

APPENDIX A

Committee/Date:	Planning – 19 th July 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 1bed, 9 x 2bed, 5 x 3bed); and associated with disabled parking spaces, cycle stores, refuse stores and landscaping.
Wards affected:	Leyton, Forest and Grove Green
Appendices:	None

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:

- 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:
 - 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.

- 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.
- A S106 contribution of £10,000 is requested towards parking enforcement along High Road Leyton to ensure public safety is maintained. This is a direct response to the application. Vehicles must not stop on the within the bus stop nor the zebra crossing.
- 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.

- 1.2 That authority to be given to the Assistant Director of Development Management and Building Control in consultation with the Council's Legal Services for the sealing of the S106 Agreement and to agree any minor amendments to the conditions or the S106 Agreement on the terms set out above.
- 1.3 In the event that the S106 Agreement is not completed within 12 weeks following the date of Planning Committee, the Assistant Director of Development Management and Building Control is hereby authorised to refuse the application. In the absence of this S106 Agreement, the proposed development would not be able to deliver the residential development on the site.

2 REASONS REFERRED TO COMMITTEE

- 2.1 Due to the size and nature of the proposed scheme and the number of objections received from the local community, the case has been referred to Planning Committee by officers.

3 SITE AND SURROUNDINGS

- 3.1 The site comprises of two-triangular land parcels, divided by a railway line and Tilbury Road. The north parcel (Site A) faces High Road Leyton and extends to the rear with Tilbury Road along its south boundary that itself provides access to a number of railway arches that are in commercial use.
- 3.2 The southern parcel (Site B) has a narrow frontage that fronts High Road Leyton and this extends west behind the existing adjoining buildings (Nos. 633 – 637 High Road Leyton) on the corner of the High Road and Coopers Lane. Site B is bounded to the north via the railway line and to the south by Coopers Lane.
- 3.3 Both sites are occupied by single-storey car repair and MOT garage workshops (Use Class B2/B8); however, the site does not fall within a designated employment area under the current planning policies. The area has a mixed character, with varying building heights and sizes. Site B is adjacent to a two-storey terrace of dwelling houses to the west and two-storey commercial buildings to the east and a four-storey block across Coopers Lane to the south.
- 3.4 Site A is adjacent to a site which acquired planning permission in 2017 for a four-storey building (known as Ashby House) to the north which has been completed; a petrol station to the east and across the High Road.
- 3.5 The site is located on a Strategic Road Network and has a Public Transport Accessibility Level (PTAL) of 5 sited 200 metres away from Leyton Midland Road railway station, which is served by the Gospel Oak to Barking line. The site does not fall within a Conservation Area and not in proximity to any listed buildings.

4 PROPOSED DEVELOPMENT:

- 4.1 Demolition of all existing buildings (single-storey car repair and MOT garage workshops (Use Class B1/B8) and construction of buildings ranging from one to five storeys in height across two sites to the north and south of the railway viaduct comprising flexible commercial floorspace (Class E) at ground floor level with 25

residential units (class C3) (11 x 1bed, 9 x 2 bed & 5 x 3 bed) on the upper floors; and associated disabled parking, cycle stores, refuse stores and landscaping.

4.2 Amended Plans:

4.3 During the assessment of the planning application, amendments were made to the proposed scheme in order to address concerns that were raised as a result of the public consultation. In addition, further revised plans were submitted by the Applicant to address comments that were raised by Council's Highways Team and Urban Design.

4.4 The amendments were:

Scale/Massing:

- On Site A there was a reduction in size of the four storey rear projection setting back the first, second and third floor level from the northern boundary. This set the development away from the neighbouring property at 651 High Road Leyton (known as Ashby House) to the north. This was to mitigate the impact on existing occupiers due to the layout and positioning of the existing windows and balconies found at this recently constructed building. As a result of this scale reduction, the housing mix of the proposed scheme altered from 11 x 1bed, 10 x 2 bed & 4 x 3 bed to 11 x 1bed, 9 x 2 bed & 5 x 3 bed.

Highways:

- On Site A, the commercial unit has been reduced following Council's Highways Team's request to incorporate a service yard to the rear of the site at ground level. This would be accessible from Tilbury Road. This alteration was made in order to address concerns raised by Highways Team in respect to the impact on traffic flow and movement on the main road and the existing service road (Tilbury Road).
- Removal of two commercial entrances fronting Tilbury Road. Concerns were raised by Highway Team relating to pedestrian safety as this service road would be shared with delivery/service vehicles. Given the reduction in size of the commercial unit for the service yard, a pedestrian entrance was no longer required and therefore removed.
- On Site B, alterations were made following Council's Highway Team request to incorporate a service yard directly accessed from Cooper Lane and alterations to the layout of the proposed disabled parking spaces. This alteration was made in order to address concerns raised by Highways Team in respect to the impact on traffic flow and movement on the main road.

Site A (north site):

4.5 Flexible commercial unit (234sqm) at ground floor with two entrances fronting High Road Leyton.

4.6 15 residential units across first to fourth floor levels (8 x 1 bed, 4 x 2 bed and 3 x 3 bed)

Floor	Unit	Size	Area	Amenity Requirement	Amenity Proposed
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Ground	Concierge/lobby and staircase core (inc. lift)		45 sqm		N/A
	Bin store	Residential Refuse: 1320LT (x2 660L refuse bins), 2560L (x2 1280L recycling) and 1100L food waste bin. Commercial Refuse Store: x3 1100L bins (to the rear)			
	Cycle Store	Cycle Store: 28 cycle spaces			
	Communal Amenity Space (4 th Floor)				54 (inc. 27sqm of play area).
First floor	Flat A-1.1	2B3P	73sqm	20sqm	10sqm
	Flat A-1.2	1B2P	54sqm	10sqm	5.3sqm
	Flat A-1.3	3B5P	97sqm	30sqm	8sqm
	Flat A-1.4	1B2P	52sqm	10sqm	6.5sqm
Second Floor	Flat A-2.1	2B4P	73sqm	20sqm	10sqm
	Flat A-2.2	1B2P	54sqm	10sqm	5.3sqm
	Flat A-2.3	3B5P	97sqm	30sqm	8sqm
	Flat A-2.4	1B2P	52sqm	10sqm	6.5sqm
Third Floor	Flat A-3.1	2B4P	73sqm	20sqm	10sqm
	Flat A-3.2	1B2P	54sqm	10sqm	5.3sqm
	Flat A-3.3	3B5P	97sqm	30sqm	8sqm
	Flat A-3.4	1B2P	52sqm	10sqm	6.5sqm
Fourth Floor	Flat A-4.1	1B2P	53sqm	10sqm	26.5sqm
	Flat A-4.2	1B2P	50sqm	10sqm	10sqm
	Flat A-4.3	2B4P	83sqm	20sqm	16sqm
Total				250sqm	196sqm

Site B (south site):

- 4.7 Flexible commercial unit (190sqm) at ground floor with an entrance fronting High Road and service entrance from Coopers Lane.
- 4.8 10 residential units across ground to third floor level (3 x 1 bed, 6 x 2 bed and 1 x 3 bed)

Floor	Unit	Size	Area	Amenity Requirement	Amenity Proposed
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Ground	Concierge/lobby and staircase core (inc. lift)		43 sqm		N/A
	Bin store	Residential Refuse: 1 x 1100LT (refuse bin), 1 x 1100L recycling) and x3 660L - food waste bins. Commercial Refuse Store: x2 1100L bins (to the rear)			
	Cycle Store	Cycle Store: 18 cycle spaces			
	Communal Amenity Space				220 (inc. 55sqm of play area).
	Disabled Parking				X2 car parking spaces
Ground floor	Flat B-G.1 (W/C)	3B5P	92sqm	30sqm	32sqm
First Floor	Flat B-1.1	2B3P	61sqm	20sqm	7sqm
	Flat B-1.2	1B2P	50sqm	10sqm	10sqm
	Flat B-1.3	2B4P	73sqm	20sqm	8sqm
	Flat B-1.4	1B2P	53sqm	10sqm	8sqm
Second Floor	Flat B-2.1	2B3P	61sqm	20sqm	6sqm
	Flat B-2.2	1B2P	51sqm	10sqm	10sqm
	Flat B-2.3	2B4P	73sqm	20sqm	8sqm
Third Floor	Flat B-3.1 (W/C)	2B4P	75sqm	20sqm	26sqm
	Flat B-3.2	3B5P	86sqm	30sqm	10.5sqm
Total				190sqm	350sqm

5 RELEVANT SITE HISTORY

A. Planning

639 High Road Leyton

- 5.1 1981/0854: Change of use from shop to mini cab office (Approved 30th December 1981)
- 5.2 1983/1266: Continued use of shop as a mini cab office (Approved 16th April 1984)

643 - 649 High Road Leyton

- 5.3 N/A

As joint addresses: 639 and 643-649 High Road Leyton

- 5.4 173193: Consultation to the Council on the proposed land disposal by Network Rail (Council responded with no objection) dated 21st September 2017

B. Pre-Application

639 and 643 – 649 High Road Leyton:

- 5.5 190310: Erection of 3 buildings (across two sites), ranging from 2 up to 6 storeys in height, to provide 30 residential units and circa 359 sqm commercial floorspace across the 2 parcels of land, along with provision for cycle parking and landscaped communal amenity areas. (Council Views: 24/07/2019)

- *Principle of development is supported for mixed use with commercial element at ground floor across both sites and residential above with the exception of Site B with some ground floor units at the rear.*
- *Departure of housing mix not objected to given the location but need to be further justified.*
- *Development should be reduced to five storeys as six storeys considered excessive for an area with lower building heights and up four storeys maximum.*
- *Housing quality concerns with limited outlook provision due its proximity with the railway, poor access raising safety and security concerns, and overall quantum of external amenity provision proposed on site.*
- *Separation distances between proposed buildings appear tight and the proposal should aim to reduce the impact on outlook and privacy of future occupiers. The balconies fronting High Road would perform better as recessed winter gardens.*
- *No disabled parking spaces on site is not supported.*
- *High Road Leyton is a strategic road network and any construction activities should avoid disturbance to its operation. Any forthcoming application should include a Construction Logistics Plan to ensure the operation on High Road would have minimal disruption.*

5.6 200116: Demolition of existing buildings on site and the construction of three buildings to provide 26 units and approximately 464sqm commercial floorspace across the two parcels of land along with provision for landscaped communal amenity areas, cycle parking, and three disabled parking spaces (Council views: 26/02/2020)

- *Principle of development is supported for mixed use with commercial element at ground floor across both sites and residential. Justification would be required for the loss of employment space for these two sites and its compliance with local plan policies.*
- *The proposed five storey development on Site A is supported and the top floor is set back from the front elevation. It was advised to set back the fifth storey away from the northern boundary as there is a notable change in scale from the proposed building and the existing adjacent four storey building to the north. This would improve the visual impact and bulk of the building, but aesthetically create a better transition between the two buildings.*
- *The proposed building on Site A, would sit adjacent to the neighbouring building at No. 651 High Road (Ashby House) and it is noted the building features side facing window at first, second and third floor level. It was acknowledged, the massing of the building had been reduced and pulled back from the rear to ensure clearance given for the existing side windows which is supported. The applicant is advised to submit a sunlight/daylight assessment to demonstrate existing neighbouring occupants do not experience loss of light or overshadowing as a result of any forthcoming proposal.*

- *The proposed four storey development on Site B is supported however its projection towards the western part of the site would bring development close to existing neighbouring residential buildings and their gardens. It is noted this proposed building in the original scheme previously extended up to the western site boundary is now set back, however the close separation distance remain acute. The bulk and massing should be revisited to ensure that the proposed building would not consequently result in a visually oppressive form of development particularly from the rear gardens of the terrace properties and ensure overlooking opportunities from the proposed flats are mitigated where no infringement of privacy would arise.*
- *Lack of external amenity provision proposed on Site A raise concerns which should be further explored.*
- *The site falls on the corner of High Road Leyton and Tilbury Road, which is the vehicular access for businesses under the railway arches. Additionally, High Road Leyton is part of the Strategic Road Network and any construction activities should avoid disturbance to its operation. Any forthcoming application must include an Outline Construction Logistics Plan to ensure the operation on High Road Leyton would have minimal disruption. Any formal application should be supported by a transport statement and travel plan so that the likely impacts of the proposal can be assessed. A service and delivery management plan would be required as part of any forthcoming planning application.*

C. Enforcement

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| | (i) | Enforcement Investigations |
| 5.7 | | N/A |
| | (ii) | Enforcement Notice |
| 5.8 | | N/A |

D. Adjacent Sites

Land between 649 and 651 High Road Leyton (north of development Site A) – now identified as 651/651A High Road Leyton (Ashby House)

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|------|---|
| 5.9 | 2013/0729: Construction of part 3, part 4 storey building comprising 7 self contained flats (4x1 bed, 3 x 2 bed) at first, second and third floor at 220 sqm office space (use class B1) at ground floor provision of, amenity space and refuse area. (Approved with conditions 6 th November 2013) |
| 5.10 | 171313: Construction of four storey building with roof terrace, balconies on first, second, and third floor side elevations with associated cycle and bin storage, to provide retail/office unit and eight residential units (5 x 1 bedroom and 3 x 2 bedroom flats). (Approved with conditions 27 th November 2017) |
| 5.11 | 174587: Variation to condition 2 of planning permission ref: 171313, dated 27/11/17 to allow the construction of a third floor extension on the rear building block in order to replace a one-bedroom flat to a three-bedroom flat and construction of a three-storey side infill addition involving altering the building line |

in order to replace two one-bedroom flats with two two-bedroom flats. The replacement of a pitched roof form with a flat roof form on the middle element of the building and installation of a new door in the communal lobby. (Approved 3rd May 2018)

- 5.12 181655: Minor material amendments of planning permission ref: 171313, dated 27/11/17 to allow the construction of a third floor extension on the rear building block in order to replace a one-bedroom flat to a three - bedroom flat; construction of a three-storey side infill addition; change to roof shape; relocation of refuse and cycle storage; re- configuration of floor areas of units, removal of glass blocks on southern elevation; relocating main entrance for unit 1, 2 and 3; new amenity space for unit 4 and Unit 5. (Approved 24/05/2019)
- 5.13 181982: Minor material amendments of planning permission ref: 171313, dated 27/11/17 to allow the construction of a third floor extension on the rear building block in order to replace a one-bedroom flat to a three-bedroom flat, construction of a two storey infill extension to accommodate an additional three bedroom residential duplex flat; change to roof shape; relocation of refuse and cycle storage; re- configuration of floor areas of units, removal of glass blocks on southern elevation; relocating main entrance for unit 1, 2 and 3; new amenity space for unit 4 and Unit 5. (Approved 24/05/2019)

