considered directly comparable to this site.
- 10.7 It was advised by BPS and their Cost Consultant that, as recognised in the RICS Guidance 'Assessing viability in planning under the National Planning Policy Framework 2019 for England' (1st Edition March 2021) a full and detailed cost plan is considered to be a minimum requirement of all Applicants. This is also a requirement set in the Mayor's Affordable Housing and Viability SPG.

Construction Costs:

- 10.8 A Cost Consultant was instructed by BPS (on 1st February 2021) to review and comment on the Construction Costs including the Viability Study (issued by Turner Morum). The Consultant advised that almost all projects are distinct and using the BCIS (Building Cost Information Service) data is a starting point to inform a benchmark position and make any necessary adjustments to reflect the particular circumstances of each development.
- 10.9 A properly detailed cost plan is required, and the one initially provided (February 2021) was not adequate however the cost estimates provided by the Applicant in April 2021 was sufficient, enabling the Cost Consultant to reach the conclusion he did prior to the July Planning Committee.
- 10.10 The Cost Consultant established that the benchmark of the Applicant's cost was £8,130,444 (£3,077/m²). However, an adjusted benchmark of £3,054/m² by the Cost Consultant compared to the Applicant's £3,077/m² confirms that with a reduction of £52,156 brought the building costs down slightly to £8,078,288. As such it was considered the Applicant's costs to be reasonable.
- 10.11 The Cost Consultant advised that with a small difference such as this on a project at early design stage, did not prevent them reaching a conclusion that the costs are reasonable. The following conclusion was therefore made:

“Almost all projects are distinct. I use BCIS data as a starting point to inform my benchmarking and make adjustments to reflect the particular circumstances of each development. This approach requires a properly detailed cost plan/estimate; the one initially provided was not adequate, but the cost estimate provided in April was in sufficient detail, therefore enabling me to reach the conclusions I did. I stand by my conclusions”.

10.12 Abnormal Costs and Increases:

10.13 Planning Committee raised questions as to why this development was going to incur a high build cost and some of these key issues/constraints were identified below:

- The site is split into two disconnected land parcels therefore the development would incur double costs in respect to utilities, services, cores, bin stores, circulation space.
- It will require two lots of road works to service the site. Both sites are also tight and constrained adding further complications in terms of development procedures/access.
- Both sites are located next to a busy train line. As such this will require a legal agreement with Network Rail in order to undertake the work and costs through additional safety measures, oversail license, scaffolding/cranes and associated insurances.
- Location of the site is on a busy junction (Strategic Road Network) causing complications to development programme.
- The application scheme had to be redesigned so it is not as efficient as the initial approach and thus provides less units.
- Building around the existing commercial buildings on Site B (on the corner of High Road Leyton and Coopers Lane) leads to constraints and high number of party wall awards.
- Non-standard shaped units or replicable units, therefore most units are bespoke.

10.14 Build Type:

10.15 The Applicant advised that Site A would be a concrete framed building (dealing with requirements for disproportionate collapse) with SFS (Steel Framing Solution) infill with mineral wool insulation, brick external walls including high performance (Thermal & Sound) composite windows. The frame would include a transfer slab at first floor to allow clear space for the commercial unit at ground floor. Internally the fit out would be based on metal stud partitioning filled with mineral wool insulation and MF ceilings ensuring sound separation requirements of Approved Document, Part E are achieved.

10.16 Site B, due to its height at 4 storeys could be a masonry construction with concrete floors, but for economic reasons the continued use of one form of construction across the both sites is a preferred solution. Therefore, Site B would follow the construction method of site A. It is worth noting the requirement for the demountable element of commercial space on site B (a requirement of Network Railway).

10.17 Viability Position:

10.18 BPS again modelled the viability of the scheme with the agreed in-lieu payment of £20,000 contribution and is noted the apparent deficit has actually increased from - £134,000 to - £275,000.