207 Farmer Road (west of development Site B)

- 5.14 2011/1504: Demolition of existing industrial (use class B1/B8) buildings and erection of a 2 storey building comprising 6 x 1 bedroom flats, with associated landscaping and car & cycle parking and refuse storage. (Refused 05/09/2012 – Appeal Allowed 14/01/2013)
- 5.15 183529: Construction of second floor (third storey) to create 1 self-contained flat (1 x 3 bedroom) (Refused 16/01/2019 – Appeal Allowed 16/12/2019)

Nos. 633 High Road Leyton (south and east of development Site B)

- 5.16 2000/0159: Erection of single storey rear extension covering rear yard to provide an MOT testing station (Refused 05/04/2000)
- 5.17 2004/2193: An application for a certificate of lawfulness for an existing development - Use as 1 x 1 bed self-contained flat on first floor. (Invalid Application however Council Tax Valuation Record show first floor flat was in effect from 01/04/2005)

Nos. 635 High Road Leyton (south and east of development Site B)

- 5.18 1999/0811: Change of use from an Office (Use Class B1) to Retail (Use Class A1) (Approved 22nd September 1999)
- 5.19 2004/2194: An application for a certificate of lawfulness for an existing development - Use as 1 x 1 bed self-contained flat on first floor. (Invalid Application however Council Tax Valuation Record show first floor flat was in effect from 01/04/1993)

Nos. 637 High Road Leyton (south and east of development Site B)

- 5.20 1999/0053: Erection of a single storey extension to mini-cab office (Approved 3rd March 1999)

6 PUBLIC CONSULTATIONS

- 6.1 The Council circulated 231 consultation letters to neighbouring properties (including flats and commercial units) on the **1st September 2020**, as follows:

- Nos. 2 – 20 (even) Coopers Lane
- Nos 9 – 19 (odd) Coppers Lane
- Nos. 112 – 134 (even) Farmer Road
- Nos. 179 – 207 (odd) Farmer Road
- Nos. 1 – 9 (odd) Wesley Road
- Nos. 5 Elizabeth Mews
- Nos. 613 – 627 (odd) High Road Leyton
- Nos 633 – 639 (odd) High Road Leyton
- Nos. 643 – 667 (odd) High Road Leyton
- Nos. 640 – 672 (even) High Road Leyton
- Rear of Nos. 642, 643 to 647, 657, 661, 664 and National Buildings, High Road Leyton
- Arches 138, 140, 141, 142, 143, 144, Adjacent to 144, 145, 146, 147, 148, 150, 151, 152, Rear of 151/152, and 154, Tilbury Road
- Arch 155, Midland Road
- Nos. 2 Tilbury Road
- Nos. 29 and 31 Skeltons Lane
- Flats 1 to 9 Ashby House (651A High Road Leyton)
- Flats 1 to 9 Eva Apartments (663 High Road Leyton)

- 6.2 The application was advertised via 3 site notices on the **3rd September 2020**. A press notice was issued on the 24th September 2020.
- 6.3 The Council received a total of 8 representations as a result of the public consultation.
- 6.4 5 objections were received from existing occupants at the neighbouring property (Ashby House, 651 High Road Leyton). 1 objection received from Farmer Road, 1 enquiry that was unrelated to the development site and 1 supporting representation in favour of the proposed development.
- 6.5 The representations relating to the issues of concern raised are detailed in the table below and are also matters which are addressed within the “Assessment” section of this report.

Objection Received	LPA Response
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Overshadowing and loss of sunlight/daylight in habitable rooms and balconies for existing occupants at Ashby House.	Due to the proposed scale and close proximity of the development on Site A from the neighbouring building to the north, it was considered by Officers the development would result in a harmful impact to existing occupants. The Applicant has revised the bulk of the development at the rear setting back the three storey projection (at first, second and third floor level) away from the northern site boundary increasing its separation distance from 1.8m to 6.8m. A revised sunlight/daylight report was submitted, and it demonstrated the loss of sunlight/daylight has rationally improved compared to the original development proposed. On planning balance, in terms of massing and its impact on Ashby House, officers are of the view that the proposal has been reasonably revised reducing its bulk minimising the impact on neighbouring occupants amenity. Please see full assessment in Section C in respect to impact on neighbouring amenity. Officers reviewed the existing and proposed layout of both sites in Site A in relation to Ashby House. It was found that anything above a single storey along this boundary will have an effect on the daylight / sunlight to existing occupants to the north. Unfortunately, due to the design and layout of Ashby House that was recently constructed, it is impacted by any potential development of the application site above a single storey where the Borough seeks to secure intensified developments in sustainable locations. It is noted at pre-application stage, the bulk of the development was pulled back from the rear significantly as the Council raised concerns of its impact on side facing windows.
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Overlooking concerns and privacy is compromised for the existing occupants at Ashby House	The Applicant has revised the development increasing its separation distance from the neighbouring building at Ashby House. Officer note, only high level windows are proposed on the northern flank elevation and the proposed balconies at the rear would only obtain west and south facing views. Officers are of the view the impact on neighbouring occupant's amenity in terms of overlooking and privacy has been adequately addressed. Please see full assessment in Section C in respect to impact on neighbouring amenity.
Height of the proposed development at four storeys on Site B is excessive, completely out of character for the surrounding area.	In terms of massing and height, Officers are of the view that the proposal would be acceptable due to the context of the application site located within a highly sustainable location near a railway line. In terms of design it adequately responds to the urban form of the street scape, identifying the existing built form of the surrounding area and positively responds to the wider character. At preapplication stage, a four storey development was not objected to on Site B however concerns were raised in respect to the close proximity of the development to the properties and site boundaries fronting Coopers Lane and advised the massing and its separation distance must be revisited. Officer are of the view, the proposed building has been set back reasonably away from habitable room windows to mitigate these concerns. Please see full assessment in Section C in respect to impact on neighbouring amenity.

- 6.6 One supporting representation was received commenting that the area of Leyton has seen physical regeneration. The proposal would further enhance the location and support the provision of much needed new homes on a previously developed brownfield site in a highly accessible location. The design looks high quality yet deliverable, given the constraints of the site near a railway line.

Public Re-Consultation:

- 6.7 The Council circulated re-consultation letters to neighbouring properties on the 26th January 2021 in regards to the revised amendments (as detailed in paragraph 4.4 above).
- 6.8 As a result of the re-consultation, 4 representations (including two from the same household) were received from occupants of the neighbouring property (Ashby House).

Comments Summarised	LPA Response
Concerns regarding that the revised Sunlight/Daylight Report was not uploaded.	Officer clarified by email (including to Cllrs) that the original and revised Sunlight/Daylight Report were both available to view. To avoid further confusion the original (superseded) report was therefore removed.
Concerns raised in regard to daylight report being inaccurate where it refers to bedrooms within the affected flats but in fact are kitchen, living and dining rooms and balconies (not bedrooms)	Officers note this is an error within the report where in fact Window 3 at the second floor serves a Living/Kitchen and Dining area. Notwithstanding this, it should be noted that the Council assesses all habitable rooms with equal weight. In regard to daylight and sunlight assessment, this is further discussed in detail in Section 10C of the Committee Report.
It is not clear from the design plans, how far ahead the stairs will block the balconies on Flats 1-3	Officer clarified by email that in regard to the stairwell projection, this would measure 0.9m and its elevation treatment would be lightweight appearance with u-channel glass preventing views out to maintain privacy
Roof of the ground floor projection should be soft scaped/ green area	The proposed scheme would incorporate green roofs to the flattened roof tops.
The waste area on Ground Floor is seemingly open, which raises hygiene concerns for having such huge waste area open air, which might attract pests to both buildings, especially because the commercial area is of considerable size and	Officer clarified by email that in regards to the commercial refuse location at the ground floor rear. No details have been provided at this stage. In such instances, it would be requested by the Council to ensure all bins are

therefore, the potential of big amounts of waste.	secured and enclosed by way of planning condition.
Tilbury Road has a gate and during 2020 there was a period this gate was being left open resulting in anti-social behaviour. We seek confirmation that this gate, or some replacement for it, will be in place to prevent recurrence of the problems both during the construction phase and beyond.	This is being further reviewed by the Agent but unlikely to be closed as this road has several party interests and existing business (arches) along Tilbury Road require access.

7 OTHER CONSULTATIONS

7.1 External Consultees

Consultees	Comments raised
Thames Water	No objection raised in regard to the proposed development. Informative in respect to Thames Water's Waste and Water provision to be included as part of any future planning permission.
Crossrail	No objections raised to the proposed development
London Underground (TFL)	No objections raised to the proposed development
London Overground	No objections raised to the proposed development
Strategic Road Network (TFL)	No comments received
Network Rail	No objections raised to the proposed development
London Fire Brigade	No objections raised and fire safety commissioner is satisfied with the proposals in relation to the Firefighting Access Arrangements AS PER ADB B5 Section 16: Vehicle Access.
Secure by Design Officer (Metropolitan Police)	The Metropolitan Police have no objection to the proposed development subject to identified issues within the design being mitigated against and the mentioned security standards being applied in the build. Compliance with this can be ensured by there being a Secured by Design planning condition attached to the permission if approved.
Network Rail	Network Rail confirm their support for the principal of the development and have highlighted points for consideration given both sites exhibit varied risks with construction activities that are typically common (i.e.

	scaffolding, crane equipment and an operational railway line). Network Rail will continue to work closely with the developer.
Environment Agency	No comments received
Historic England	No objection raised to the proposed development subject to a recommended condition in respect to a Stage 1 Written Scheme of Investigation (WSI)

7.2 Internal Consultees

CONSULTEES	Response
Environmental Health - Air Quality	No objection to the proposal subject to planning conditions [Construction Management and Air Quality Assessment] and Air Quality S106 Agreement contributions.
Environmental Health – Noise	No objection to the proposal subject to planning conditions [Sound Insulation, New Plant Noise, Environmental Noise and Hours of Use].
Environmental Health – Contaminated Land	No objection to the proposal subject to planning condition in regard to Asbestos and Land Contamination
Energy and Sustainability Officer	An Energy and Sustainability Statement and BREEAM Pre-assessment was submitted as part of the application. Additional comments were provided by the Applicant to address any queries or outstanding matters raised by the Council's Sustainability Officer. It was agreed by the Sustainability Officer that there were no outstanding energy issues as such the development is supported subject to the completion of a S106 Agreement to secure a Carbon Offset contribution (of £38,070) and planning conditions to ensure the scheme reduces the carbon dioxide emissions of the development by at least 35% and achieves the target of 105 litres/person/day.
Transport Policy	No comments received
Employment and Training	No objection raised subject to S106 Agreement for the following: As detailed in Section 1 in this report for the following: - Local Labour - Apprenticeships - Placements

	- Local Supply - Events - Commercial Space - End Use
Housing	No comments received
Conservation Officer	No comments received
Urban Design Team	Please refer to Section 10B of the committee report in regard to scale and design. Some concerns were raised in regard to the quality of housing and insufficient external amenity space on Site A. Officers are of the view that given the number of amendments since pre-application stage and amendments made in this application, the bulk and height of the development is considered acceptable. Officer also note that given the sites constraints due to highway amendments and the existing context of the neighbouring properties, the proposed scheme would be on balance acceptable in respect to design and appearance within the wider area of High Road Leyton area that would warrant a refusal in this instance.
Tree and Nature Preservation Officer	No comments received
Planning Policy Team	No comments received
Highways	Highways raised a number of concerns in regard to the following: ○ No road safety audit submitted as part of this application ○ No onsite service yards proposed within the red line boundary of both Site A and B ○ Encouraging pedestrian access down Tilbury Road ○ No safe or legal area proposed to enable residential waste collection for Site A from High Road Leyton ○ Poor visibility splays for the disabled parking area The Applicant has submitted amended plans during the course of the application assessment to address the

	above concerns. These are detailed in Section 10F of the Committee Report. Highways advised if the application is minded to approve then the following would need to be captured by way of a S106 Agreement and by way of planning conditions. ○ S278 highway works ○ Contribution of £25,000 towards mitigating pedestrian accessibility and safety between the development site and Leyton Midland Station and local bus stops. ○ Contribution of £10,000 towards parking enforcement along High Road Leyton (This is a direct response to the application. Vehicles must not stop on the within the bus stop nor the zebra crossing). ○ Car Free Development ○ 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. ○ The requirement for the developer to arrange for the relocation of the telegraph pole prior to the commencement of any works on site. ○ The developer to carry out a condition survey of the carriageway and footways fronting the site prior to the commencement of any works. <u>Planning Conditions:</u> - Detailed Construction Logistic Plan - Sustainable Urban Drainage Systems - Lighting - Car Park Management Plan - Service and Delivery Plan - Avoidance of water discharge on to public highway Officer note £10,000 is requested towards parking enforcement along High Road Leyton, however it was considered unreasonable to request this from the Applicant. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may
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	only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be: • necessary to make the development acceptable in planning terms; • directly related to the development; and • fairly and reasonably related in scale and kind to the development. Officers consider that this request falls outside the tests set out in regulation 122, as it is not directly related to the development, where the bus stop, zebra crossing, road marking including zigzag lines and double yellows stretch across the main road from Nos. 633 to 655 High Road Leyton. It is also noted from Waste Teams comments that a mechanism is in place, to ensure collection refuse vehicles adhere to rules of the road, where they are advised to not stop on the zigzag lines and bus stops, otherwise drivers will be responsible for paying a fixed penalty notice.
Waste Management Team	As a result of the second consultation, Waste Management Team raised concerns that there is no safe or legal area proposed to enable residential waste collection for Site A from High Road Leyton within an acceptable drag distance being 15m. The Applicant therefore sought a contractor to ensure residential waste collection could be achieved privately. Further information on Waste Management is detailed in Section 10F of the Committee Report. Waste Team have raised no further concerns in regard to this new arrangements.

8 DEVELOPMENT PLAN

National Planning Policy Framework (2019)

- 8.1 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 at the heart of the Framework.
- 8.2 For decision-taking the NPPF states that the presumption means "approving development proposals that accord with an up-to-date development plan without delay" and where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting

permission unless "...any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".

- 8.3 The NPPF gives a centrality to design policies; homes should be locally led, well-designed, and of a consistent and high quality standard. Local planning authorities (LPAs) are to make sure that the quality of approved developments does not materially diminish 'between permission and completion, as a result of changes being made to the permitted schemes'
- 8.4 The specific policy areas of the NPPF considered to be most relevant to the assessment of this application are as follows:
- Delivering a sufficient supply of homes
 - Promoting sustainable transport
 - Making effective use of land
 - Delivering a wide choice of high quality homes

The London Plan (2021)

- 8.5 On Tuesday 2nd March 2021 The Mayor of London published the replacement London Plan. From this date it forms part of the Development Plan for the purpose of determining planning applications. The 2021 London Plan supersedes the 2016 London Plan, which no longer has any effect. The relevant policies within the London Plan 2021 are:
- 8.6 The policies relevant to this application are:
- GG1 Building strong and inclusive communities
 - GG2 Making the best use of land
 - GG4 Delivering the homes Londoners need
 - GG5 Growing a good economy
 - D1 London's form, character and capacity for growth
 - D3 Optimising site capacity through the design-led approach
 - D4 Delivering good design
 - D5 Inclusive design
 - D6 Housing quality and standard
 - D7 Accessible housing
 - D11 Safety, security and resilience to emergency
 - D12 Fire Safety
 - D13 Agent of change
 - D14 Noise
 - H1 Increasing housing supply
 - H4 Delivering affordable housing
 - H6 Affordable housing tenure
 - H10 Housing size mix
 - E1 Offices
 - E9 Retail, markets and hot food takeaways
 - E11 Skills and opportunity for all
 - G1 Green Infrastructure
 - G5 Urban Greening

- G6 Biodiversity and access to nature
- SI1 Improving air quality
- SI2 Minimising greenhouse gas emissions
- SI3 Energy infrastructure
- SI4 Managing heat risk
- SI5 Water infrastructure
- SI7 Reducing waste and supporting the circular economy
- SI13 Sustainable drainage
- T1 Strategic approach to transport
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car Parking
- T6.1 Residential parking
- T6.5 Non-residential disabled persons parking
- T7 Deliveries, servicing and construction
- DF1 Delivering of the Plan and Planning Obligation

Waltham Forest Local Plan Core Strategy (2012)

- 8.7 The Waltham Forest Local Plan Core Strategy (2012) was adopted on 1st March 2012.
- 8.8 The Core Strategy contains 16 policies designed to deliver the Council's vision for the physical, economic, environmental and social development of the Borough. These policies will be used to direct and manage development and regeneration activity up to 2026.
- 8.9 The policies considered relevant to this application are as follows:
- CS1: Location and Management Growth
 - CS2: Improving Housing Quality and Choice
 - CS3: Providing Infrastructure
 - CS4: Minimising and Adapting to 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 Safer

Waltham Forest Local Plan Development Management Policies (2013)

- 8.10 The Waltham Forest Local Plan Development Management Policies (2013) was adopted in November 2013. This sets out the borough-wide policies that implement the Core Strategy to 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 balanced agreement that solves problems rather than a

compromise that fails to meet objectives. The following policies are relevant in this case:

- DM1- Sustainable Development and Mixed Use Development
- DM2- Meeting Housing Targets
- DM3 - Affordable Housing Provision
- DM5 - Housing Mix
- DM7 - External Amenity and Internal Space Standards
- DM10 - Resource Efficiency and High Environmental Standards
- DM11 Decentralised and Renewable Energy
- DM13 Co-ordinating Land Use and Transport
- DM14 - Sustainable Transport Network
- DM16 – Parking
- DM20 – Non-Designated Employment Areas
- DM21 Improving Job Access and Training
- DM23 - Health and Well Being
- DM24 - Environmental Protection
- DM29 - Design Principles, Standards and Local Distinctiveness
- DM30 - Inclusive Design and the Built Environment
- DM32 - Managing Impact of Development on Occupiers and Neighbours
- DM33 - Improving Community Safety
- DM34 - Water
- DM35 - Biodiversity and Geodiversity

9 MATERIAL PLANNING CONSIDERATIONS

Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standard (2015)

- 9.1 This standard relates to the internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal Area (GIA) of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home including bedrooms and storage.

The London Plan Housing Supplementary Planning Guidance (2016)

- 9.2 This supplementary planning guidance (SPG) focuses on affordable housing and viability. It includes four distinct parts: background and approach; the threshold approach to viability assessments and detailed guidance on viability assessments.

London Plan Affordable Housing and Viability SPG (2017)

- 9.3 This supplementary planning guidance (SPG) focuses on affordable housing and viability. It includes four distinct parts: background and approach; the threshold approach to viability assessments and detailed guidance on viability assessments.

Waltham Forest Local Plan Urban Design SPD (2010)

- 9.4 This document has the aim of raising the quality of design within the Borough. The core principles underlying the advice in the SPD are Inclusive Design and the social model of disability.

Inclusive Housing Design SPD (2011)

- 9.5 The core principles underlying the advice in the SPD are Inclusive Design and the social model of disability.

Waltham Forest Affordable Housing & Viability SPD (2018)

- 9.6 This supplementary planning document (SPD) has been prepared to provide further detailed guidance on affordable housing and viability. The document provides further guidance on how the Council will take viability into account when considering planning applications and what supporting information applicants will be required to produce. The Council does not intend to apply this guidance retrospectively to any planning applications being processed or determined.

Waltham Forest Planning Obligations SPD (2017)

- 9.7 This document seeks to provide transparent, clear and consistent information for the negotiation of planning contributions.

Natural England – Epping Forest Special Area of Conservation

- 9.8 Natural England issued interim advice on 6th March 2019 in relation to the Epping Forest Special Area of Conservation (SAC) Mitigation Strategy and the Habitats Regulations. The advice applies to all residential development within the extended Zone of Influence, which includes the Local Planning Authority's area. The development is therefore liable to mitigation measures on any impact on the Epping Forest SAC which will be secured by an appropriate financial contribution.

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

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

Local Finance Considerations

- 9.12 Local Finance Considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the Council has received or will or could receive in terms of Community Infrastructure Levy (CIL).
- i) There are no grants which have been or will or could be received from central government in relation to this development.
 - ii) The Council has not received but does expect to receive income from LBWF CIL in relation to this development.

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

10 ASSESSMENT

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

- A.** The Principle of Development
- B.** The Scale, Height and Design of the Proposal
- C.** Impact on Neighbour Amenity
- D.** Affordable Housing
- E.** Standard of Accommodation
- F.** Highways, Transport Impact and Servicing
- G.** Environment and Sustainable Design
- H.** Planning Obligations

A. The Principle of Development

- 10.2 The National Planning Policy Framework – NPPF (2019) sets out achieving sustainable development through plan and decision making. In the context of making effective use of land [Chapter 11], the NPPF (2019) states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. It further states that planning policies and decisions should encourage multiple benefits from both urban and rural land (including through mixed use schemes); should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 10.3 These principles are reflected in Policy GG2 (Making the best use of land) of the London Plan (2021), Policy CS1 of the Waltham Forest Local Plan (WFLP) Core Strategy (2012) and Policy DM1 of the Waltham Forest Local Plan Development Management Policies (2013) which seeks to support development opportunities to secure physical, economic and environmental regeneration.
- 10.4 Policy GG2 of the London Plan (2021) seeks to create sustainable mixed-use places that make the best use of land. Those involved in planning and development must enable the development of sites within and on the edge of town centres (as well as utilising small sites); prioritise sites which are well connected by existing and planned public transport; explore the potential to intensify the use of land to support additional homes and workspaces, promote higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling and must also apply a design-led approach to determine the optimum development capacity of sites.
- 10.5 Policy CS1 of the Waltham Forest Local Plan Core Strategy (2012) states that growth will be distributed and managed within the borough by focusing regeneration activities within the key Growth Areas (including Walthamstow Town Centre). Policy CS1 further states that, within these areas, the Council will seek to accommodate growth in housing and jobs, especially for local people.

- 10.6 Policy DM1 B) of the Waltham Forest DMP Local Plan (2013) states that the Council will seek where appropriate a mix of uses in development in the key growth areas, and other appropriate areas in the Borough. The Council will consider whether it can practically be achieved on single sites or across wider areas, the most appropriate mix of uses, and the scale and nature of any contribution to the supply of housing, employment and other uses.

Loss of Employment & Flexible Use Class:

- 10.7 Policy CS8 of the Waltham Forest Local Plan Core Strategy (2012) for non-designated employment land states the Council will facilitate sustainable economic growth by 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
- 10.8 Policy DM20 in the Waltham Forest Local Plan – Development Management Policies (2013) for non-designated employment areas, states that the Council will support applications for more productive uses in non-designated employment land where there are clear barriers to the sites future employment use.
- 10.9 The application site comprises a MOT/vehicle repair and maintenance garages and workshops which fall within Use Class B2/B8. It is also noted there is a small commercial unit with a shop front at 639 High Road Leyton which sits adjacent to the railway line. The proposed development would include the provision of three new flexible commercial units that are proposed to be used within Classes E as from 1st September 2020
- 10.10 The application site is an out of town centre location in an urban area. It has a PTAL rating of 5 and sited 200m away from Leyton Midland Road railway station. The site is also some 1km away from Bakers Arm (DC5) and Leyton (DC7) District Centres.
- 10.11 Officers have assessed the net loss of employment and whilst the resultant development would equate to a significant reduction from approximately 900sqm of floorspace, the principle of the reprovision of substantially less floorspace at 425sqm would be suitably complementary for its location.
- 10.12 It would deliver flexible retail and office (Class E) uses. These types of uses are considered to benefit more closely with the needs of future and existing and future residents; and complement, not compete, with the nearby District Centres by providing suitable commercial activation in the streetscene, common along High Road Leyton. This aligns with the Council's aspirations to deliver housing intensification on strategic sites well connected to District Centres. On this basis, it is considered that the loss of net employment floorspace and the reprovision of flexible and complementary commercial floorspace is acceptable in this regard.
- 10.13 A report was also submitted as part of the application which advises that the existing buildings on site are industrial in nature and were developed in order to accommodate care servicing and repairs. The existing buildings are in a poor state of repair and the marketing report confirms that they are near the end of their lifespan. The existing buildings are not suitable for use by a range of occupiers as they have been developed to meet the needs of the current tenants.
- 10.14 Given its location adjacent to Leyton Midland Road overground station, it is more suitable for flexible commercial uses than the existing. The proposal for three new

flexible commercial units would be beneficial for local residents and users of the public transport as it would diversity the range of services located in close proximity of the station. The existing buildings are only suitable for car repairs garages or similar in nature. They are not considerably suitable for a range of occupiers due to its layout, configuration and facilities. It would not be appropriate in this instance to incorporate this with new development as they would result in harmful impact to the proposed residential unit and as well as existing residential properties in close proximity of the site.

- 10.15 Officers also note that, the existing buildings in their current use sustain 25 employees. However, when the density of one full time employee for every 14.75sqm of mixed-use floor space is applied in relation to the new Class E use class, a higher employee yield of 29 full time employees is calculated. The proposal would therefore increase the number of employees in total even though the proposal results in a reduction of employment floor space.

Proposed residential within mixed use scheme

- 10.16 Policy H1 of the London Plan (2021) sets out a ten year housing target for Waltham Forest within table 4.1 which is 12,640. This equates to a yearly target of 1,264 new units per year. To ensure housing targets are achieved boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites. Criterion b) states that Council should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially the following sources of capacity; mixed-use redevelopment of car parks and low-density retail parks and supermarkets:
- 10.17 Strategic Objective 2 of the Waltham Forest Local Plan Core Strategy (2012) states that the Council will 'ensure a continuous supply of land and homes to meet a range of housing needs including affordable housing, family housing and accommodation needs of specific groups within the community, whilst offering a range of housing choices which are of high quality in the right place'
- 10.18 Policy CS2 of the Waltham Forest Local Plan Core Strategy (2012) sets out that the Council will facilitate sustainable housing growth by 'creating a mixed and inclusive community by enabling a variety of housing types to meet the identified local needs of the borough's population.
- 10.19 Given the highly sustainable location of the site and the provision of flexible commercial floorspace at ground floor level, it is considered that a mixed-use development comprising residential units at upper floors to be acceptable in this location. The principle of optimising the capacity of this development site to include a residential element is supported within the London Plan through policy GG2 as well as a local level through policy CS2 which supports the intensification of land to support additional homes.
- 10.20 Overall the proposed development would be situated in a urban location in a highly sustainable location. The site is located outside District Centres and given the broad range of retailers and uses in the local area, the loss of a garage/vehicle repair centre to flexible commercial uses on site would represent an opportunity to deliver and complement the District Centres through linked trips. Given its locations it would have little impact on the vitality and viability of the nearby District Centres. The proposed mixed-use scheme is considered acceptable in line with policies DM1 and DM20 of the Development Management Policies (2013) and contributing towards

the Council's housing targets in line with Policies H1 of the London Plan (2021) and CS2 of the Local Plan Core Strategy (2012).

B. The Scale, Height and Design of the Proposal

- 10.21 Paragraphs 124 and 127 of the NPPF (2019) requires good design within developments which should be of a high quality and design due to the contribution towards making better places for people.
- 10.22 The National Design Code (2019) states that well-designed places and buildings come about when there is a clearly expressed 'story' for the design concept and how it has evolved into a design proposal. This explains how the concept influences the layout, form, appearance, and details of the proposed development.
- 10.23 The London Plan (2021) Policy D3 (Optimising site capacity through the design-led approach) states development must make the best use of land by following a design-led approach that optimises the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth. Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with Policy D2 (Infrastructure requirements for sustainable densities). Where these locations have existing areas of high density buildings, expansion of the areas should be positively considered by Boroughs where appropriate. Policy D3 further expands this in respect to form and layout stating development proposal should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. It should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character. Additionally it should be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well
- 10.24 Policy CS15 of the Waltham Forest Local Plan - Core Strategy (2012) requires development to be of a high standard and design quality that responds to the local context and the character of the surrounding area, while improving the way places function by promoting local distinctiveness and a strong sense of place. Policies DM29 and DM30 of Waltham Forest Local Plan – Development Management Policies (2013) seek a high standard of urban and architectural design principles for all new development. Current planning policies require developments to make the most efficient use of the land and to optimise density through design led-approach.
- 10.25 The following issues are considered in relation to the design of the proposal:

- i) Form and layout
- ii) Height and scale of the building
- iii) Detailing and materials
- iv) Landscaping
- v) Housing Mix

i) Form and Layout

- 10.26 Site A accommodates a flexible commercial unit at ground floor with two commercial entrances along High Road Leyton. A service yard would be located to the west end of the site to service the commercial units where access would be from Tilbury Road. Residential units are located at first to fourth floor with a total of 15 residential units.
- 10.27 Site A residential entrance is proposed to the north of the site fronting the High Road where there is access to the residential refuse store, residential cycle store and main stair core and lift. At fourth floor to the west of the site there is an area of child play space (27sqm) and rooftop communal amenity space (54sqm).
- 10.28 Site B accommodates a flexible commercial unit at ground floor with a commercial entrance along High Road Leyton. A service yard is located where its access would be from Cooper's Lane. A residential unit is located at ground floor to the west side of the commercial unit and residential units are located at first to third floors with a total of 9 residential units. A single residential unit is also proposed fronting Coopers Lane through its own private stair core. The remaining units would be accessed via the main residential entrance off Coopers Lane
- 10.29 Site B provides one wheelchair residential unit at ground floor and one at third floor on the western part of the site. A ground floor communal amenity space (326sqm) and dedicated play space area (53sqm). The ground floor provides access to a refuse store, cycle store, stair core and lift.
- 10.30 The layout of the proposal is considered to be sited and arranged to relate successfully with the awkward shaped plot of land, the existing character of the street. It is considered it would sit comfortably with the grain of the pattern of development within the streetscape.

ii) Massing and height of the buildings

- 10.31 Site A comprises a part four and part five storey building with the fifth storey set back from the northern boundary and the High Road fronting. The massing of the four storey element to the rear is set back away from the western and northern boundary of the site.
- 10.32 Site B comprises a two storey and a four storey building. Fronting Coopers Lane the site comprises a two storey building which extends to a single storey element to the north and east. Towards the rear of the Site B the massing extends to four storeys.
- 10.33 The proposed scale and height of the buildings have undergone extensive design development throughout the pre-application process. Discussions with Secure by Design Officers and Network Rail were also held to allow for comments on the design to be incorporated to the proposal. As part of this application, revisions were sought on Site A by the Council to omit a single storey element at the back

and further reduce the massing of the rear four storey element. This was to address amenity concerns that were raised in the first round of public consultation (further discussed in Section C) and to address Council's Highway's concerns to secure an on-site service yard within the application site (further discussed in Section F).