10.19 A large part of this increase reflects an update to the appraisal to include the impact of the purchaser's costs on the commercial valuation which were omitted from the applicant's appraisal which has now been included. As such the scheme would generate a current deficit of c. -£275,000 (2% on GDV) on an 100% private basis, with a £20,000 PIL.

10.20 Section 106 Contributions:

10.21 The following financial contributions were agreed:

- Affordable housing: £20,000 (without prejudice to the agreed viability position)
- Pedestrian and highways safety improvements: £25,000
- Carbon offset fund: £38,070
- Air quality monitoring: £2,500
- Epping Forest SAC mitigation: £2,500

10.22 It was raised at Planning Committee, that the £20,000 offer was unacceptable notwithstanding the agreed viability position between both Viability Consultants. It was queried why the development would take place if it was considered unviable. It should be noted that any contribution that is made towards S106 is made at the expense of the Applicant's profit margin. The profit margin for this development is at a level below the 17.5% that most developers would be willing to build out at given the risks involved in any development.

10.23 In the interest of both parties to avoid further delay, the Applicant is prepared to offer an increased affordable housing contribution of £50,000. The offer is made without prejudice to the agreed viability position.

10.24 The current NPPF (revised 2021); paragraph 65 states the following:

"Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership".

10.25 Given the agreed viability position of the proposed scheme, it has been clearly justified why providing affordable housing in line with policy targets is not viable.

Notwithstanding the above, the applicant has offered an increased financial contribution exceeding minimum policy requirement.

11 CONCLUSION

11.1 No change to previously published report

12 ADDITIONAL CONSIDERATIONS

12.1 No change to previously published report

13 RECOMMENDATION

13.1 The Planning Committee is requested to grant planning permission subject to conditions and completion of the Section 106 Agreement with the terms in table below:

13.2 Section 106 Agreement – Head of Terms:

Category	Terms
Affordable Housing	Off Site Contribution £50,000
Viability Reassessment – Affordable Housing	A full outturn review of viability within the S106 agreement to ensure that any improvements in viability are captured at a later stage.
Highways	S278 works will be required upon completion of the works relating to the development prior to occupation. Works will include but are not limited to: ○ Renewal of the footway on both frontages of the site on High Road Leyton and Coopers Lane ○ Removal/Renewal of the existing crossovers on Coopers Lane and High Road Leyton as appropriate ○ Construction of a blended crossing at the junction at Coopers Lane/High Road Leyton ○ Possible small dropped kerb for bin collection purposes on Coopers Lane ○ Any necessary road layout changes to facilitate vehicles exiting Tilbury Road via Skeltons Lane ○ Possible amendments to the waiting and loading restrictions Renewal of road markings on both frontages. The highways department will need to be contacted for an application form for developer highway works. The

	application will need to accompany a plan to be submitted for approval and estimate. Works will be carried out by the Council and funded by the developer.
Highways	A S106 contribution of £25,000 is required towards mitigating pedestrian accessibility and safety between the development site and Leyton Midland Station and local bus stops. Currently pedestrian crossing facilities are not located on the desire lines for new residents, meaning people will cross away from them, therefore the interchange between bus stops and the station could be improved. This would directly improve and benefit the safety of pedestrians of the new development.
Highways	Car Free Development - With the exception of Blue Badge holders, the development is to be classified as car-free and new residents will not be eligible for parking permits.
Highways	The developer would have to sign an in perpetuity legally binding document with the Council that the developer and any future managing agents of Site A are solely responsible for the collection and disposal of all communally stored household waste and any other household waste generated. As the material generated from this development cannot be collected in conformity with the Council's policies for waste collection such that this constitutes adequate arrangements and that the Council is not liable for its collection under Section 45 of the Environmental Protection Act 1990.
Highways	The requirement for the developer to arrange for the relocation of the telegraph pole prior to the commencement of any works on site.
Highways	The developer would be required to carry out a condition survey of the carriageway and footways fronting the site prior to the commencement of any works. The condition survey report would need to be submitted to the Council's Highways team for records including a site location plan highlighting the location of the photographs. Any damage to the highways as a result of the construction works would be reinstated by the Council and funded by the developer.
Employment and Training	As detailed in Section 1 in this report for the following: - Local Labour