- 10.34 In respect to the proposed development on Site A, it is considered the proposed massing was carefully designed and is sensitive to the surrounding context of the immediate area. The number of floors on the High Road frontage was reduced from six storeys down to five and the number of units proposed was reduced from the initial scheme of 30 units now down to 25 units. The reduced massing of the development improves the visual relationship with adjacent properties. The tallest element being five storeys has been proposed in this location as it is considered to be appropriate and was able to accommodate such height at this High Road and Tilbury Road corner location. The fifth storey being set back from the High Road frontage and its massing stepping down to four storeys would reduce the visual impact on the neighbouring building and ensures an appropriate townscape response to the street frontage. This stepping down approach would sit appropriately with the adjacent four storey residential block to the north. Although the proposed massing at five storeys is higher than the surrounding buildings, it is considered to be suitable as it highlights the prominent corner and the railway station location.
- 10.35 In respect to the proposed development on Site B, a two storey building is proposed along the Coopers Lane frontage. Given its location between the two storey commercial terrace on the corner of Cooper Lane and the two storey dwellings to the west, it is considered the proposal is an appropriate townscape response to the adjacent building heights visible from the main street scene. To the rear the building height rise to four storeys which its impact on the street scene is limited. The four storey building has been positioned closer to the railway viaduct to reduce the visual impact on the two storey residential properties which surrounds the site. The form of the building has been designed to set back the massing on the west side of the building to further reduce the impact of the building.
- 10.36 The proposed volumes of the new buildings across both plots A and B would appropriately respond to the scales of the neighbouring properties. The setting and orientation of the main building on Site A reflects a natural continuation of the street. Picking up and extending the rectangular form of the adjacent residential building to the north. This main mass stretches across the High Road frontage with its principal outlook to the east. Considering the points above, the proposal is considered acceptable, its bulk and massing would not be considered to have an adverse impact on the streetscene or the existing character of the local area.

iii) Detailing and materials

- 10.37 The proposed design adopts a contemporary style of architecture, proposing uniform shaped blocks, clean lines with sympathetic style of materials, comprising primarily brick facing elevations. The external appearance of the development is comprised of light toned neutral brick with light grey mortar on main sections of brickwork and dark mortar in recesses.

- 10.38 The Design and Access statement sets out the key design principles which inform the proposed development and includes the objectives of achieving the highest standards of architecture and design, providing a coherent pattern of materials and detailing and creating a varied, visually interesting façade fronting High Road Leyton, Coopers Lane as well as the rear elevation.
- 10.39 At street level, the proposed building on Site A the facades are made up large glazed commercial frontages and the residential entrance is set back emphasising its separation from the commercial use. The proposed windows have been positioned to line through vertically on the facade, adding a rationale to the elevations in line with the surrounding buildings. To emphasis this the windows have been set within recesses that extends from the banding at the base of the first floor to the banding on the fourth floor parapet. The recessed brickwork has also been used between the top of the inset balconies and the banding to the third floor parapet. The inset balconies have railings formed of galvanised steel flat railings; powder coated to match the window frames. Behind the railings, sliding glazed screens form the winter gardens. These screens have been designed to have a minimal visual impact.
- 10.40 At street level, the proposed building on Site B the proposed elevations use brick recesses and stacked openings to break up the facades. The proposed elevations on this site do not have the stone banding and this is due to the shape of the site. The commercial street frontage is separated from the residential element and therefore the banding was not required to highlight the division of uses. On the elevation to Cooper's Lane the entrance gate and fencing to the car parking area are to be formed of a corrugated perforated metal screen fixed to the front of the structure. This created a unique design that will improve the streetscape on Cooper's Lane. This design has also been used for a balcony screen on the first and second floors.
- 10.41 The proposed building across both plots have been designed to have the same materiality creating a connection between two sites. The buildings would be finished in light grey brick and would contain some beige and blue tones to provide surface interest and avoid the facades from having a flat appearance. The colour of the windows frames and balcony railings is a light beige grey to bring out the tones in the brickwork. Officers note the materiality has been chosen to avoid any glare for the trains on the railway line in accordance with the advice from Network Rail. As part of the amendments which were sought in this application, the following elements were introduced to the façade treatments: The staircase enclosure to the rear of Site A is proposed to be formed with U-Channel glass. This facade has been designed to give the enclosure a lightweight appearance, reducing the sense of enclosure to the adjacent building to the north (Ashby house). The glass channels will also allow daylight into the stairwell whilst preventing views out maintaining the privacy to the balconies of Ashby House.
- 10.42 The proposal would be of high quality and architectural finish. The proposed elevations would incorporate a range of design features which would serve both a practical and aesthetic purpose. The reasonably well considered windows sizes and generous balconies would provide a high level of residential amenity for future occupiers, whilst the integrated nature of these features would not detract from the overall visual balance of the building within the wider area. Further, the

lighting to the balconies will be designed to reflect back onto the building to prevent any glare on the railway line.

- 10.43 Overall, the proposal is considered to provide a balanced form of design with the use of appropriate materials that are sympathetic and compatible with the surrounding built form. The proposed design would offer a good presence of the new development along this part of High Road Leyton as well as Coopers Lane and create vibrancy particularly at street level.

iv) Landscaping

- 10.44 A detailed landscaping scheme has been developed across both sites. A communal amenity area is proposed on the fourth floor Site A and proposed along the western boundary of Site B.

- 10.45 The scheme proposes soft landscaping with grassed areas, trees and shrubbery as well as paving and seating arrangement. Two play areas are proposed for children, one on each site. A detailed landscaping proposal has been included within the submitted Design and Access Statement which sets out the landscaping scheme in further detail. Further information in regard to play space provision and external amenity in Section E below.

v) Housing Mix

- 10.46 Policy H10 of the London Plan (2021) seeks to ensure that new residential developments comprise a mix of unit sizes to address the housing needs of the local area. The policy does not specify a precise mix of housing types however does suggest that as part of the decision making process it should have regard to the aim of optimise housing potential on sites and the nature and location of the site with a higher proportion of one and two bed units generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity.

- 10.47 Waltham Forest Local Plan Core Strategy (2012) Policy CS2, Part C states that the Council will prioritise the need for larger homes (3 bedroom or more) in new developments. Table 6.1 (Preferred housing mix) of Waltham Forest Local Plan – Development Management (2013) states that the preferred housing mix for market housing is 1b2p (20%); 2b4p (30%); 3b5/6p (40%) and 4+b7/8p (10%).

- 10.48 Paragraph 6.6 of the same policy document recognises that the proposed housing mix of new development should be considered on a site by site basis, and that LBWF take a flexible approach when applying the preferred housing mix outlined above.

- 10.49 LBWF will consider site specific aspects such as:

- The character and context of the site and surrounding area
- The size of the site and constraints; and
- Financial viability.

- 10.50 Policy DM5 of the Waltham Forest Local Plan – Development Management Policies (2013) states that: ‘The Council will seek all housing developments to provide a range of dwelling sizes and tenures particularly focusing on the provision of larger family sized homes (three bed plus) in line with the Council's

preferred housing mix table 6.1. The Council will generally not support development proposals containing only smaller homes (one and two bed).'

10.51 The proposal would comprise of a range of dwellings as per the following mix:

Unit mix	Number of units proposed	% of Total
1 bed units	11	44
2 bed units	9	36
3 bed units	5	20
Total	25	100

Table 2: Housing Mix (%)

10.52 It is noted a significant proportion of units within this scheme are 1 and 2 bedroom units. The unit mix has been carefully considered and designed to optimise housing delivery on the site whilst taking account of the specific locational characteristics of the surrounding area.

10.53 The mix also identifies the Council's aspiration to secure an element of much needed family housing and although the family housing provision would fall short of the 40% sought under DM5 and supporting housing mix table, it is considered acceptable given the physical shape of the site, main road location and density of development sought, which limits the ability to provide a higher percentage of larger units.

10.54 The site is within an urban area on High Road Leyton and is adjacent to High Road Leyton Station. In this instance, the above target for family housing provision on this site would not be rigorously applied, as smaller units (1 and 2 bedroom) would be acceptable in such urban locations.

C. Neighbour Amenity

10.55 Policy D6 of London Plan (2021) states the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

10.56 Policies DM32 of Waltham Forest Local Plan – Development Management Policies (2013) aims to manage the impact of new development on neighbouring amenity and states that new developments should ensure that daylight and sunlight, outlook and privacy are maintained for existing occupants in their homes and gardens.

10.57 The impact on existing occupiers are considered on the following properties:

- Nos. 651/651A High Road Leyton, Ashby House (due north of development Site A)
- Properties fronting Coopers Lane (No. 9) and High Road Leyton (Nos 633-637 (bordered by development Site B)
- Nos. 207 Farmer Road (due west of development Site B)

Impact on Nos. 651/651A High Road Leyton, Ashby House

- 10.58 The proposed building on Site A, has seen considerable alterations in response to Council's concerns in respect to its height and massing at pre-application stage and during the assessment of this planning application. This was to ensure that the development does not result in unacceptable impact to neighbouring occupants.
- 10.59 The scale of the building would broadly match the scale of the adjacent building (Ashby House) and maintain the same building line. The fifth storey would be set back 2m away from the neighbouring building to the north. At fourth floor level, one window is proposed on the northern elevation and it serves an outdoor private amenity area for Flat A4.1. Officers note however as this fourth floor is above the height of the neighbouring residential building it would not result in any overlooking.
- 10.60 Ashby House to the north is a recently constructed residential building following its planning permission in November 2017 (Ref: 171313). As built, it benefits from three side facing windows across the southern flank wall and balconies which are located within the central break between the front and rear building across first, second and third floor levels.



Fig: Ashby House

- 10.61 During pre-application stage, Council advised that the proposed development would need to be pulled back from the rear to avoid obscuring these side facing windows. The proposal was further amended as part of this application to address the objections received from residents of Ashby House as a result of the public consultation. Concerns were raised in regard to the massing and proximity of the development to the existing balconies and windows located within the central break of the building. Objections were related to the loss of daylight and an increased sense of enclosure caused by the proposal.
- 10.62 Officer's note that the proposed development is located close to the existing balconies within Ashby House which are located on the boundary of the application site. The development was originally proposed with a set back from the existing balconies by 1.9m. In response to resident's objections and Council's concerns, revised plans were submitted by the Applicant. The amendments include alterations to set back the four storey rear projection away from the existing balconies by approximately 6.9m. This would improve and reduce the sense of enclosure to the adjacent balconies. With this set back from the northern

boundary, additional windows are also proposed on the northern flank elevation however these would be high level windows therefore it would not result in any overlooking.

- 10.63 Below illustrate alterations to the proposed building on Site A from pre-application stage and the amended plans submitted in this application in response to Council concerns.

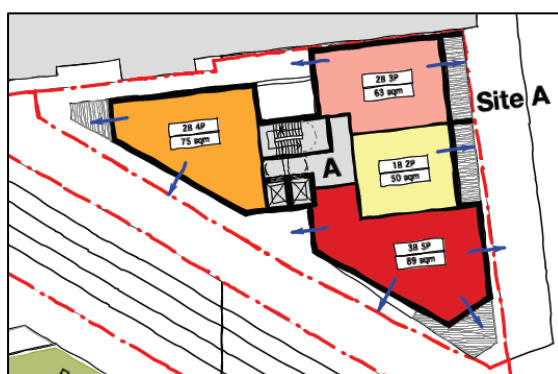


Fig: 190310 (Pre-App) – Part 6 & 5 Storeys

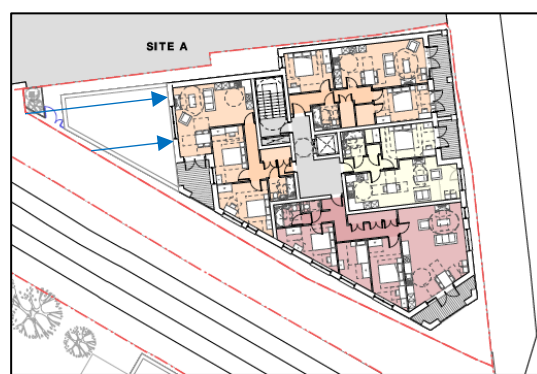


Fig: 200116 (Pre-App) – Part 5 & 4 Storeys



Fig: 202405 – Original Submission (Sept 2020)

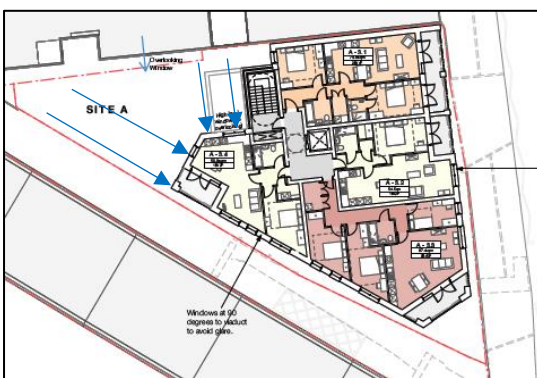


Fig: 202405 - Amended Submission (Jan 2021)

- 10.64 Council officers are of the view that the neighbouring residential building which has windows and balconies directly on the site boundary has limited the potential of an intensified development on the application site within a highly sustainable location. It was found, anything above a single storey towards the rear of the site would result in a harmful impact on neighbouring amenity. Nonetheless, the proposal has made reasonable alterations in response to Council's and neighbouring occupants concerns within the confines of what is considered to be an appropriate form of urban development that optimises the use of the application site.
- 10.65 A Daylight and Sunlight Assessment was submitted with the application. The report includes an assessment of all neighbouring properties including those on Ashby House.
- 10.66 It was found that 'Windows 3' (of Ashby House) at first and second floor will suffer daylight shortfalls against the BRE Guides. These shortfalls occur to the windows

which are located beneath balconies where direct views are of the solid wall opposite. In this case the rear part of the building at Ashby House. Thereby as existing, this restricts view of the sky and therefore daylight from these windows. The BRE Guide is clear that where balconies restrict daylight visibility, this should be taken into account. Officers acknowledge due to the location of these balconies which are stacked upon one another are the key factors in these shortfalls.

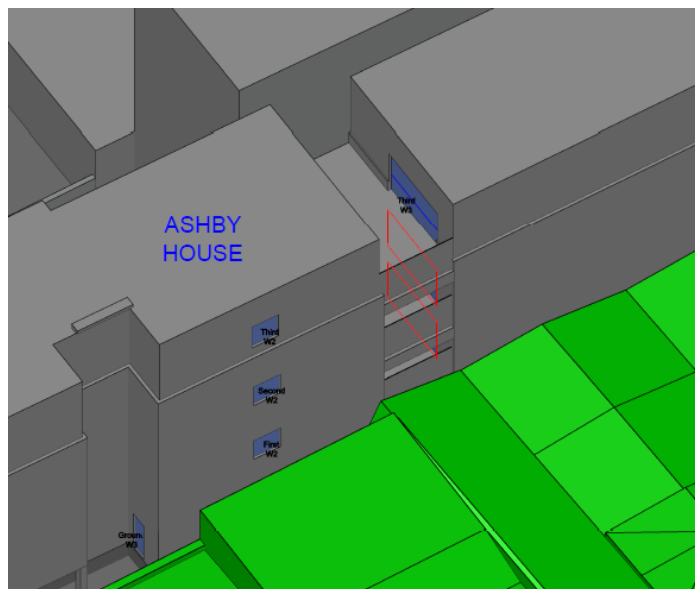


Fig: Windows 3 (rear facing) which opens into a balcony at first, second and third floor level

- 10.67 A revised Daylight and Sunlight report (dated 4th January 2021) was submitted along with the amended plans. Officer's note in paragraph 4.41 it states *"with the exception of Window 3 at first floor level, all other rooms serve bedrooms – as stated above, daylight is considered to be less important to bedrooms"*. Officers note this is an error within the report where in fact Window 3 at the second floor serves a Living/Kitchen and Dining area. Notwithstanding the above statement, it should be noted that the Council assesses all habitable rooms with equal weight.
- 10.68 In this instance Officers found that the amended scheme with the development set back further away from the existing balconies significantly improves the vertical sky component (VSC). The following table compares results of the VSC of both the original and amended scheme.

Ashby House		VSC (Original Scheme)	VSC (Amended Scheme)
Window 3 (first floor)	Existing	0.97	0.97
	Proposed	0.00	0.55
Window 3 (second floor)	Existing	1.34	1.34
	Proposed	0.00	0.78
Window 3 (third floor)	Existing	19.78	19.78

	Proposed	18.24	19.55
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- 10.69 The daylight consultant further added that Window 3 (at second floor) faces 264 degrees from due north. This is 6 degrees out of due west (90 degrees from due south). The BRE Guide states that windows facing outside 90 degrees of due south need not be analysed as they cannot see the sun path. As this window is just 6 degrees outside this direction it only has the capacity to see 1/30th of the 180 degree view of the sun path that might otherwise be available. Window 3 however sits below the balcony above (at third floor) and directly faces the massing of the rear part of Ashby House which is within a couple of metres. Therefore, this window as existing could not achieve good levels of sunlight due to the design and layout of this building.
- 10.70 In light of the above assessment, as set in the report, the remaining shortfalls occur to windows which are located beneath balconies where windows have direct views of the massing opposite thereby restricting a view of the sky and therefore daylight. In terms of direct sunlight as advised in the BRE Guide, these windows are only able to see 6 degrees of the total sun path, it is clear that these shortfalls occur due to window orientation rather an excessive development massing in this already dense urban environment.
- 10.71 Officers noted all other assessed properties comply with the BRE Guidance. The Daylight and Sunlight Assessment concludes that the proposed development is acceptable in regard to the impact to daylight and sunlight. The shortfalls identified should be considered flexibly as natural lighting is one of many factors in site layout and design and care must be taken not to allow these factors to outweigh the benefits of the proposal. It is also important to note that the BRE Guide specifically states that it is not an instrument of planning policies and the stipulations within it should not be rigidly adhered to.

Properties fronting Coopers Lane (No. 9) and High Road Leyton (Nos 633-637 (bordered by development Site B))

- 10.72 In terms of Site B, the proposed building made amendments at pre-application stage prior to submission. The proposal has been carefully considered to minimise the impact on the neighbouring properties.

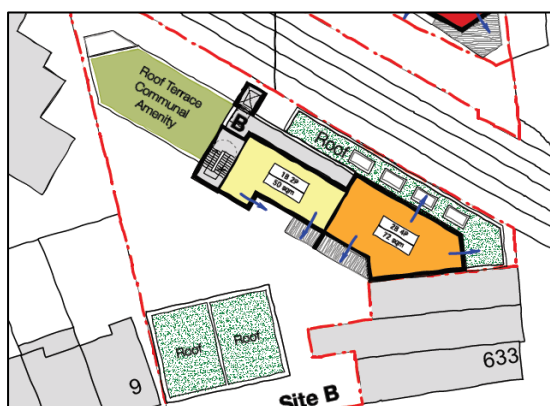


Fig: 190310 (Pre-App) – 5/4 Storeys and dwelling houses (x2)

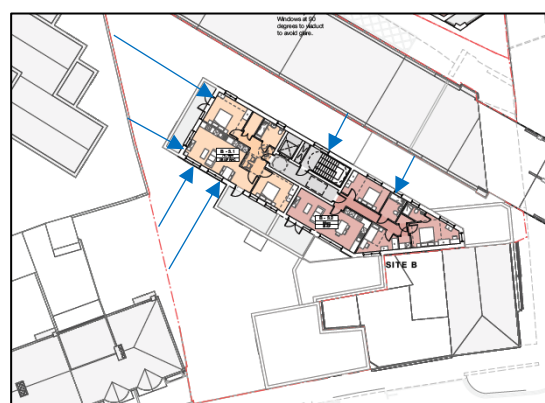


Fig: 202405 – 4 Storeys (Jan 2021)

- 10.73 The development would have a two storey element and this is proposed fronting Coopers Lane. This broadly matches the scale of the neighbouring residential properties fronting Coopers Lane, as well as the existing commercial units fronting the High Road.
- 10.74 The separation distance between the proposed two storey building and the upper floor rear facing windows of properties fronting High Road Leyton is approximately 9m and a further 13m respectively due to its set back position. No windows are proposed to the eastern flank elevation.
- 10.75 It is considered due to the reasonable separation distance and orientation; adequate privacy would be maintained for existing occupants of these properties and the proposed development would unlikely create an unacceptable harm to neighbouring amenity in regards to poor outlook and increased sense of enclosure.
- 10.76 Towards the rear, the proposed development comprises a four storey building. The development would be set back from the boundary shared with the existing residential property (No. 9) on Coopers Lane. The development would be set approximately 15m away from the closest residential windows on the rear elevation of 9 Coopers Lane. It is also noted the development is located at an acute angle to the rear aspect of the terrace properties fronting Coopers Lane. Due to the angle of the terrace buildings, the rear facing windows do not look directly over the proposed building, which reduces the proposals impact on the outlook from these windows. Furthermore, the angle prevents the proposed windows of the proposal from looking directly into the windows of the neighbouring property (at No. 9).
- 10.77 The siting of the development would result in an improvement in regard to the existing context, as the existing car repairs garage is located along the boundary of the residential garden of 9 Coopers Lane.
- 10.78 As such is it considered due to the layout of the development on Site B and reasonable separation distance, it would not create an unacceptable harm to neighbouring amenity in regard to poor outlook, increased sense of enclosure and loss of privacy.
- 10.79 In respect to Nos 633, 635 and 637 High Road Leyton, Officers note there are three rear facing windows at first floor level. The Sunlight and Daylight assessment submitted with this application made an assessment on these windows and stated the following:
- In terms of No. 633, the analysis shows that the daylight and sunlight amenity to this property, as a result of the proposed development, will be fully compliant with the strict aspirations of the BRE Guide.
 - In terms of No. 635, the analysis shows that this window will suffer a shortfall against the strict VSC aspirations of the BRE Guide for suburban locations. However, whilst this room (which is assumed to be a bedroom)

will suffer this shortfall it is important to note that the proposed VSC level at 26.33% is only marginally below the target 27% and will exceed the target for dense urban environments such as this. Accordingly, this shortfall can be considered supportable. Further, the analysis also showed that shows that the Daylight Distribution and sunlight amenity to this property will be fully compliant with the strict aspirations of the BRE Guide.

- In terms of No. 637, the analysis shows that this window will suffer a shortfall against the strict VSC aspirations of the BRE Guide for suburban locations. However, whilst this room (which is assumed to be a bedroom) will suffer this shortfall it is important to note that the proposed VSC level at 21.93% will exceed the target for dense urban environments such as this. Accordingly, this shortfall can be considered supportable. Further, the analysis also showed that shows that the Daylight Distribution and sunlight amenity to this property will be fully compliant with the strict aspirations of the BRE Guide.

Nos. 207 Farmer Road (due west of development Site B)

10.80 In terms of Site B, the proposal has been carefully considered to minimise the impact on the neighbouring properties.

10.81 The new residential building at 207 Farmer Road to the west, which is still under construction, has three habitable room windows overlooking the site. The middle window is closest to the building being almost 10m from the overlooking windows. To prevent overlooking the adjacent property, the windows which directly overlook the neighbouring building will have obscured glazing. This will be in the form of a frosted window film applied to the glass in the window. A restrictor will also be fitted to the window to restrict the window opening.

10.82 As such is it considered due to the layout of the development on Site B and reasonable separation distance, it would not create an unacceptable harm to neighbouring amenity in regards to poor outlook, increased sense of enclosure and loss of privacy.

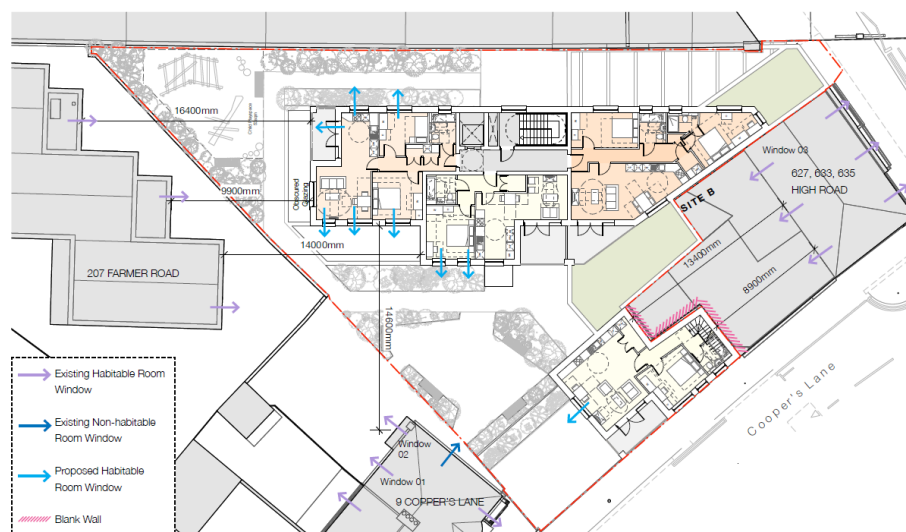


Fig: Development Site B showing separation distance from neighbouring habitable room windows

10.83 In light of the above assessment, it is considered the proposed development undertook a series of amendments and design solutions at pre-application stage and this application to address concerns raised by the Council and the public consultation. Accordingly, in relation to residential amenity, due to adequate distances from neighbouring properties, proposed building lines, heights and set backs, the proposed development was designed considerably which would not lead to undue impacts on the amenities of adjoining neighbouring properties or the future occupants of the new development. As such it is considered that the proposals would accord with policy DM32 of the Development Management Policies (2013).

D. Affordable Housing

10.84 Policy H4 of the London Plan (2021) states the strategic target is for 50% of all new homes delivered across London to be genuinely affordable. Specific measures to achieve this aim include:

- Requirement major developments which trigger affordable housing requirements to provide affordable housing through the threshold approach. (All major development of 10 or more units triggers an affordable housing requirement).
- Affordable housing should be provided on site. Affordable housing must only be provided off-site or as a cash in lieu contribution in exceptional circumstances.

10.85 Policy H5(B) of the London Plan (2021) (B) states the threshold level of affordable housing on gross residential development is initially set at

- A minimum of 35%, or
- 50% for public sector land

10.86 The policy states to follow the fast track route, applications must meet the criteria as set out in policy H5(C) where the relevant threshold level of affordable housing on site must be met. Policy H5(F) states where an application does not meet the requirements it must follow the Viability Tested Route. This requires detailed supporting viability evidence to be submitted in a standardised and accessible format as part of the application.

1) the borough, and where relevant the Mayor, should scrutinise the viability information to ascertain the maximum level of affordable housing using the methodology and assumptions set out in this Plan and the Affordable Housing and Viability SPG

2) viability tested schemes will be subject to:

a) an Early Stage Viability Review if an agreed level of progress on implementation is not made within two years of the permission being granted (or a period agreed by the borough)

b) a Late Stage Viability Review which is triggered when 75 per cent of the units in a scheme are sold or let (or a period agreed by the borough)

c) Mid Term Reviews prior to implementation of phases for larger phased schemes.

- 10.87 Where a viability assessment is required to ascertain the maximum level of affordable housing deliverable on a scheme, the assessment should be treated transparently and undertaken in line with the Mayor's Affordable Housing and Viability SPG.
- 10.88 Policy CS2 of the Waltham Forest Local Plan – Core Strategy (2012) seeks to secure a provision of 50% affordable housing on all new residential schemes coming forward within the Borough (subject to viability), with a target split of 40% shared ownership and 60% affordable rented.
- 10.89 Policy DM3 of the Waltham Forest Local Plan - Development Management (2013) states that: *'In accordance with policy CS2, the Council aims to provide 50% of new housing to be affordable, by: A) seeking the provision of affordable housing within all residential developments in the borough. The Council will firstly seek this to be on site and secondly on a nearby site. Where this cannot practicably be achieved, the Council may accept an off site payment-in-lieu; B) applying deferred contributions to housing sites capable of providing 10 or more homes which propose less than 50% affordable housing;'*
- 10.90 The Applicant submitted a Financial Viability Assessment (prepared by Turner Morum) dated January 2021 which was reviewed by Council's Viability Consultants (BPS – Chartered Surveyors). The financial viability assessment concluded on the following position, and Turner Morum concluded that the scheme, on an 100% private basis, is not viable. Therefore, according to their assessment, no affordable housing can be provided.

Scheme	Surplus/Deficit
100% Private	-£1.08 million
36% Affordable Housing	-£2.25 million

- 10.91 By contrast however, BPS Consultants reviewed the assessment and concluded on the following position. It was concluded that the scheme including a 36% affordable housing provision, generates a surplus of c. £2.3 million. Therefore, it was previously considered the proposal could provide a 36% affordable provision whilst remaining viable.
- 10.92 The main reason for concluding on this surplus, was the difference in construction costs between BPS and Turner Morum. Given that a detailed cost plan was not provided to BPS, the Cost Consultant was unable to conclude whether the Applicant's costs were reasonable. On this basis, BPS relied on BCIS rates which produced a cost of some £3 million lower than the Applicant's estimate. Therefore, BPS adopted a build cost of £4,561,335 based on BCIS.