	- Apprenticeships - Placements - Local Supply - Events - Commercial Space - End Use
Carbon Off-set Contribution	A financial contribution of £38,070 towards Carbon Offset based on the current proposed emissions.
Air Quality	A contribution of £2,500 = £100 per dwelling proposed (towards the cost of delivering the Council's Air Quality Action Plan and the monitoring of air pollution in the borough)
Epping Forest Strategic Mitigation Measures	A contribution of £2,500 = £100 per new dwelling - contribution towards Epping Forest Strategic Mitigation Measures.
Monitoring and Implementation:	LBWF Fees - Payment of 5% of the total amount of Section 106 contributions towards monitoring, implementation and compliance of the Section 106 Agreement
Legal Fees	Payment of the Council's legal fees for the preparation and completion of the Legal Agreement.

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

13.4 In the event that the Legal Agreement is not completed within 12 weeks of the date of the Planning Committee the Assistant Director of Development Management and Building Control is hereby authorised to refuse the application. The planning obligations are necessary to make the development acceptable in planning terms.

13.5 Conditions and reasons:

1. The development hereby permitted shall begin not later than the expiration of three years from the date of this permission.

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

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

Drawing Numbers:

- *Existing Plans*

1913-DS-XX-GF-DR-A - P001 Rev P1 (dated 07/08/2020) – Existing Location Plan
1913-DS-XX-GF-DR-A - P002 Rev P1 (dated 07/08/2020) – Existing Site Plan
10825_E:100:1:3 (dated March 2020)
10825_E:100:2:3 (dated March 2020)
10825_E:100:3:3 (dated March 2020)

- *Proposed Floor Plans*

1913 – DS – XX – GF – DR – A - P001 Rev P3 (dated 21/05/2021) – Proposed Site Plan
1913 – P100 – S0 - Rev P10 (dated 16/03/2021) – Ground Floor Plan
1913 – P101 – S0 - Rev P5 (dated 18/12/2020) – First Floor Plan
1913 – P102 – S0 - Rev P5 (dated 18/12/2020) – Second Floor Plan
1913 – P103 – S0 - Rev P5 (dated 18/12/2020) – Third Floor Plan
1913 – P104 – S0 - Rev P7 (dated 18/12/2020) – Fourth Floor Plan
1913 – P105 – S0 - Rev P5 (dated 18/12/2020) – Roof Plan

- *Proposed Elevations Plans*

1913 – P200 – S0 - Rev P6 (dated 11/12/2020) – High Road Leyton Elevation
1913 – P201 – S0 - Rev P8 (dated 21/12/2020) – Tilbury Road Elevation
1913 – P202 – S0 - Rev P8 (dated 21/12/2020) – Cooper's Lane Elevation
1913 – P203 – S0 - Rev P5 (dated 08/08/2020) – Railway Elevation – Site B

- *Proposed Section Plans*

1913 – P300 – S0 - Rev P7 (dated 21/12/2020) – Proposed Section AA
1913 – P301 – S0 - Rev P8 (dated 21/12/2020) – Proposed Section BB
1913 – P302 – S0 - Rev P8 (dated 21/12/2020) – Proposed Section CC

- *Proposed Unit Layouts*

1913 – P400 – S0 - Rev P3 (dated 09/04/2021) – Site A First Floor Plans
1913 – P401 – S0 - Rev P3 (dated 09/04/2021) – Site A Second & Third Floor Plans
1913 – P402 – S0 - Rev P3 (dated 09/04/2021) – Site A Fourth Floor Plans
1913 – P403 – S0 - Rev P2 (dated 09/04/2021) – Site B Ground and First Floor Plans
1913 – P404 – S0 - Rev P2 (dated 09/04/2021) – Site B First Floor Plans
1913 – P405 – S0 - Rev P2 (dated 09/04/2021) – Site B Third Floor Plans

- *Other*

1913 – P500 – S0 - Rev P1 (dated 07/08/2020) – Proposed Bay Study Site A
1913 – P501 – S0 - Rev P1 (dated 07/08/2020) – Proposed Bay Study Site B

Supporting Documents:

Planning Statement (August 2020)
 Design and Access Statement (August 2020)
 Design and Access Statement Addendum (January 2021)
 Archaeological Desk Based Assessment – Ref: 06153A (dated July 2021)
 Preliminary Ecological Appraisal Issue 2 – Ref: 5023 (dated 30/07/2020)
 Energy Statement – Ref 5578 (dated July 2020)
 Viability Study (January 2021)
 Sustainability Statement – Ref 5578 (dated 31/07/2020)
 BREEAM Pre-Assessment (dated 23/07/2020)
 Flood Risk Assessment and Drainage Strategy – Ref: 198100-02 (dated August 2020)
 Daylight & Sunlight Report (dated 04/01/2021)
 Employment Statement (dated 07/08/2020)
 Air Quality Assessment - Ref: H2998 - Version 2 (dated 10/08/2020)
 Noise Assessment – Ref: H2998 – Version 1 (dated 24/07/2020)
 Vibration Assessment – Ref: 2998 – Version 1 (dated 24/07/2020)
 Transport Statement – Ref: 198100–01 (dated 06/08/2020)
 Framework Delivery and Servicing Management Plan – Ref: 198100–04 (dated 06/08/2020)
 Framework Travel Plan – Ref: 198100-03 (dated 06/08/2020)
 Combined Stage 1 and 2 Road Safety Audit (dated December 2020)
 Outline Construction Logistic Plan (dated June 2021)
 Waste Concern Report (dated 18th May 2021)

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

Design and Character:

3. Prior to the commencement of the superstructure works, detailed drawings and samples of all materials (including window specification) to be used in the construction of the external surfaces the building hereby approved, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out solely in accordance with the approved details and thereafter retained as such for the lifetime of the development.

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

4. Prior to the commencement of the superstructure works, details indicating the positions, design, materials and type of boundary treatment and other means of enclosure to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved details prior to occupation of any of the units hereby permitted and thereafter permanently retained.

Reason: To ensure a satisfactory appearance in accordance with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012).

5. Prior to the commencement of the superstructure works, a scheme of hard and soft landscaping to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers/densities within a planting schedule, also the method of planting including soil composition, tying and staking, a maintenance care regime including mulching and watering. The development shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.

Reason: To ensure a satisfactory appearance and in the interest of local amenity and biodiversity in accordance with Policies CS5 and CS15 of the adopted Waltham Forest Local Plan Core Strategy (2012), and Policies DM29 and DM35 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out not later than the first planting and seeding seasons prior to the first occupation of any of the residential units, or the completion of the development, whichever is the sooner. Any new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the Local Planning Authority agrees any variation in writing.

Reason: To ensure a satisfactory appearance and in the interest of local amenity and biodiversity in accordance with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012), and Policies DM23, DM32, DM35 of the Waltham Forest Local Plan Development Management Policies (2013).

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

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

Children's Play Equipment

8. Notwithstanding any indications shown on the submitted plans, and prior to occupation of the proposed development, details of the layout and play/activity equipment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details prior to the first occupation/use, and retained and maintained for the lifetime of the development.

Reason: To ensure the safety and security of play equipment in accordance with Policies CS13, CS15 of the Waltham Forest Local Plan Core Strategy (2012) and DM35 of the Waltham Forest Local Plan Development Management Policies (2013)

Secure by Design:

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

Reason: To ensure safety and security of the site users, in accordance with Policies CS15 and CS16 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM29 and DM33 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

Highways:

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

Reason: In the interests of highway and pedestrian safety in accordance with policies CS7 and CS15 of the Waltham Forest Local Plan Core Strategy (2012).