Scheme	Benchmark Land Value	Surplus/Deficit
100% Private (Appendix 3)	£1,070,000	£3.7m
36% Affordable (Appendix 4)	£1,070,000	£2.3m

- 10.93 Turner Morum's rebuttal identifies the following areas of dispute:

- Build Costs
- Benchmark Land Value

10.94 In regard to the Build Costs, BPS Cost Consultant received a detailed cost plan as requested so that the construction costs can be confirmed. The cost plan was reviewed and it was concluded by BPS' Cost Consultant that:

“Our benchmarking of the Applicant’s cost of £8,130,444 (£3,077/m²) results in an adjusted benchmark of £3,054/m² that compares to the Applicant’s £3,077/m². We are therefore able to confirm that with a reduction of £52,156 to the building cost to £8,078,288 (4.3 above refers) we consider the Applicant’s costs to be reasonable.”

10.95 In regard to the Benchmark Land Value. Turner Morum have relied upon a valuation report prepared by Glenny, dated July 2020. Glenny determined the site value to be £1,845,000. BPS assessed the valuation assumptions made in Glenny’s report and concluded that the Benchmark Land Value to be £1,070,000.

10.96 Following Turner Morum’s rebuttal, BPS maintained their position on their approach to the benchmark assessment which was fully justified and considered that it represents a standard and commonly accepted approach to assessing site value. BPS adjusted some valuation inputs based upon Glenny’s Valuation report and response, therefore had adjusted their BLV to £1,275,000 as a result.

10.97 In light of the above, BPS made the following amendments to their appraisal and therefore their viability position is summarised in the table below:

- Amended the BLV to £1,275,000
- Amended the Build Costs to £8,078,288

Scheme	Benchmark Land Value	Surplus/Deficit
100% Private (Appendix 2)	£1,275,000	-£134,000
36% Affordable Housing (Appendix 3)	£1,275,000	-£1.51 million

10.98 On this basis, BPS conclusion is significantly different from their original assessment which found the policy compliant proposal to generate a surplus. However, the main reason for this was the difference in construction costs between BPS and Turner Morum. Now that the full costs information has been provided, BPS Costs Consultant was able to confirm that the Applicant’s costs are reasonable. This has of course had a significant impact on the viability of the proposal hence the deficit is now being report. The proposed scheme generates a small deficit of circa -£134,000 on an 100% private basis which the deficit equates to circa 1% of the GDV and is therefore nominal to the overall viability of the scheme.

10.99 All other matters, BPS concluded that the private residential values and assessment of the commercial values put forward by Turner Morum are considered reasonable.

10.100 In light of the above BPS recommend that the Council must include a full outturn review of viability within the S106 agreement, based on the principles set out in the GLA Affordable Housing SPG, to ensure that any improvements in viability are captured at a later stage.

E. Standard of Accommodation

10.101 The following issues are considered in relation to:

i) Internal space standards and habitable rooms

10.102 Policy D6 of the London Plan (2021) in respect to Housing quality and standards states that housing developments should be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose. Table 3.1 of the London Plan (2021) sets out the minimum internal space standards for new dwellings at 50sqm for 1bed/2person, 61sqm for 2bed/3person, 70sqm for 2bed/4person, 74sqm for 3bed/4person and 86sqm for 3bed/5person units.

SITE A					
Floor	Unit	Size	Area	Amenity Requirement	Amenity Proposed
First floor	Flat A-1.1	2B3P	73sqm	20sqm	10sqm
	Flat A-1.2	1B2P	54sqm	10sqm	5.3sqm
	Flat A-1.3	3B5P	97sqm	30sqm	8sqm
	Flat A-1.4	1B2P	52sqm	10sqm	6.5sqm
Second Floor	Flat A-2.1	2B4P	73sqm	20sqm	10sqm
	Flat A-2.2	1B2P	54sqm	10sqm	5.3sqm
	Flat A-2.3	3B5P	97sqm	30sqm	8sqm
	Flat A-2.4	1B2P	52sqm	10sqm	6.5sqm
Third Floor	Flat A-3.1	2B4P	73sqm	20sqm	10sqm
	Flat A-3.2	1B2P	54sqm	10sqm	5.3sqm
	Flat A-3.3	3B5P	97sqm	30sqm	8sqm
	Flat A-3.4	1B2P	52sqm	10sqm	6.5sqm
Fourth Floor	Flat A-4.1	1B2P	53sqm	10sqm	26.5sqm
	Flat A-4.2	1B2P	50sqm	10sqm	10sqm
	Flat A-4.3	2B4P	83sqm	20sqm	16sqm
	Communal Amenity Area				54 (inc. 27sqm of play area).
Total				250sqm	196sqm

SITE B					
Floor	Unit	Size	Area	Amenity Requirement	Amenity Proposed
Ground Floor	Communal Amenity Space				220 (inc. 55sqm of play area).
	Flat B-G.1 (W/C)	3B5P	92sqm	30sqm	32sqm
First Floor	Flat B-1.1	2B3P	61sqm	20sqm	7sqm
	Flat B-1.2	1B2P	50sqm	10sqm	10sqm
	Flat B-1.3	2B4P	73sqm	20sqm	8sqm
	Flat B-1.4	1B2P	53sqm	10sqm	8sqm

Second Floor	Flat B-2.1	2B3P	61sqm	20sqm	6sqm
	Flat B-2.2	1B2P	51sqm	10sqm	10sqm
	Flat B-2.3	2B4P	73sqm	20sqm	8sqm
Third Floor	Flat B-3.1 (W/C)	2B4P	75sqm	20sqm	26sqm
	Flat B-3.2	3B5P	86sqm	30sqm	10.5sqm
Total				190sqm	350sqm

- 10.104 The internal area for each proposed unit would accord with the requirements set for its relative size. The proposed residential units have all been designed seeking to conform with the requirements of minimum internal space standard, as set by National and Local policies including the DCLG, Technical Housing Standards. Floor to ceiling height for each unit would measure no less than 2.5m.
- 10.105 The layout of the proposed development has been carefully designed that would allow for a higher number of dual-aspect units. The proposal provides 19 units as dual aspects units and all habitable rooms would have adequate ventilations and outlook provision. The site ensures that there are no directly north facing single aspect units, four units on Site A would be facing east and two units on Site B would be facing south-west. Therefore, this proposal would ensure that sufficient levels of daylight/sunlight would enter each unit of this new development.
- 10.106 The layout of the proposed units has been designed to limit habitable room windows directly facing each other. The orientation of these sites and the proposed habitable rooms would allow for sufficient outlook. As such no direct overlooking into habitable rooms would occur and the amenity of future occupants would not be unduly compromised in terms of loss of privacy.

ii) External amenity provision

- 10.107 Policy D6 of the London Plan (2021) states where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm. should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m. Paragraph 3.6.9, advises that all dwellings should have level access to one or more of the following forms of private outside spaces: a garden, terrace, roof garden, courtyard garden or balcony. The use of roof areas, including podiums, and courtyards for additional private or shared outside space is encouraged.
- 10.108 Policy DM29 of Waltham Forest Local Plan - Development Management Policies (2013) states that: *'The Council will expect a high standard of urban and architectural design for all new development. Proposals should... where relevant, provide an appropriate level of well-designed, located and usable amenity space in accordance with the standards set out in Policy DM7 (B).*
- 10.109 Policy DM7 (B) states the minimum space requirements for amenity space for flatted schemes is at least 10sqm per unit, which can be a combination of private and communal space, balconies must but at least 5sqm. The Mayor's Housing SPG (2016) states that a minimum of 5sqm of private outdoor space is required for all 2 person dwellings and an extra 1sqm should be provided for each additional occupant. The minimum depth and width for all balconies and other private external spaces should be 1.5m.

- 10.110 With respect to the policy requirements outlined above, all the proposed units across both sites would have access to private amenity space in the form of external balconies, recessed balconies or winter gardens measuring between 1.5m-2.5m depth. The ground floor unit on Site B is provided with its own amenity space separated from the communal courtyard.
- 10.111 In total the Local Plan requires the proposed development to provide 440sqm of amenity space which can be through both private and communal areas. When combined across both Sites A and B, provision has been made for approximately 546sqm of communal amenity space. The proposed scheme would exceed the minimum requirement however with respects to both sites independently, Officers note that whilst the external amenity provision would significantly exceed the minimum requirement on Site B. Site A would fall short by 54sqm.
- 10.112 Policy DM7 allows a flexible approach in the consideration of external amenity space within new developments. The proximity of public amenities such as shops, parks and green spaces, as well as the prevailing site constraints can be mitigating factors in the agreed level. In addition, the quality of the development, in terms of landscaping and layout can assist in the provision of adequate amenity for the future occupiers.
- 10.113 Although there is a small shortfall of external amenity provision on site A it is considered this is mitigated given that each self-contained flat proposed would benefit from private amenity space that meets the Mayor's minimum requirements and due to site's location in a highly sustainable location on High Road Leyton in close proximity of nearby shops and amenity. Officers are overall satisfied that the scheme will provide a high quality development with appropriate on-site private and communal amenity to provide an acceptable residential amenity for the future occupiers. Additionally, the proximity of open space, the ease of accessibility to them would ensure that the needs of the future occupiers are readily met.
- 10.114 In summary the proposed development, given the internal and external spaces and layout of habitable rooms, would on balance be acceptable in accordance with policies D6 of the London Plan (2021), DCLG - Technical Housing Standards (2016), policy CS2 and CS16 of the Waltham Forest Local Plan Core Strategy (2012) and policy DM7 of the Development Management Policies (2013).

iii) Play Space Provision:

- 10.115 Policy S4 of the London Plan (2021) states that for residential developments, incorporate good-quality, accessible play provision for all ages. At least 10 square metres of playspace should be provided per child. Policy DM7 of the Waltham Forest Local Plan Development Management Policies (2013) refers to the Greater London Authority's child play space requirement of 10sqm per child for developments containing 10 or more child bed-spaces.
- 10.116 The proposed development would provide two formalised dedicated play areas. Using the GLA Population Yield Calculator, it was calculated that the proposed development of 25 units would have a low child yield with 4.7 children. As such it would require a play space requirement of 47.5sqm. The proposed scheme would exceed policy requirements being 27sqm against a target of 27sqm on Site A and 55sqm against a target of 11sqm on Site B.

- 10.117 The proposal would incorporate five three bedroom family sized units which would reduce the likely demand for playspace generated from this development. Furthermore, officers note that there are several publicly available play spaces within the surrounding locality such as Abbots Park (opposite the site), Jack Cornwell Park located within five minutes walk, Leyton Jubilee Park and Hackney Marshes are also within walking distance.
- 10.118 Overall, it is considered the proposal would comprise sufficient means for outside amenity space. Officers are satisfied that the proposal would be compliant with National Standards, the London Plan, the Adopted Local Plan and the guidance within the GLA Housing SPG.

iv) Wheelchair units

- 10.119 The proposed development aims to deliver an environment where everyone can access and benefit from the full range of opportunities available, removing barriers to undue effort, separate or special treatment.
- 10.120 Policy D7 of the London Plan (2021) states that at least 10% of new housing must meets Building Regulation requirement M4 (3) 'wheelchair user dwellings'. All other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.
- 10.121 The application proposes a total of two wheelchair adaptable units within the development which equates to 10% of the proposed 25 units, meeting the London Plan Policy requirement.
- 10.122 The wheelchair adaptable units are located within Site B, with its independent entrance and this is accessed via the communal amenity grounds at ground floor level.
- 10.123 A condition is recommended which would require the development to comply with the Approved Document M 2015, M4(3) to ensure that these units would be secure and accessible. In line with London Plan and Government guidance, as these are private units, they will be adaptable rather than accessible from the outset.
- 10.124 In summary the proposed development would provide acceptable levels of wheelchairs units within the development in accordance with Policy D7 of the London Plan (2021).

F. Highways and transport impact, parking and waste management

- 10.125 Policy T1 of the London Plan (2021) states that all development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. Policy T4 of the London Plan (2021), states Development Plans and development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. When required in accordance with national or local guidance, transport assessments/statements should be submitted with development proposals to ensure that impacts on the capacity of the transport network (including impacts on pedestrians and the cycle network),

at the local, network-wide and strategic level, are fully assessed. Construction Logistics Plans and Delivery and Servicing Plans will be required having regard to Transport for London guidance. Development proposals should not increase road danger.

- 10.126 Policy CS7 of the Local Plan – Core Strategy (2012) states that the Council will facilitate growth and regeneration in a sustainable manner and promote sustainable travel by 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; 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; 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.
- 10.127 Policy DM13 of the Development Management Policies (2013) states the Council will ensure that development is properly integrated with the transport network and is supported by appropriate walking, cycling and public transport links and Policy DM14 (Sustainable Transport Network) states that the Council will actively encourage sustainable travel. Major developments should be developed and contribute to a well-connected network of streets that optimises permeability and legibility. Developments should not have a harmful impact on the walking and cycling environment. Policy DM16 of Waltham Forest Local Plan – Development Management Policies (2013), the development would be classed as a car-free development and future occupiers will not be issued with any on-street parking permits for nearby CPZ.
- 10.128 The following issues are considered in relation to the proposed development:
- i. Highways and Pedestrian Safety
 - ii. Service and Delivery
 - iii. Outline Construction Logistic Plan
 - iv. Parking / Cycle Parking
 - v. Waste Management
 - vi. Other
- 10.129 The site is located on a Strategic Road Network and has a Public Transport Accessibility Level (PTAL) of 5 sited 200 metres away from Leyton Midland Road railway station, which is served by the overground line between Gospel Oak and Barking. The site is also accessible to multiple bus routes along High Road Leyton (Nos 69, 97, N26 and W16).
- 10.130 In light of the pre-application response, a Delivery and Servicing Management Plan, Framework Travel Plan, Transport Statement and Outline Construction

Logistic Plan were submitted as part of the planning application. As a result of the first round of consultation, a number of significant concerns were raised by Council's Highways Team in regards to the proposed development on both Site A and Site B. It was informed that if these concerns were not addressed and resolved, this would be sufficient to sustain a reason for refusal. During the course of the application assessment, the Applicant sought to resolve these concerns with amended plans and the submission of additional details and reports. The following concerns were raised for the development sites:

- a. Highways Team were concerned in regard to the proposed delivery arrangements during and post construction as it causes road safety issues for pedestrians and cyclists on High Road Leyton. A traffic engineered road design with Stage 1 and 2 Road Safety Audit was needed to ensure the proposal is safe. Without this, Highways would recommend refusal as this site will affect road safety on the Strategic Route Network
- b. Site A: Tilbury Road is a narrow private road with no footway. Residents and visitors should not be encouraged to use this road for pedestrian access and thus the commercial entrances should be removed or relocated accordingly.
- c. Site A: Tilbury Road is a private road and due to its narrow nature, any deliveries would block the road for incoming and outgoing traffic, as well as result in delivery vehicles reversing out onto the High Road which is unacceptable. The Applicant would need to explore an on site loading provision within the red line boundary. It would not be reasonable for Highways to permit the reduction of any existing crossing facility temporary to facilitate construction nor for the future development.
- d. Site A: There is no safe or legal area proposed to enable residential waste collection for this development. It is noted residential refuse will be collected from High Road Leyton however this is insufficient (for further information on waste management, please see from paragraph 10.155 below).
- e. Site B: Two disabled parking spaces are proposed and there are concerns with the visibility of passing pedestrians and cyclists when vehicles are using the parking bays. The visibility splays of cars exiting the proposed car parking spaces need to be checked and the parking bays may need to be relocated.
- f. Site B: The current loading provision in Coopers Lane is sufficient for the existing requirements and the proposed servicing would increase the demand and activity for loading on Coopers Lane in a negative way. Therefore, an on site loading bay on Site B should be explored.