11. Prior to the commencement of the superstructure works, a SUDS (Sustainable Urban Drainage System) to deal with all surface water drainage from the site, including details of proposed green roofs shall be submitted to and approved by the Local Planning Authority. The approved SUDS shall be fully implemented prior to first occupation of any building and thereafter maintained in accordance with the agreed details for the lifetime of the development.

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

12. Prior to occupation of the proposed development, a Car Parking Management Plan shall be submitted and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details and thereafter shall be fully retained and maintained as such for the lifetime of the development.

Reason: To ensure highway safety and parking of the site users, in accordance with Policies CS7 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM16 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

13. Prior to occupation of the proposed development, a Servicing and Delivery Plan shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter shall be fully retained and maintained as such for the lifetime of the development.

Reason: In the interests of highway and pedestrian safety and ensure that disruption is kept to a minimum and does not affect highway traffic flows to comply with Policies CS7 and CS13 of the adopted Waltham Forest Core Strategy (2012) and Policies DM14 DM15, DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

14. Prior to occupation of the proposed development, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. All luminaries shall be oriented and designed in such a way to minimise light spillage beyond the site boundary and prevent glare to the windows of residential or light sensitive properties identified. The lighting scheme shall be implemented in accordance with the agreed details and thereafter maintained as such for the lifetime of the development.

Reason: To protect the amenities of adjoining occupiers and the surrounding area, in order to comply with Policies CS13 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

15. Notwithstanding the information shown on the submitted plans, details of the secure cycle parking (including the management of the cycle parking) for the development shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The development shall be carried out fully in accordance with the approved details prior to first occupation of the development and shall be thereafter maintained as such for the lifetime of the development.

Reason: In the interest of highway and pedestrian safety, in order to comply with policy CS7 and CS15 of the adopted Waltham forest local plan – core strategy (2012) and policies DM14, DM15 and DM29 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

16. Prior to the occupation of works, a Waste and Refuse Management Strategy incorporating full details of the measures to store and collect refuse and recyclable materials, shall be submitted to and approved in writing by the Local

Planning Authority. The strategy must also include the design and construction of stores and the means of access for collection by refuse operatives and vehicles. The strategy must also include details of how the refuse and recycling requirements for disabled residents can be met, and how these bins will be safeguarded so that the bin remain available and accessible for wheelchair units. The development shall be implemented in accordance with the approved details and the refuse/recycling stores brought into use prior to the first occupation of any part of the development hereby permitted.

Reason: In the interests of highway and pedestrian safety in accordance with policies CS7 and CS15 of the Waltham Forest Local Plan WFLP Core Strategy (2012).

Environmental:

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

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

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

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

D) A verification report providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete

Any investigation and risk assessment must be undertaken in accordance with the Environment Agency's Model Procedures for the Management of Contaminated Land (CLR11). In the event that additional significant contamination is found at any time when carryout the approved development it must be reported immediately to the LPA. For the avoidance of doubt, this condition can be discharged on a section by section basis.

Reason: To ensure the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS13 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM34 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

18. Prior to commencement of construction works, evidence must be submitted that the site building(s) were built post 2000 or provide an intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 supported by an appropriate mitigation scheme to control risks to future occupiers. The scheme must be written by a suitably qualified person and submitted to the Local Planning Authority (LPA) for approval. The scheme as submitted shall demonstrably identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed use. Detailed working methods are not required but the scheme of mitigation shall be independently verified to the satisfaction of the LPA.

Reason: To ensure the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS13 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM34 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

19. Prior to commencement of the development hereby permitted, full details of the proposed mitigation measures for impact on air quality and dust emissions, in the form of an Air Quality and Dust Management Plan (AQDMP), have been submitted to and approved in writing by the local planning authority and this must be adhered to during the demolition and construction period. In preparing the AQMDP the applicant should follow the guidance on mitigation measures for sites set out in Appendix 7 of the Control of Dust and Emissions during Construction and Demolition SPG 2014.