10.131 In light of the above concerns, The Applicant sought to address these by submitting amended plans and documents:

- a. A Combined Stage 1 and 2 Road Safety Audit (December 2020) was prepared and submitted. *The only issue identified was with regard to the*

southbound approach to the zebra crossing where it was recommended that reducing the zigzag markings on the southbound approach could impact on pedestrian / traffic intervisibility. It was recommended by the audit team that the zigzag markings should not be reduced on the southbound approach to the crossing or should be extended to the standard pattern comprising eight 2m marks, on the southbound approach to the crossing. Accordingly, the arrangement was updated to include eight zigzag markings on the southbound approach, as reflected within the revised drawings.

- b. Site A: The commercial entrances fronting Tilbury Road were removed in the revised plans, therefore pedestrian access would not be encouraged to use this service road.
- c. Site A: An on-site service yard within the red line boundary of Site A was integrated into the revised design to avoid any obstruction on Tilbury Road for incoming and outgoing traffic. Please note, as a result of the revised design, the ground floor commercial floor area was reduced down from 278sqm to 235sqm.
- d. Site A: The Applicant sought a private contract for waste collection, where refuse would be safely collected from Tilbury Road or High Road Leyton. This is further discussed from paragraph 10.155 below.
- e. Site B: The proposed ground floor plan was revised and shows the two disabled bays have been repositioned as requested. Swept paths were also submitted, showing the vehicles utilising the hard standing area which allows vehicles to access and egress the bays and this was considered acceptable.
- f. Site B: An on-site service yard within the red line boundary of Site B was integrated into the revised design to avoid any obstruction on Cooper Lane for vehicle movement.

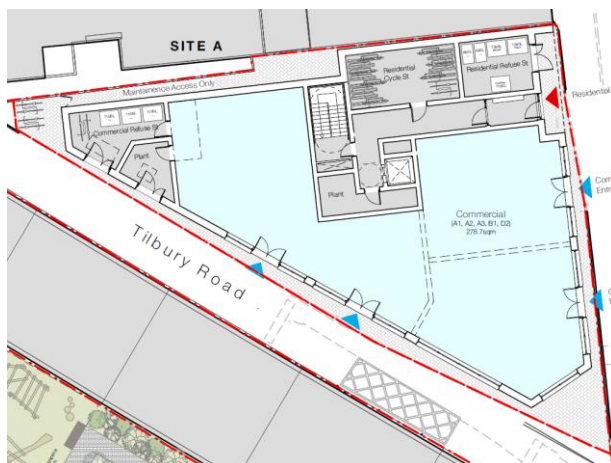


Fig: Site A – Proposed Ground Floor Plan

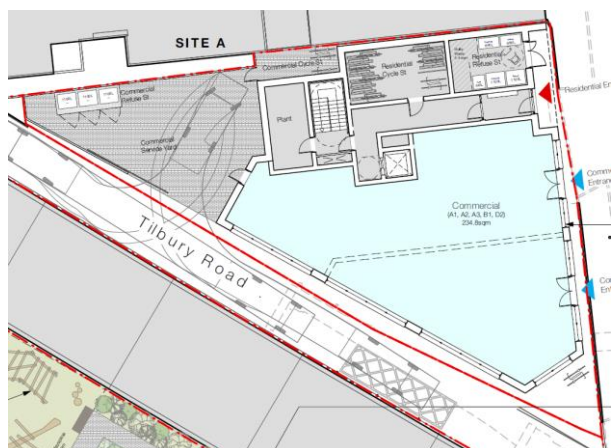


Fig: Site A – Revised Ground Floor Plan

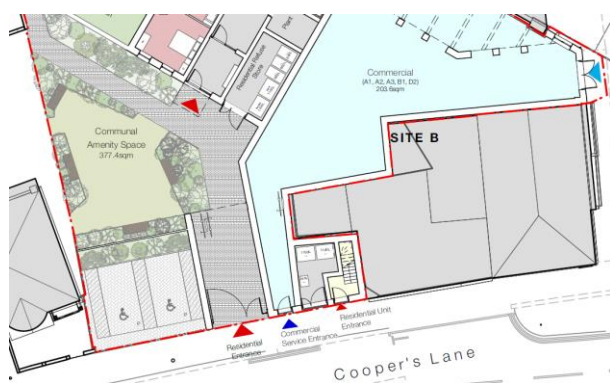


Fig: Site B – Proposed Ground Floor Plan

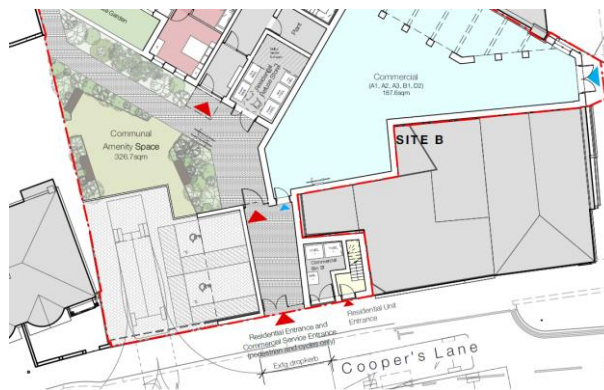


Fig: Site B – Revised Ground Floor Plan

Highways and Pedestrian Safety:

- 10.132 A combined Stage 1 and 2 Road Safety Audit (December 2020) was submitted, and it concluded that the only issue identified was with regard to the southbound approach to the zebra crossing. It was recommended that reducing the zigzag markings on the southbound approach could impact on pedestrian / traffic intervisibility. It was recommended by the audit team that the zigzag markings should not be reduced on the southbound approach to the crossing or should be extended to the standard pattern comprising eight 2m marks, on the southbound approach to the crossing.
- 10.133 Accordingly, the arrangement has been updated to include eight zigzag markings on the southbound approach, as reflected within the revised drawing.
- 10.134 No further concerns were raised in respect to the Road Safety Audit by Council Officers.

Service and Delivery:

- 10.135 The proposal for both Sites A and B has been revised to include on site service yards within the red line boundary.
- 10.136 On site A, a swept path showing a 7.5T box van has been shown utilising the rear service yard and this will be solely to service the proposed commercial unit. The area will not be used for residential parking. This would be secured within the Car Park Management Plan condition.
- 10.137 Council's Highways will not make any changes to the existing zebra crossing outside the frontage of the site. Residential deliveries will therefore need to use existing legal loading opportunities along High Road Leyton or any neighbouring roads as they do at present for the adjacent new residential development. All future residents would need to be made aware for the servicing restrictions. This would be secured within the Servicing and Delivery Plan condition.
- 10.138 On site B, the proposed servicing area will only need to facilitate small transit delivery vehicles as refuse collection can legally take place on-street. A Servicing and Delivery Plan will need to be secured as a planning condition.

Outline Construction Logistic Plan:

- 10.139 A number of revised documents in respect to the Outline Construction Logistic Plan were submitted (most recent being Outline CLP - June 2021) addressing a number of final comments raised by Highways Team. It was instructed by Council's Highways Officers that a Detailed Construction Logistic Plan will be required at planning condition stage which would need to be approved prior to the commencement of works on site.

Car and Cycle Parking:

- 10.140 The site is within an area with a PTAL score of 5 and within an existing CPZ. The site is accessible on bus routes along High Road Leyton and train lines within walking distance; therefore, it is considered it would meet its requirement at policy CS8 in relation to accessibility.
- 10.141 Aside from the provision of 2 disabled car parking spaces on site B, in order to meet accessibility related policy objectives, the development on both sites would be car-free.
- 10.142 Future residents would not be entitled to parking permits for the surrounding CPZ. Future residents would be made aware of this restriction prior to signing into any agreement. These restrictions would be secured as part of the section 106 agreement. The accessibility and provisions for the disabled parking on site was considered acceptable including with updated swept path drawings.
- 10.143 It is noted there is a telegraph pole on Coopers Lane in front of development Site B. Engagement with the relevant utility company to relocate the telegraph pole would be required and this should be secured prior to commencement and addressed within the S106. Highways advised that the utility company for the service cover adjacent to the telegraph pole should be consulted on the proposed vehicular access to see whether any diversion or lowering is required. This should be determined prior to commencement. Changes to the telegraph pole and service should be conditioned to be resolved prior to the commencement of works on site.
- 10.144 Policy DM16 of Waltham Forest Local Plan – Development Management Policies (2013), sets the minimum requirements for cycle parking for new developments at one cycle-rack/one-bedroom dwellings and two cycle-racks/two-bedrooms or above.
- 10.145 Accordingly, on site A, the proposal would be required to provide a minimum of 22 cycle spaces for future residents. The proposal would provide up to 26 spaces. On site B, the proposal would require a minimum of 16 cycle spaces, the proposal would provide up to 19 spaces. On Site A the visitor space has been added next to the commercial unit. On Site B 1no, Sheffield stand has been positioned next to the site entrance.
- 10.146 In respect to commercial cycle parking, four spaces would be provided within the commercial units. Three spaces would be provided on Site A and one space is provided on Site B. Officers note there is a high level of short stay cycle parking surrounding the site with several spaces across the road from Site A and outside Midland Road overground station.
- 10.147 Adequate level of cycle parking would be provided on both sites at ground level which would be accessible to all future occupants and is secured and sheltered. Highways Team raised some concerns in regard to the proposed location of the

cycle stores which should be in a prominent location, to encourage its use and make it as accessible as possible. Whilst Officers agree with this comment, it is noted other constraints of the site mean that this is not possible (i.e. Secure by Design issues with deliveries, refuse collection from High Road Leyton, commercial servicing area, cyclist access from Tilbury Road inadvisable, etc.). Detailed lighting plans will be produced that show route is lit and secure, and the number of gates will be reviewed further with Metropolitan Police' Secure by Design Team. No concerns were raised by Council's Transport Policy Team.

- 10.148 Officers are therefore overall satisfied with the provision made for cycle parking which is considered sufficient and adequate for both development sites.

Waste Management:

- 10.149 Policy DM32 of Waltham Forest Local Plan – Development Management Policies (2013), states that in managing the impact of new development on neighbouring amenity, new developments should ensure the provision of facilities for the storage, collection and disposal of refuse.
- 10.150 In respect to Site A, Waste Management and Highways Team instructed that it would be unacceptable to service and collect the refuse bins from directly outside the development site from High Road Leyton due to the existing zigzag lines and pedestrian crossing. In addition, waste collection would not be able to take place on the nearest bus stop in front of 651a to 655 High Road Leyton (adjacent to the application site). The collection vehicle would stop in front of the bus stop however this would be approximately 18m and this is in excess of the recommended dragging distance of 15m for the Council's Waste Management Team.
- 10.151 The Applicant would therefore be required to use a private contractor (in accordance the submitted Waste Concern Proposal Report) for the collection of residential waste from Site A only. In accordance to the submitted waste report, it was confirmed that the refuse can be safely collected from either Tilbury Road or High Road Leyton. It was considered that servicing from Tilbury Road would be appropriate to avoid due to existing vehicle movement. In light of collection of waste from High Road Leyton, it was confirmed that the collection vehicle will manoeuvre in front of the bus stop (as the refuse collection vehicles do at present for the adjacent recently built site at Ashby House) and drivers will walk approximately 25m to collect the containers from the bin store, decant into the refuse truck and return the bins to the store and exit using forward gears safely.



Fig: As existing – High Road Leyton (Nos. 649 to 655)

10.152 In regard to Site B, the residential refuse store is located adjacent to the main entrance of the new building. The store would accommodate x2 1100L bins (for refuse and recycling), x2 660L bins (for refuse ad recycling) and x1 240L bin (for food waste). The store would also accommodate 6.5sqm space, for bulky waste. In respect to the dragging distance from the refuse store to the front of the application site, this would measure 14.79m.

10.153 In light of the above private arrangement for Site A and waste collection for Site B, Officers are satisfied the proposed developments would be serviced appropriately. To ensure the details of the arrangement are designed to maximise available space and facilitate efficient collection, a waste and refuse management plan shall be secured as a planning condition as part of the development.

Other:

10.154 If the application is minded to approve, Highways Team advised the following items to be secured by way of planning conditions and S106 to mitigate the concerns raised as part of the application assessment:

10.155 By way of planning condition, the following would be attached to the decision notice:

- Detailed Construction Logistic Plan
- Sustainable Urban Drainage Systems
- Lighting
- Car Park Management Plan
- Service and Delivery Plan
- Avoidance of water discharge on to public highway

10.156 By way of planning obligation, the following items would be captured as part of a S106 agreement:

- Highway condition survey

- Financial contribution of £25,000 (towards mitigating pedestrian accessibility and safety between the development site and Leyton Midland Station and local bus stops)
- Financial contribution of £10,000 (towards parking enforcement along High Road Leyton to ensure public safety is maintained)
- With the exception of blue badge holders, the site must be classified as car free.
- S278 Highway works
- Applicant 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.
- Applicant to arrange for the relocation of the telegraph pole prior to the commencement of any works on site

10.157 In regards to all Highway and Waste collection concerns, Officers are of the view the Applicant has sought to address these issues with the submission of revised plans and designs, a Road Safety Audit and its obligation to secure a private contractor for waste collection on Site A. Officers note, that both sites as existing comprise car repair and MOT garage/workshops where vehicle movement and management of the sites are uncontrolled and pose some threat to pedestrian and highway safety. Particularly, due to its highly sustainable location near an Overground Station where pedestrian movement would likely to intensify. In light of the above consideration Officers are satisfied that the proposed development as a mixed use residential development, it would not give rise to transport safety or highway concerns that would warrant a refusal in this instance. As such, subject to planning conditions and S106 agreement, the proposal would accord to Policies T4, T5, T6, T7 (of the London Plan 2021) CS6, C7 of the Waltham Forest Local Plan Core Strategy (2012) and policy DM13, DM14, DM16 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

G. Environment and Sustainable Design

10.158 The following issues are considered in relation to environmental and sustainable design:

- i) Contaminated Land
- ii) Air Quality
- iii) CO₂ Reduction and Sustainability
- iv) Water Efficiency

- i) Contaminated Land

10.159 Policy DM24 of Waltham Forest Local Plan – Development Management Policies (2013), refers to when applications are being considered on development sites which are potentially contaminated, the Council will need to be satisfied that the development can safely be constructed and used.