Reason: To manage and mitigate the impact of the development on the air quality and dust emissions in the area and protect the amenities of the nearby residents to avoid irreversible and unacceptable damage to the environment to comply with London Plan policies 5.3 and 7.14, and the London Plan SPGs for Sustainable Design and Construction and Control of Dust and Emissions during Construction and Demolition and policies CS7 and CS13 of the adopted Waltham Forest Core Strategy (2012) and Policies DM14, DM15, DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

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

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

21. Prior to the commencement of the superstructure works, a sound insulation scheme shall be submitted to and approved in writing by the Local Planning Authority, which will incorporate details of sound insulation to be installed between the commercial premises and residential premises in order to manage noise and disturbance. The development shall be carried out in accordance with the approved scheme and shall be fully implemented prior to the development hereby approved first being brought into use and shall thereafter be maintained as such for the lifetime of the development.

Reason: To protect the amenities of occupiers and the surrounding area, in order to comply with Policies CS13 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

Archaeology:

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

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

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

B. Where appropriate, details of a programme for delivering related positive public benefits.

C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

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

Sustainability:

23. Prior to the occupation of any part of the development hereby permitted, a report demonstrating how the scheme reduces the carbon dioxide emissions of the development by at least 35% compared to the 2013 Building Regulations shall be submitted to, and approved in writing by, the Local Planning Authority. The

report shall reference the measures set out in the Energy Statement accompanying the planning application, but shall explain what measures have been implemented in the construction of the development. The development and energy efficiency measures shall thereafter be retained for the lifetime of the development.

Reason: In the interests of the sustainability and energy efficiency of the development and to provide a high quality development in accordance with Policy CS4 of the Waltham Forest Local Plan Core Strategy (2012) Policy DM10 of the Waltham Forest Local Plan Development Management Policies (2013).

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

Reason: To minimise the water use of the development, in accordance with Policy CS4 of the Waltham Forest Local Plan Core Strategy (2012) Policy DM10 of the Waltham Forest Local Plan Development Management Policies (2013).

Housing and Accessible Units:

25. With the exception of Site B Flat 1.4, all other residential units shall be built to The Building Regulations (2010) Access to and use of Buildings, Approved Document M (2015 as amended), Volume 1: Dwellings, M4(2): Accessible and adaptable dwellings.

Reason: To ensure inclusive development in accordance with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012) and DM Policies DM7 and DM9 of the Development Management Plan (2013).

26. A minimum of 10% of the residential units hereby permitted shall be built in accordance with Approved Document M 2015, M4 Category 3: Wheelchair user dwellings, category M4(3)(2)(a) "Adaptable"; details which are to be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. All wheelchair user dwellings must provide sufficient footprint and drawings must demonstrate that they can achieve a fully accessible layout.

Reason: To ensure inclusive development in accordance with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012) and DM Policies DM7 and DM9 of the Development Management Plan (2013).

27. The proposed dwelling mix comprising of 11 x 1bed, 9 x 2 bed and 5 x 3 bed self-contained residential units shall be retained as such for the lifetime of the development.

Reason: In the interest of the creation of mixed and balanced communities in accordance with Policy CS2 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and DM5 of the Waltham Forest Local Plan Development Management Policies (2013).

Site Use and Operation Hours:

28. The ground floor commercial uses of the development hereby approved shall only operate as 'Commercial, Business and Service (Class E Use) and for no other purpose within the Town and Country Planning (Use Classes) (amendment) (England) Regulations 2020 or any order revoking and re-enacting that order, shall be carried out without planning permission having first been obtained from the Local Planning Authority.

Reason: In the interest of supporting more productive uses in non-designated employment areas in order to comply with Policies CS10 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policy DM20 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

29. The non-residential premises within the development shall operate between the following hours and at no other times without prior written consent having first obtained from the Local Planning Authority:
- Hours of 09.00 and 22.00 from Monday to Saturday.
 - Hours of 10.00 and 18.00 on Sundays and not at any times on Bank Holidays and Public Holidays.

Reason: To safeguard the amenities of neighbouring residential properties, in order to comply with Policy CS13 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

30. No deliveries shall be taken to or despatched from the site outside the hours of 07.00hrs and 23.00hrs Mondays to Saturdays, and at no time on Sundays, Bank Holidays or Public Holidays.

Reason: To safeguard the amenities of neighbouring residential properties, in order to comply with Policy CS13 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

31. The private and communal amenity spaces shall be laid out and implemented in accordance with the approved plans and shall not be used for any other purpose. The balconies and communal amenity spaces shall be retained for the use of the occupiers of the development for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To protect the amenities of adjoining occupiers and the surrounding area in order to comply with Policy CS13 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM29 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

Fire Safety

32. Prior to the commencement of the superstructure works, a fire statement, which is an independent fire strategy, produced by a third party suitably qualified assessor, in line with London Plan Policy D12 requirements shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Fire Brigade. The development shall be carried out in accordance with the approved details and thereafter shall be fully retained and maintained as such for the lifetime of the development.

Reason: To ensure safety of the site users, in accordance with Policy D12 of the London Plan 2021

13.6 Informative:

1. To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which offers a pre planning application advice service. The scheme was submitted in accordance with guidance and the decision was delivered in a timely manner.
2. A legal agreement has been entered into with the London Borough of Waltham Forest in conjunction with this grant of planning permission to ensure that the development is acceptable.
3. You are advised that the s278 highway works forming a part of the agreed s106 obligations agreement will require further consideration and discussions with the Local Highway Authority.
4. The application subject to both the Mayoral Community Infrastructure Levy (CIL) and Waltham Forest Council CIL.
5. No demolition or development shall commence until all necessary pre-commencement measures described in the AQDMP have been put in place and set out on site. The demolition and development shall thereafter be carried out and monitored in accordance with the details and measures approved in the AQDMP. The IAQM "Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites" details appropriate monitoring for the scale of the site or project.
6. For information on the NRMM Low Emission Zone requirements and to register NRMM, please visit "<http://nrmm.london/>".
7. Construction activities must not affect traffic flows on the highway. No materials can be stored on the highway and no construction related activities can take

place on the highway. It is an offence to place scaffolding, skip or hoarding on the highway without permission. Early contact with the Council's Network Operations is advisable, as it may affect the construction programme.

8. It is an offence to place scaffolding, skip or hoarding on the highway without permission. Early contact with the Council's Network Operations is advisable, as it may affect the construction programme.
9. It is expected that works of demolition or construction shall be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays, with no noisy working audible at the site boundary being permitted on Sundays or Bank Holidays. In addition, the applicant must ensure that adequate measures are in place to control dust and noise on site during the construction work.
10. It is developer's responsibility to ensure all signage associated with the proposed development i.e. street nameplates, building names and door numbers are erected prior to occupation, as agreed with the Councils Street Naming/Numbering Officer.
11. This determination does not constitute permission to build under the building regulations 2010. Works should not commence until any appropriate building regulation applications have been submitted and where necessary approved.
12. This notice is without prejudice to your responsibilities under any other legislation.
13. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and eaves overhang, will encroach on, under or over adjoining land. The applicant is advised that this decision does not override the legal ownership rights of any neighbours, nor does it convey any permission that may be required under the Party Wall Act.
14. The applicant must seek the advice of the Metropolitan Police Service Designing Out Crime Officers (DOCOs). The services of MPS DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813.
15. Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

Thames Water, Waste:

16. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the

risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

The proposed development is located within 15 metres of our underground waste water assets and as such we would like the following informative attached to any approval granted. "The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

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

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not

have any objection to the above planning application, based on the information provided.

Thames Water, Water:

17. If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

18. **IMPORTANT:** Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a Certificate of Lawfulness.

14 BACKGROUND DOCUMENTS

- 14.1 Appendix A: Planning Committee Report and Update Report (dated 19th July 2021)
- 14.2 Appendix B: BPS Addendum Report (dated 2nd August 2021) and Construction Cost Review.