- 10.160 The Council's Environmental Team reviewed the application and raised no objection, however, have requested a site investigation. It is noted the proposed development of the site has private amenity space; a site investigation will therefore be required. To ensure the health of future occupiers of the development and protection of the groundwater from pollution, it is recommended that a pre-commencement condition requiring the developer to undertake supplementary ground assessment
- 10.161 In light of this, the proposed scheme would comply with Policies DM24 and DM32 of Waltham Forest Local Plan – Development Management Policies (2013),

ii) Air Quality

- 10.162 Policy CS13 of Waltham Forest Local Plan – Core Strategy (2012) and policy DM24 of Waltham Forest Local Plan – Development Management Policies (2013), seeks new development should neither contribute to nor suffer from unacceptable levels of air pollution. This is to improve health and well-being of the Borough residents.
- 10.163 Environmental Health raised no objection to the proposed scheme subject to following planning condition to be attached. If planning permission is granted, an Air Quality and Dust Management Plan (AQDMP) and a Construction and Demolition Method Statement (CDMS) should be submitted and approved by the Council and this is to be secured by mean of a planning condition.
- 10.164 Developments which may have a negative impact on air quality or are located in an area where the existing air quality is poor and therefore will have a further detrimental impact on the local environment, will require a contribution towards the implementation of the AQAP. Contributions will be determined on a site by site basis, reflecting the particular characteristics of the proposed development and the local context and used towards site specific monitoring and control of air quality emissions. As such, a contribution of £2,500 has been requested towards implementing the Council's Air Quality Action Plan and would be secured within the legal agreement.

iii) CO₂ Reduction and Sustainability

- 10.165 Policy DM10 of Waltham Forest Local Plan – Development Management Policies (2013), requires applications for development of one or more units or greater than 100sqm to be submitted with an Energy Assessment that demonstrates the energy demand of the development and the carbon emission savings from energy efficiency, efficient energy supply and renewable energy measures.
- 10.166 The proposed development has been designed to incorporate measures to limit carbon dioxide emissions, and provide resilience to climate change, and seeking to go beyond the requirements of Building Regulation requirements.
- 10.167 The application has also been reviewed by the Council's Sustainability Team who supports the application and advised there are no outstanding energy issues with the proposed development. The proposal is supported subject to conditions to comply with sustainable development objectives, with the submission of a detailed Sustainability Statement.

- 10.168 Looking in more detail, Waltham Forest Planning policies currently require an on-site emissions reduction of 35% for non-residential developments. Here, the commercial element achieves an overall reduction of 56.5%. Residential developments are now required to achieve the on-site reduction of 35% - but also, to be zero-carbon overall. Here, the residential element (which accounts for the larger part of the development) shows a saving of 31%, missing the on-site target.
- 10.169 Since the commercial element meets the 35% target, no offset payment is required for this element of the development. However, the residential element will have an offset payment applied to all remaining residual emissions – less a portion which can be offset through the commercial element substantially exceeding the 35% target. Therefore, the total offset contribution required, based on residual emissions of 21.1 tonnes and an offset rate of £1,800 per tonne, will be £38,070.
- 10.170 The scheme is in general accordance with policy DM10 of Waltham Forest Local Plan – Development Management Policies (2013), subject to offset contributions with current planning policy and meets the relevant targets. Therefore, the scheme is considered acceptable subject to planning conditions.

iv) Water Efficiency

- 10.171 Policy DM34 of Waltham Forest Local Plan – Development Management Policies (2013), states that proposal should implement water efficiency measures to achieve usage less than or equal to 105 litres/person/day for residential development and that they should incorporate water saving measures and equipment for any new development of greater than 100 sqm. The decision notice would include a pre-commencement condition requiring a detailed scheme for measures to reduce water use within the development and meet the target water use in accordance with the requirements of policy 5.15 of the London Plan (2015).
- 10.172 In summary, using appropriate conditions would ensure that the proposal would not adversely exceed the CO₂ reduction target and water efficiency measures. Accordingly, the proposal would be in accordance with the London Plan (2016), Policies DM10, DM24, and DM34 of the Waltham Forest Local Plan – Development Management Policies (2013).

H. Trees and Local Biodiversity

- 10.173 The following issues are considered in relation to trees and biodiversity:

i) Trees and Biodiversity

- 10.174 Policy CS5 of the Waltham Forest Local Plan - Core Strategy (2012) seeks to protect and enhance green infrastructure and biodiversity and to maximise access to open spaces across the Borough by enhancing the green infrastructure network through better connectivity and the creation of new open spaces while conserving their historic value. Policy DM35 of the Waltham Forest Local Plan – Development Management Policies (2013) states where there are existing biodiversity resources on-site or in the vicinity of a development site, the developer must provide measures for their retention, the integration of existing

wildlife habitats and features, and their restoration and enhancement where appropriate.

- 10.175 The existing building/workshops and service yard occupy the full footprint of both sites. There are no existing trees or biodiversity on site. With the demolition of the existing buildings, the proposal would incorporate soft landscaping and appropriate planting across both sites. Due to the context and design constraints of Site A, limited landscaping and planting is proposed. Nonetheless, the proposal on both sites would open up the rear and result in biodiversity net gain to support wildlife and the natural environment.
- 10.176 A detailed soft landscape plan and schedule of new planting on site would be submitted to the Council for review by way of planning condition should planning permission be given.
- 10.177 In light of the above, it is considered the overall design layout is reasonably acceptable for the proposed development in relation to trees thereby accord with Policy CS5 of Waltham Forest Local Plan - Core Strategy (2012) and DM35 of Waltham Forest Local Plan – Development Management Policies (2013).

Epping Forest SAC

- 10.178 Waltham Forest shares a boundary with the Epping Forest Special Area of Conservation and a report by Footprint Ecology identified that 75% of visitors travelled up to 6.2Km to the SAC and as result of the whole of the London Borough of Waltham Forest falls within this ZOI for recreational pressure. It is anticipated that new residential development within this ZOI constitutes an LSE (Likely Significant Effect) on the sensitive interest features of the SAC through increased recreational pressure, either when considered 'alone' or 'in combination'.
- 10.179 The Council as Local Planning Authority is obliged to ensure that any grant of planning permission would have sufficient mitigation measures in place so as to ensure that there would be no harmful impact on the Epping Forest SAC arising from LSE.
- 10.180 Natural England's Interim Guidance assumes that all new residential development within Waltham Forest will create an impact on the Epping Forest SAC which will need to be mitigated. The Interim Guidance suggests that schemes of 99 units or less, such as this one, a SAMM levy is requested for all new residential developments of 10 units or more to contribute towards the Epping Forest mitigation. This is calculated at £100 per unit, so a contribution of £2,500 is requested and will be secured by legal agreement.

I. Planning Obligations

- 10.181 Section 106 (s106) Agreements are a material consideration in the determination of a planning application. The purpose of such an Agreement is to make otherwise unacceptable development acceptable and they should only be sought where they meet all of the following tests: i) Necessary to make the development acceptable in planning terms, ii) Directly related to the development and iii) Fairly and reasonably related in scale and kind to the development.

10.182 In terms of the s106 Agreement, the required Heads of Terms, having regard to planning policy, the Waltham Forest Supplementary Planning Document “Obligations” (2017) and the Waltham Forest Supplementary Planning Document “Affordable Housing and Viability” (2018), for this development relate to:

- Affordable Housing and review
- Highways
- Employment and Training
- Carbon Offset and Sustainability
- Air Quality
- Epping Forest Special Areas of Conservation
- Monitoring and Implementation
- Legal Fees

10.183 The details of these requirements are set out in the recommendation section of this report.

11 CONCLUSION

11.1 The provision for mixed use commercial and residential development within the Borough is encouraged by the Council’s Local Plan policies, national guidance in the NPPF and regional policies of the London Plan. The scheme would provide an appropriate level of commercial floor space with a residential units, for its future occupiers.

11.2 The reduction of employment floorspace is considered appropriate in this location and circumstance is supported, with a residential scheme and proposed housing mix, although not strictly policy complaint, considered on balance appropriate in the context of the site and surrounding area. The proposal will contribute positively to Leyton area with appropriate design and protection of amenities for neighbouring properties.

11.3 The proposed site layout and design of the new buildings have had sufficient regard to the scale and massing, pattern and form of development in the area and would result in an appropriate scale of built form on this site.

11.4 The proposed development would result in the creation of modern residential units ensuring good standard of accommodation for future occupiers. The development has been designed to ensure that the amenity of existing local residents would not be compromised.

11.5 In addition, the development would be acceptable on highways, environmental and sustainability grounds as well as in respect of the proposed planning obligations.

11.6 All material considerations have been taken into account, including responses to the consultation. The conditions recommended and obligations secured by Section106 would ensure that any impacts of the scheme are mitigated against and it is not considered that there is any material planning considerations in this case that would warrant a refusal of this application. Taking into account the consistency of the scheme with the Development Plan and weighing this against all other material planning considerations, the proposal is considered to be acceptable in planning policy terms.

12 ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

- 12.1 In making your decision you must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
 - C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
 - D. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 12.2 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balance against other relevant factors.
- 12.3 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 12.4 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as the London Borough of Waltham Forest to act in a manner that is incompatible with the European Convention on Human Rights.
- 12.5 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to approve permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

13 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
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	A S106 contribution of £10,000 is requested towards parking enforcement along High Road Leyton to ensure public safety is maintained. This is a direct response to the application. Vehicles must not stop on the within the bus stop nor the zebra crossing.
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 an 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 rainwater harvesting systems, green roofs and proposed soakaway designs together with infiltration test results and recommended soakage rates, 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 an 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 AQDMP 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 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 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](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 None

Update Report

Committee/Date:	Planning – 19 th July 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 1bed, 9 x 2bed, 5 x 3bed); and associated with disabled parking spaces, cycle stores, refuse stores and landscaping.
Wards affected:	Leyton, Forest and Grove Green
Appendices:	None

1 AMENDMENTS TO REPORT

1.1 Since the publication of the committee report, an error has been noted in the recommendation in paragraph 1.1. The Head of Terms is amended to remove the Highway's financial contribution of £10,000 towards parking enforcement along High Road Leyton, as it was considered by Officers that this request falls outside the tests set out in Regulation 122.

1.2 In respect to Affordable Housing, a financial contribution of £20,000 towards off-site affordable housing provision has been agreed. As such paragraph 1.1 of the Committee Report should read:

- *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 £20,000 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.*

- 1.3 Paragraph 13.2 is also amended to reflect these changes and remove the Head of Term relating to Highway's financial contribution towards parking enforcement along High Road Leyton. However, include £20,000 towards off-site affordable housing provision. Paragraph 13.2 now reads:

Section 106 Agreement Head of Terms:

<i>Category</i>	<i>Terms</i>
<i>Affordable Housing</i>	<i>Off Site Contribution £20,000</i>
<i>Viability Reassessment – Affordable Housing</i>	<i>A full outturn review of viability within the S106 agreement to ensure that any improvements in viability are captured at a later stage.</i>
<i>Highways</i>	<i>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:</i> <i>○ Renewal of the footway on both frontages of the site on High Road Leyton and Coopers Lane</i> <i>○ Removal/Renewal of the existing crossovers on Coopers Lane and High Road Leyton as appropriate</i> <i>○ Construction of a blended crossing at the junction at Coopers Lane/High Road Leyton</i> <i>○ Possible small dropped kerb for bin collection purposes on Coopers Lane</i> <i>○ Any necessary road layout changes to facilitate vehicles exiting Tilbury Road via Skeltons Lane</i> <i>○ Possible amendments to the waiting and loading restrictions</i> <i>Renewal of road markings on both frontages.</i> <i>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.</i>
<i>Highways</i>	<i>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,</i>

	<i>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.</i>
<i>Highways</i>	<i>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.</i>
<i>Highways</i>	<i>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.</i>
<i>Highways</i>	<i>The requirement for the developer to arrange for the relocation of the telegraph pole prior to the commencement of any works on site.</i>
<i>Highways</i>	<i>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.</i>
<i>Employment and Training</i>	<i>As detailed in Section 1 in this report for the following:</i> - <i>Local Labour</i> - <i>Apprenticeships</i> - <i>Placements</i> - <i>Local Supply</i> - <i>Events</i> - <i>Commercial Space</i> - <i>End Use</i>
<i>Carbon Off-set Contribution</i>	<i>A financial contribution of £38,070 towards Carbon Offset based on the current proposed emissions.</i>

<i>Air Quality</i>	<i>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)</i>
<i>Epping Forest Strategic Mitigation Measures</i>	<i>A contribution of £2,500 = £100 per new dwelling - contribution towards Epping Forest Strategic Mitigation Measures.</i>
<i>Monitoring and Implementation:</i>	<i>LBWF Fees - Payment of 5% of the total amount of Section 106 contributions towards monitoring, implementation and compliance of the Section 106 Agreement</i>
<i>Legal Fees</i>	<i>Payment of the Council's legal fees for the preparation and completion of the Legal Agreement.</i>

- 1.4 Paragraph 10.130(d) and 10.131(d) in respect to waste collection matters states *"This is further discussed from paragraph 10.155 below"*. However, this should read:

"This is further discussed from paragraph 10.149 below".

2 RECOMMENDATION

- 2.1 Officer recommendation has not changed.

3 AMENDMENTS TO CONDITIONS

- 3.1 Officer noted an error was made to Condition 11 which reads:

"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 rainwater harvesting systems, green roofs and proposed soakaway designs together with infiltration test results and recommended soakage rates, 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.

- 3.2 The Applicant has clarified that the drainage strategy proposals show surface water runoff generated from the development discharging into the nearby public sewers. As such they have discounted ground water infiltration for the following reasons;

- The site is brownfield, it is likely that the underlying soil is made ground, the introduction of SuDS may potentially mobilise contaminants in the soil below the site.

- The site is located within close proximity to the London Overground and discharging surface water to ground is not recommended as this may affect the foundations of the overground and the proposed building.
- The underlying bedrock is anticipated to be clay from the London Clay Formation with low permeability.

3.3 The condition requires: *proposed soakaway designs together with infiltration test results and recommended soakage rates* – The Applicant is not proposing to discharge surface water to ground, therefore no soakaway designs/infiltration testing will be undertaken/submitted. Any references to rainwater harvesting and soakaways should be removed as these features are not proposed as part of the drainage strategy

3.4 In light of the above, Condition 11 of the Committee Report is therefore amended to the following:

“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.